

# POLICY *Review*

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## Why There Is A Culture War

### *Gramsci and Tocqueville in America*

By John Fonte

As intellectual historians have often had occasion to observe, there are times in a nation's history when certain ideas are just "in the air." Admittedly, this point seems to fizzle when applied to our *particular* historical moment. On the surface of American politics, as many have had cause to mention, it appears that the main trends predicted over a decade ago in Francis Fukuyama's "The End of History?" have come to pass — that ideological (if not partisan) strife has been muted; that there is a general consensus about the most important questions of the day (capitalism, not socialism; democracy, not authoritarianism); and that the contemporary controversies that do exist, while occasionally momentous, are essentially mundane, concerned with practical problem-solving (whether it is better to count ballots by hand or by machine) rather than with great principles.

And yet, I would argue, all that is true only on the surface. For simultaneously in the United States of the past few decades, recurring philosophical concepts have not only remained "in the air," but have proved influential, at times decisive, in cultural and legal and moral arguments about the most important questions facing the nation. Indeed: Prosaic appearances to the contrary, beneath the surface of American politics an intense ideological struggle is being waged between two competing worldviews. I will call these "Gramscian" and "Tocquevillian" after the intellectuals who authored the warring ideas — the twentieth-century Italian thinker Antonio Gramsci, and, of course, the nineteenth-century French intellectual Alexis de Tocqueville. The stakes in the battle between the intellectual heirs of these two men are no less than what kind of country the United States will be in decades to come.

### Refining class warfare

We'll begin with an overview of the thought of Antonio Gramsci (1891-1937), a Marxist intellectual and politician. Despite his enormous influence on today's politics, he remains far less well-known to most Americans than does Tocqueville.

Gramsci's main legacy arises through his departures from orthodox Marxism. Like Marx, he argued that all societies in human history have been divided into two basic groups: the privileged and the marginalized, the oppressor and the oppressed, the dominant and the subordinate. Gramsci expanded Marx's ranks of the "oppressed" into categories that still endure. As he wrote in his famous *Prison Notebooks*, "The marginalized groups of history include not only the economically oppressed, but also women, racial minorities and many 'criminals.'" What Marx and his orthodox followers described as "the people," Gramsci describes as an "ensemble" of subordinate groups and classes in every society that has ever

existed until now. This collection of oppressed and marginalized groups — "the people" — lack unity and, often, even consciousness of their own oppression. To reverse the correlation of power from the privileged to the "marginalized," then, was Gramsci's declared goal.

Power, in Gramsci's observation, is exercised by privileged groups or classes in two ways: through domination, force, or coercion; and through something called "hegemony," which means the ideological supremacy of a system of values that supports the class or group interests of the predominant classes or groups. Subordinate groups, he argued, are influenced to internalize the value systems and world views of the privileged groups and, thus, to consent to their own marginalization.

Far from being content with a mere uprising, therefore, Gramsci believed that it was necessary first to delegitimize the dominant belief systems of the predominant groups and to create a "counter-hegemony" (i.e., a new system of values for the subordinate groups) before the marginalized could be empowered. Moreover, because hegemonic values permeate all spheres of civil society -- schools, churches, the media, voluntary associations - - civil society itself, he argued, is the great battleground in the struggle for hegemony, the "war of position." From this point, too, followed a corollary for which Gramsci should be known (and which is echoed in the feminist slogan) — that *all* life is "political." Thus, private life, the work place, religion, philosophy, art, and literature, and civil society, in general, are contested battlegrounds in the struggle to achieve societal transformation.

It is perhaps here that one sees Gramsci's most important reexamination of Marx's thought. Classical Marxists implied that a revolutionary consciousness would simply develop from the objective (and oppressive) material conditions of working class life. Gramsci disagreed, noting that "there have always been exploiters and exploited" — but very few *revolutions* per se. In his analysis, this was because subordinate groups usually lack the "clear theoretical consciousness" necessary to convert the "structure of repression into one of rebellion and social reconstruction." Revolutionary "consciousness" is crucial. Unfortunately, the subordinate groups possess "false consciousness," that is to say, they accept the conventional assumptions and values of the dominant groups, as "legitimate." But real change, he continued to believe, can only come about through the transformation of consciousness.

Just as Gramsci's analysis of consciousness is more nuanced than Marx's, so too is his understanding of the role of intellectuals in that process. Marx had argued that for revolutionary social transformation to be successful, the world views of the predominant groups must first be unmasked as instruments of domination. In classical Marxism, this crucial task of demystifying and delegitimizing the ideological hegemony of the dominant groups is performed by intellectuals. Gramsci, more subtly, distinguishes between two types of intellectuals: "traditional" and "organic." What subordinate groups need, Gramsci maintains, are their own "organic intellectuals." However, the defection of "traditional" intellectuals from the dominant groups to the subordinate groups, he held, is also important, because traditional intellectuals who have "changed sides" are well positioned within established institutions.

The metaphysics, or lack thereof, behind this Gramscian worldview are familiar enough. Gramsci describes his position as "absolute historicism," meaning that morals, values, truths, standards and human nature itself are products of different historical epochs. There are no absolute moral standards that are universally true for all human beings outside of a particular historical context; rather, morality is "socially constructed."

Historically, Antonio Gramsci's thought shares features with other writers who are

classified as "Hegelian Marxists" — the Hungarian Marxist Georg Lukacs, the German thinker Karl Korsch, and members of the "Frankfurt School" (e.g., Theodor Adorno and Herbert Marcuse), a group of theorists associated with the Institute for Social Research founded in Frankfurt, Germany in the 1920s, some of whom attempted to synthesize the thinking of Marx and Freud. All emphasized that the decisive struggle to overthrow the bourgeois regime (that is, middle-class liberal democracy) would be fought out at the level of consciousness. That is, the old order had to be rejected by its citizens intellectually and morally before any real transfer of power to the subordinate groups could be achieved.

## Gramsci's long reach

The relation of all these abstractions to the nuts and bolts of American politics is, as the record shows, surprisingly direct. All of Gramsci's most innovative ideas -- for example, that dominant and subordinate groups based on race, ethnicity, and gender are engaged in struggles over power; that the "personal is political"; and that all knowledge and morality are social constructions -- are assumptions and presuppositions at the very center of today's politics. So too is the very core of the Gramscian-Hegelian world view — group-based morality, or the idea that what is moral is what serves the interests of "oppressed" or "marginalized" ethnic, racial, and gender groups.

What, for example, lies behind the concept of "jury nullification," a notion which now enjoys the support of law professors at leading universities? Building on the Hegelian-Marxist concepts of group power and group-based morality, jury nullification advocates argue that minorities serving on juries should use their "power" as jurors to refuse to convict minority defendants regardless of the evidence presented in court, because the minority defendants have been "powerless," lifelong victims of an oppressive system that is skewed in favor of dominant groups, such as white males.

Indeed, what is called "critical theory" — a direct descendant of Gramscian and Hegelian-Marxist thinking — is widely influential in both law and education. Critical legal studies posits that the law grows out of unequal relations of power and therefore serves the interests of and legitimizes the rule of dominant groups. Its subcategories include critical race theory and feminist legal theory. The critical legal studies movement could hardly be more Gramscian; it seeks to "deconstruct" bourgeois legal ideas that serve as instruments of power for the dominant groups and "reconstruct" them to serve the interests of the subordinate groups.

Or consider the echoes of Gramsci in the works of yet another law professor, Michigan's Catharine MacKinnon. She writes in *Toward a Feminist Theory of the State* (1989), "The rule of law and the rule of men are one thing, indivisible," because "State power, embodied in law, exists throughout society as male power." Furthermore, "Male power is systemic. Coercive, legitimated, and epistemic, it is the regime." Therefore, MacKinnon notes, "a rape is not an isolated event or moral transgression or individual interchange gone wrong but an act of terrorism and torture within a systemic context of group subjection, like lynching." Similarly, MacKinnon has argued that sexual harassment is essentially an issue of power exercised by the dominant over the subordinate group.

Such thinking may begin in ivory towers, but it does not end there. The United States Supreme Court adopted MacKinnon's theories as the basis for its interpretation of sexual harassment law in the landmark *Meritor Savings Bank v. Vinson* (1986). This is only one example of how major American social policy has come to be based not on Judeo-Christian precepts nor on Kantian-Enlightenment ethics, but on Gramscian and Hegelian-Marxist

concepts of group power.

## Hegel among the CEOs

Quite apart from their popularity among academics and in certain realms of politics, Gramscian and Hegelian-Marxist ideas are also prominent in three other major sectors of American civil society: foundations, universities, and corporations.

As laymen and analysts alike have observed over the years, the major foundations — particularly Ford, Rockefeller, Carnegie, and MacArthur — have for decades spent millions of dollars promoting "cutting edge" projects on racial, ethnic, and gender issues. According to author and foundation expert Heather Mac Donald, for example, feminist projects received \$36 million from Ford, Rockefeller, Mellon, and other large foundations between 1972 and 1992. Similarly, according to a Capital Research Center report by Peter Warren, a policy analyst at the National Association of Scholars, foundations have crowned diversity the "king" of American campuses. For example, the Ford Foundation launched a Campus Diversity Initiative in 1990 that funded programs in about 250 colleges and universities at a cost of approximately \$15 million. The Ford initiative promotes what sounds like a Gramscian's group-rights dream: as Peter Warren puts it, "the establishment of racial, ethnic, and sex-specific programs and academic departments, group preferences in student admissions, group preferences in staff and faculty hiring, sensitivity training for students and staff, and campus-wide convocations to raise consciousness about the need for such programs."

Alan Kors, a history professor at the University of Pennsylvania, has described in detail how Ford and other foundation "diversity" grants are put to use. As he noted in "Thought Reform 101" in the March 2000 issue of *Reason*, "at almost all our campuses, some form of moral and political re-education has been built into freshmen orientation." A "central goal of these programs," Kors states, "is to uproot 'internalized oppression,' a crucial concept in the diversity education planning documents of most universities." The concept of "internalized oppression" is the same as the Hegelian-Marxist notion of "false consciousness," in which people in the subordinate groups "internalize" (and thus accept) the values and ways of thinking of their oppressors in the dominant groups.

At Columbia University, for instance, new students are encouraged to get rid of "their own social and personal beliefs that foster inequality." To accomplish this, the assistant dean for freshmen, Katherine Balmer, insists that "training" is needed. At the end of freshmen orientation at Bryn Mawr in the early 1990s, according to the school program, students were "breaking free" of "the cycle of oppression" and becoming "change agents." Syracuse University's multicultural program is designed to teach students that they live "in a world impacted by various oppression issues, including racism."

Kors states that at an academic conference sponsored by the University of Nebraska, the attendees articulated the view that "White students desperately need formal 'training' in racial and cultural awareness. The moral goal of such training should override white notions of privacy and individualism." One of the leading "diversity experts" providing scores of "training programs" in universities, corporations, and government bureaucracies is Hugh Vasquez of the Todos Institute of Oakland, California. Vasquez's study guide for a Ford Foundation-funded diversity film, *Skin Deep*, explains the meaning of "white privilege" and "internalized oppression" for the trainees. It also explains the concept of an "ally," as an individual from the "dominant group" who rejects his "unmerited privilege" and becomes an advocate for the position of the subordinate groups. This concept of the "ally," of course, is

Gramscian to the core; it is exactly representative of the notion that subordinate groups struggling for power must try to "conquer ideologically" the traditional intellectuals or activist cadres normally associated with the dominant group.

The employees of America's major corporations take many of the same sensitivity training programs as America's college students, often from the same "diversity facilitators." Frederick Lynch, the author of the *Diversity Machine*, reported "diversity training" is rampant among the Fortune 500. Even more significantly, on issues of group preferences vs. individual opportunity, major corporate leaders tend to put their money and influence behind group rights instead of individual rights.

After California voters passed Proposition 209, for example — a referendum outlawing racial and gender preferences in employment — Ward Connerly, the African-American businessman who led the effort, launched a similar antipreferences initiative in the state of Washington. The Washington initiative I-200 read as follows: "The State shall not discriminate against or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, or public contracting." This language was almost identical to California's Proposition 209. *Atlantic Monthly* editor Michael Kelly reported in the *Washington Post* on August 23 that when asked his opinion on Proposition 209 during the referendum debate, Sen. Joseph Lieberman replied, "I can't see how I could be opposed to it. . . . It is basically a statement of American values . . . and says we shouldn't discriminate in favor of somebody based on the group they represent."

However, Washington's *business* leaders disagreed. In his autobiography *Creating Equal*, Ward Connerly wrote that the "most important significant obstacle we faced in Washington was not the media, or even political personalities, but the corporate world. . . . Boeing, Weyerhaeuser, Starbucks, Costco, and Eddie Bauer all made huge donations to the No on I-200 campaign. . . . The fundraising was spearheaded by Bill Gates, Sr., a regent of the University of Washington, whose famous name seemed to suggest that the whole of the high-tech world was solemnly shaking its head at us."

Interestingly, private corporations are also more supportive of another form of group rights — gay rights — than are government agencies at any level. As of June 2000, for example, approximately 100 Fortune 500 companies had adopted health benefits for same-sex partners. According to the gay rights organization, Human Rights Campaign, the companies offering same-sex benefits include the leading corporations in the Fortune 500 ranking: among the top 10, General Motors (ranked first), Ford (fourth), IBM (sixth), AT&T (eighth), and Boeing (tenth), as well as Hewlett-Packard, Merrill Lynch, Chase Manhattan Bank, Bell Atlantic, Chevron, Motorola, Prudential, Walt Disney, Microsoft, Xerox, and United Airlines. Corporate reaction to gay activist attacks on Dr. Laura Schlessinger is another indication of how Hegelian-Gramscian the country's business leaders have become. Sears and EchoStar have lately joined a long list of advertisers — Procter and Gamble, Xerox, AT&T, Toys R Us, Kraft, General Foods, and Geico — in pulling their advertising from the popular talk show host. Whether these decisions favoring gay (read: group) rights were motivated by ideology, economic calculation, or an opportunistic attempt to appear "progressive," they typify American businesses' response to the culture war.

## The Tocquevillian counterattack

The primary resistance to the advance of Gramscian ideas comes from an opposing quarter that I will call contemporary Tocquevillianism. Its

representatives take Alexis de Tocqueville's essentially empirical description of American exceptionalism and celebrate the traits of this exceptionalism as normative values to be embraced. As Tocqueville noted in the 1830s (and as the World Values Survey, a scholarly comparative assessment, reaffirmed in the 1990s), Americans are different from Europeans in several crucial respects. Two recent books — Seymour Martin Lipset's *American Exceptionalism* (1997) and Michael Ledeen's *Tocqueville on American Character* (2000) — have made much the same point: that Americans today, just as in Tocqueville's time, are much more individualistic, religious, and patriotic than the people of any other comparably advanced nation.

What was particularly exceptional for Tocqueville (and contemporary Tocquevillians) is the singular American path to modernity. Unlike other modernists, Americans combined strong religious and patriotic beliefs with dynamic, restless entrepreneurial energy that emphasized equality of individual opportunity and eschewed hierarchical and ascriptive group affiliations. The trinity of American exceptionalism could be described as (1) dynamism (support for equality of individual opportunity, entrepreneurship, and economic progress); (2) religiosity (emphasis on character development, mores, and voluntary cultural associations) that works to contain the excessive individual egoism that dynamism sometimes fosters; and (3) patriotism (love of country, self-government, and support for constitutional limits).

Among today's Tocquevillians we could include public intellectuals William Bennett, Michael Novak, Gertrude Himmelfarb, Marvin Olasky, Norman Podhoretz, and former Clinton White House advisor and political philosopher William Galston, and scholars Wilfred McClay, Harvey Mansfield, and Walter MacDougall. Neoconservatives, traditional conservatives of the *National Review*-Heritage Foundation stripe, some students of political philosopher Leo Strauss, and some centrist Democrats are Tocquevillian in their emphasis on America's special path to modernity that combines aspects of the pre-modern (emphasis on religion, objective truth, and transcendence) with the modern (self-government, constitutional liberalism, entrepreneurial enterprise). The writings of neoconservative Irving Kristol and *National Review*-style conservative Charles Kesler clarify this special American path to modernity. Like thoughtful scholars before them, both make a sharp distinction between the moderate (and positive) Enlightenment (of Locke, Montesquieu, and Adam Smith) that gave birth to the American Revolution and the radical (and negative) Enlightenment (Condorcet and the *philosophes*) that gave birth to the Revolution in France.

Like their ideological opposites, Tocquevillians are also represented in business and government. In the foundation world, prevailing Gramscian ideas have been challenged by scholars funded by the Bradley, Olin, and Scaife foundations. For example, Michael Joyce of Bradley has called his foundation's approach "Tocquevillian" and supported associations and individuals that foster moral and religious underpinnings to self-help and civic action. At the same time, Joyce called in "On Self-Government" (*Policy Review*, July-August 1998) for challenging the "political hegemony" of the service providers and "scientific managers" who run the "therapeutic state" that Tocqueville feared would result in "an immense and tutelary" power that threatened liberty. As for the political world, a brief list of those influenced by the Tocquevillian side of the argument would include, for example, Sen. Daniel Coats of Indiana, Sen. Joseph Lieberman of Connecticut, and Gov. George W. Bush of Texas. All have supported Tocquevillian initiatives and employed Tocquevillian language in endorsing education and welfare measures that emphasize the positive contributions of faith and responsibility.

There is also a third category to be considered here — those institutions and individuals that also oppose the Gramscian challenge, but who are not Tocquevillians because they

reject one or more features of the trinity of American exceptionalism. For example, *Reason* magazine editor Virginia Postrel sees the world divided into pro-change "dynamists" and anti-change "stasists." Postrel's libertarianism emphasizes only one aspect of American exceptionalism, its dynamism, and slights the religious and patriotic pillars that in the Tocquevillian synthesis provide the nation's moral and civic core.

Similarly, paleoconservatives such as Samuel Francis, a leading Buchananite intellectual, oppose modernism and the Enlightenment in all its aspects, not simply its radical wing. Likewise secular patriots such as historian Arthur Schlesinger Jr. embrace a positive form of enlightened American nationalism, but are uncomfortable with the religious and entrepreneurial (including the antistatist) traditions that complete the Tocquevillian trinity. Catholic social democrats like E.J. Dionne accept the religious part of the Tocquevillian trinity, but would like to curb its risky dynamism and deemphasize its patriotism.

A few years ago, several conservative and religious intellectuals writing in a *First Things* magazine symposium suggested that American liberal democracy was facing a crisis of legitimacy. One of the symposium writers, Judge Robert Bork, suggests in his book *Slouching Towards Gomorrah* that "revolutionary" upheavals of the 1960s were "not a complete break with the spirit of the American past," but inherent in the Enlightenment framework of America's founding principles. Bork and others — including Paul Weyrich and Cal Thomas — appear to have speculated that perhaps America's path to modernity was itself flawed (too much dynamism and too little morality). What could be called a partial Tocquevillian position of some conservative intellectuals and activists could be contrasted with the work of American Catholic Whigs — for example, the American Enterprise Institute's Michael Novak and the Faith and Reason Institute's Robert Royal — who have argued, in essence, that America's founding principles are sound and that the three elements of the Tocquevillian synthesis (entrepreneurial dynamism, religion, and patriotism) are at the heart of the American experience and of America's exceptional contribution to the idea of ordered liberty.

At the end of the day it is unlikely that the libertarians, paleoconservatives, secular patriots, Catholic social democrats, or disaffected religious right intellectuals will mount an effective resistance to the continuing Gramscian assault. Only the Tocquevillians appear to have the strength — in terms of intellectual firepower, infrastructure, funding, media attention, and a comprehensive philosophy that taps into core American principles — to challenge the Gramscians with any chance of success.

## Tocquevillianism as praxis

Writing in *Policy Review* in 1996, Adam Meyerson described the task of cultural renewal as "applied Tocquevillianism." In explaining one of his key points, Tocqueville writes in *Democracy in America* that "mores" are central to the "Maintenance of a Democratic Republic in the United States." He defines "mores" as not only "the habits of the heart," but also the "different notions possessed by men, the various opinions current among them, and the sum of ideas that shape mental habits" — in short, he declares, "the whole moral and intellectual state of a people."

One of the leading manifestos of the Tocquevillians is "A Call to Civil Society: Why Democracy Needs Moral Truths," published by the Council on Civil Society. It outlines the traditional civic and moral values (Tocqueville's "mores") that buttress the republic. The document (endorsed by, among others, Sens. Coats and Lieberman, in addition to Don Eberly, Jean Bethke Elshtain, Francis Fukuyama, William Galston, Glenn Loury, Cornel

West, James Q. Wilson, and Daniel Yankelovitch) states that the "civic truths" of the American regime are "those of Western constitutionalism, rooted in both classical understandings of natural law and natural right and in the Judeo-Christian religious tradition. . . . The moral truths that make possible our experiment in self-government," according to this statement, "are in large part biblical and religious," informed by the "classical natural law tradition" and the "ideas of the Enlightenment." The "most eloquent expressions" of these truths are "found in the Declaration of Independence, Washington's Farewell Address, Lincoln's Gettysburg Address and Second Inaugural Address, and King's Letter from the Birmingham Jail."

The Tocquevillians, then, emphasize "renewing" and "rediscovering" American mores, suggesting that there is a healthy civic and moral core to the American regime that needs to be brought back to life. Moreover, if the first task is cultural renewal, the second task is cultural transmission. Thus, the "Call to Civil Society" declares that the "central task of every generation is moral transmission." Religion, in particular, "has probably been the primary force" that "transmits from one generation to another the moral understandings that are essential to liberal democratic institutions." Moreover, "[at] their best . . . our houses of worship foster values that are essential to human flourishing and democratic civil society: personal responsibility, respect for moral law, and neighbor-love or concern for others." In addition, the statement declares that a "basic responsibility of the school is cultural transmission," particularly "a knowledge of [the] country's constitutional heritage, an understanding of what constitutes good citizenship, and an appreciation of [this] society's common civic faith and shared moral philosophy."

In the matter of practice, the past few years have also witnessed what could be called "Tocquevillian" initiatives that attempt to bring faith-based institutions (particularly churches) into federal and state legislative efforts to combat welfare and poverty. In the mid-1990s, Sen. Coats, working with William Bennett and other intellectuals, introduced a group of 19 bills known as the Project for American Renewal. Among other things these bills advocated dollar for dollar tax credits for contributions to charitable organizations, including churches. Coats's goal in introducing this legislation was to push the debate in a Tocquevillian direction, by getting policy makers thinking about new ways of involving religious and other civic associations in social welfare issues. Coats and others were asking why the faith community was being excluded from participating in federal social programs. At the same time there are other Tocquevillians, including Michael Horowitz of the Hudson Institute, who favor tax credits, but worry that by accepting federal grant money the faith institutions could become dependent on government money and adjust their charitable projects to government initiatives.

In 1996 Congress included a "charitable choice" provision in the landmark welfare reform legislation. The charitable choice section means that if a state receives federal funds to provide services, it could not discriminate against religious organizations if they wanted to compete for federal grants to provide those services. The section includes guidelines designed simultaneously to protect both the religious character of the faith-based institutions receiving the federal funds and the civil rights of the individuals using the services. However, in 1998 the Clinton administration attempted to dilute the "charitable choice" concept in another piece of legislation by stating that administration lawyers opposed giving funds to what they described as "pervasively sectarian" institutions that could be inferred to mean churches doing charitable work.

Besides activity at the federal level, some states have started similar projects. Faithworks Indiana, a center sponsored by the state government, assists faith-based institutions with networking. In Illinois state agencies are reaching out to faith-based institutions through the

"Partners for Hope" program. In Mississippi Governor Kirk Fordice launched the "Faith and Families" program with the ambitious goal of linking each of the state's 5,000 churches with a welfare recipient.

Both Gov. George W. Bush in Texas and Sen. Joseph Lieberman in Congress have been friendly to some Tocquevillian approaches to legislation. Bush has promoted legislation to remove licensing barriers to church participation in social programs. He has also supported faith initiatives in welfare-to-work and prison reform projects. Lieberman supported the charitable choice provision of the welfare reform act and co-sponsored the National Youth Crime Prevention Demonstration Act that would promote "violence free zones" by working with grass-roots organizations, including faith-based organizations.

## Legislative battlegrounds

Gramscian concepts have been on the march through Congress in recent years, meeting in at least some cases Tocquevillian resistance and counterattack. For example, the intellectual underpinning for the Gender Equity in Education Act of 1993 (and most gender equity legislation going back to the seminal Women's Educational Equity Act, or WEEA, of the 1970s) is the essentially Gramscian and Hegelian-Marxist concept of "systemic" or "institutionalized oppression." In this view, the mainstream institutions of society, including the schools, enforce an "oppressive" system (in this case, a "patriarchy") at the expense of a subordinate group (i.e., women and girls).

The work of Harvard education professor Carol Gilligan, promoted by the American Association of University Women (AAUW), was influential in persuading Congress to support the Gender Equity in Education Act. Professor Gilligan identifies the main obstacles to educational opportunity for American girls as the "patriarchal social order," "androcentric and patriarchal norms," and "Western thinking" — that is to say, the American "system" itself is at fault.

In speaking on behalf of the bill, Republican Senator Olympia Snowe of Maine made a Gramscian case, decrying "systemic discrimination against girls." Democratic Rep. Patsy Mink of Hawaii likewise attacked the "pervasive nature" of antifemale bias in the educational system. Maryland Republican Rep. Connie Morella declared that throughout the schools "inequitable practices are widespread and persistent." Not surprisingly, she insisted that "gender equity training" for "teachers, counselors, and administrators" be made available with federal funds. As noted earlier, one of the remedies to "systemic oppression" is "training" (of the "reeducation" type described by Professor Kors) that seeks to alter the "consciousness" of individuals in both the dominant groups and subordinate groups. Thus, Sen. Snowe also advocated "training" programs to eliminate "sexual harassment in its very early stages in our Nation's schools."

In a related exercise in Gramscian reasoning, Congress in 1994 passed the Violence Against Women Act. According to Democratic Senator Joseph Biden of Delaware, the "whole purpose" of the bill was "to raise the consciousness of the American public." The bill's supporters charged that there was an "epidemic" of violent crime against women. Echoing Catharine MacKinnon (e.g., rape is "not an individual act" but "terrorism" within a "systemic context of group subjection like lynching"), the bill's proponents filled the *Congressional Record* with the group-based (and Hegelian-Marxist) concept that women were being attacked because they were women and belonged to a subordinate group. It was argued by bill's proponents that these "violent attacks" are a form of "sex discrimination," "motivated by gender," and that they "reinforce and maintain the disadvantaged status of

women as a group." Moreover, the individual attacks create a "climate of fear that makes all women afraid to step out of line." Although there was no serious social science evidence of an "epidemic" of violence against women, the almost Marxist-style agitprop campaign worked, and the bill passed.

In 1991, the Congress passed a civil rights bill that altered a Supreme Court decision restricting racial and gender group remedies. The new bill strengthened the concept of "disparate impact"; which is a group-based notion that employment practices are discriminatory if they result in fewer members of "protected classes" (minorities and women) being hired than their percentage of the local workforce would presumably warrant.

Nine years later, in June 2000, the U.S. Senate passed the Hate Crimes Prevention Act, which would expand the category of hate crimes to include crimes motivated by hatred of women, gays, and the disabled (such crimes would receive stiffer sentences than crimes that were not motivated by hatred based on gender, sexual orientation, or disability status). In supporting the bill, Republican Sen. Gordon Smith of Oregon declared, "I have come to realize that hate crimes are different" because although they are "visited upon one person" they "are really directed at an entire community" (for example, the disabled community or the gay community). Democratic Sen. John Kerry of Massachusetts supported the legislation because, he insisted, "standing law has proven inadequate in the protection of many victimized groups."

In a *Wall Street Journal* opinion piece, Dorothy Rabinowitz penned a Tocquevillian objection to this Gramscian legislation. Rabinowitz argued that hate crimes legislation undermined the traditional notion of equality under the law by "promulgating the fantastic argument that one act of violence is more significant than another because of the feelings that motivated the criminal." Using egalitarian and antihierarchical (that is, Tocquevillian) rhetoric, Rabinowitz declared that Americans "don't require two sets of laws — one for crimes against government-designated victims, the other for the rest of America."

## The Supreme Court and the White House

Like the congress, the Supreme Court has witnessed intense arguments over core political principles recognizable as Gramscian and Tocquevillian. Indeed, the court itself often serves as a near-perfect microcosm of the clash between these opposing ideas.

A provision of the Violence Against Women Act, for example, that permitted women to sue their attackers in federal rather than state courts was overturned by a deeply divided Supreme Court 5-4. The majority argued on federalist grounds that states had primacy in this criminal justice area. In another 5-4 decision the Supreme Court in 1999 ruled that local schools are subject to sexual discrimination suits under Title IX if their administrators fail to stop sexual harassment among schoolchildren. The case, *Davis v. Monroe County Board of Education*, involved two 10-year olds in the fifth grade. Justice Anthony Kennedy broke tradition by reading a stinging dissent from the bench. He was joined by Justices Rehnquist, Scalia, and Thomas. Justice Kennedy attacked the majority view that the actions by the 10 year-old boy constituted "gender discrimination."

American Enterprise Institute scholar Christina Hoff Sommers in *The War Against Boys* noted that the court majority appears to accept the position of gender feminist groups that sexual harassment is "a kind of hate crime used by men to maintain and enforce the inferior status of women." Thus, Sommers explains, in terms of feminist theory (implicitly accepted

by the court), the 10-year-old boy "did not merely upset and frighten" the ten-year old girl, "he demeaned her as a member of a socially subordinate group." In effect, the court majority in *Davis* endorsed Gramscian and Hegelian-Marxist assumptions of power relations between dominant and subordinate groups and applied those assumptions to American fifth graders.

Recently, a similarly divided Supreme Court has offered divergent rulings on homosexual rights. In June 2000 the court overturned the New Jersey State Supreme Court and ruled 5-4 in *Boy Scouts of America v. Dale* that the Boy Scouts did not have to employ an openly gay scoutmaster. The majority's reasoning was quintessentially Tocquevillian -- the First Amendment right of "freedom of association." Writing for the majority, Chief Justice Rehnquist declared that "judicial disapproval" of a private organization's values "does not justify the State's effort to compel the organization to accept members where such acceptance" would change the organization's message. The law, Rehnquist continued, "is not free to interfere with speech for no better reason than promoting an approved message or discouraging a disfavored one, however enlightened either purpose may strike the government."

The dissent written by Justice Stevens, by contrast, declared that the states have the "right" to social experimentation. Stevens noted that "atavistic opinions" about women, minorities, gays, and aliens were the result of "traditional ways of thinking about members of unfamiliar classes." Moreover, he insisted, "such prejudices are still prevalent" and "have caused serious and tangible harm to members of the class (gays) New Jersey seeks to protect." Thus, the dissenters in this case agreed with the New Jersey Supreme Court that the state had "a compelling interest in eliminating the destructive consequences of discrimination from society" by requiring the Boy Scouts to employ gay scoutmasters.

In 1992 Colorado voters in a referendum adopted Amendment 2 to the state constitution barring local governments and the state from adding "homosexual orientation" as a specific category in city and state antidiscrimination ordinances. In 1996 in *Romer v. Evans*, the U.S. Supreme Court in a 6-3 ruling struck down Colorado's Amendment 2. The court majority rejected the state of Colorado's position that the amendment "does no more than deny homosexuals special rights." The amendment, the court declared, "imposes a broad disability" on gays, "nullifies specific legal protections for this class (gays)," and infers "animosity towards the class that it affects." Further, the majority insists that Amendment 2, "in making a general announcement that gays and lesbians shall not have any particular protections from the law, inflicts on them immediate, continuing, and real injuries."

Justice Anton Scalia wrote a blistering dissent that went straight to the Gramscian roots of the decision. He attacked the majority "for inventing a novel and extravagant constitutional doctrine to take victory away from the traditional forces," and for "verbally disparaging as bigotry adherence to traditional attitudes." The court, Scalia wrote, "takes sides in the culture war"; it "sides with the knights," that is, the elites, "reflecting the views and values of the lawyer class." He concluded that: "Amendment 2 is designed to prevent the piecemeal deterioration of the sexual morality favored by the majority of Coloradans, and is not only an appropriate means to that legitimate end, but a means that Americans have employed before. Striking it down is an act, not of judicial judgment, but of political will."

Finally, Gramscian and Hegelian-Marxist concepts have advanced in the executive branch as well. In the 1990s, the federal government attempted both to limit speech that adversely effected subordinate groups; and to promote group-based equality of result instead of equality of individual opportunity.

In 1994, for example, three residents of Berkeley, Calif., protested a federal Department of

Housing and Urban Development (HUD) plan to build subsidized housing for the homeless and mentally ill in their neighborhood. The residents wrote protest letters and organized their neighbors. HUD officials investigated the Berkeley residents for "discrimination" against the disabled and threatened them with \$100,000 in fines. The government offered to drop their investigation (and the fines) if the neighborhood residents promised to stop speaking against the federal housing project.

Heather Mac Donald reported in the *Wall Street Journal* that one lawyer supporting HUD's position argued that if the Berkeley residents' protest letters resulted in the "denial of housing to a protected class of people, it ceases to be protected speech and becomes proscribed conduct." This is classic Hegelian-Marxist thinking -- actions (including free speech) that "objectively" harm people in a subordinate class are unjust (and should be outlawed). Eventually, HUD withdrew its investigation. Nevertheless, the Berkeley residents brought suit against the HUD officials and won.

In 1999, to take another example, the *Wall Street Journal* reported that for the first time in American history the federal government was planning to require all companies doing business with the government to give federal officials the name, age, sex, race, and salary of every employee in the company during routine affirmative action audits. The purpose of the new plan, according to Secretary of Labor Alexis Herman, was to look for "racial and gender pay disparities." The implicit assumption behind the Labor Department's action is that "pay disparities" as such constitute a problem that requires a solution, even if salary differences are not the result of intentional discrimination. The Labor Department has long suggested that the continued existence of these disparities is evidence of "institutionalized discrimination."

## Transmission — or transformation

The slow but steady advance of Gramscian and Hegelian-Marxist ideas through the major institutions of American democracy, including the Congress, courts, and executive branch, suggests that there are two different levels of political activity in twenty-first century America. On the surface, politicians seem increasingly inclined to converge on the center. Beneath, however, lies a deeper conflict that is ideological in the most profound sense of the term and that will surely continue in decades to come, regardless of who becomes president tomorrow, or four or eight or even 20 years from now.

As we have seen, Tocquevillians and Gramscians clash on almost everything that matters. Tocquevillians believe that there are objective moral truths applicable to all people at all times. Gramscians believe that moral "truths" are subjective and depend upon historical circumstances. Tocquevillians believe that these civic and moral truths must be revitalized in order to remoralize society. Gramscians believe that civic and moral "truths" must be socially constructed by subordinate groups in order to achieve political and cultural liberation. Tocquevillians believe that functionaries like teachers and police officers represent legitimate authority. Gramscians believe that teachers and police officers "objectively" represent power, not legitimacy. Tocquevillians believe in personal responsibility. Gramscians believe that "the personal is political." In the final analysis, Tocquevillians favor the *transmission* of the American regime; Gramscians, its *transformation*.

While economic Marxism appears to be dead, the Hegelian variety articulated by Gramsci and others has not only survived the fall of the Berlin Wall, but also gone on to challenge

the American republic at the level of its most cherished ideas. For more than two centuries America has been an "exceptional" nation, one whose restless entrepreneurial dynamism has been tempered by patriotism and a strong religious-cultural core. The ultimate triumph of Gramscianism would mean the end of this very "exceptionalism." America would at last become Europeanized: statist, thoroughly secular, post-patriotic, and concerned with group hierarchies and group rights in which the idea of equality before the law as traditionally understood by Americans would finally be abandoned. Beneath the surface of our seemingly placid times, the ideological, political, and historical stakes are enormous.

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