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Breaking Cartels to Stymie the Reproduction of Racism and Breaking them in Time

Angela Mae Kupenda

Mississippi College School of Law, akupenda@mc.edu

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Daria Roithmayr, [*Reproducing Racism: How Everyday Choices Lock in White Advantage*](#) (2014).



[Angela Mae Kupenda](#)

[Daria Roithmayr](#)'s book, *Reproducing Racism: How Everyday Choices Lock in White Advantage*, situates the reproduction of racism outside of intentionally inflicted racist acts. She argues that even if racism by individual design ceases, everyday decisions by Whites lock in the many decades', and even centuries', of entrenched structures of White advantage. Tracing the history of race in America especially from Jim Crow, Roithmayr illustrates how White advantage was locked in through wealth accumulation protections given Whites and denied Blacks, through the real estate market practices favoring Whites, in educational policies perpetuated through a de jure then a de facto system, through the use of incarceration and its rise against Blacks soon after the end of slavery, and even in the levels of Black infant mortality.

Using antitrust theories, Roithmayr's work explaining the cartel like structure of White advantage can be juxtaposed against [Lani Guinier](#)'s analogously familiar book from over twenty years ago. In Guinier's book, *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy*(1994), Guinier discusses the many statutory protections given to those who hold less than the majority votes in corporations. Guinier argues that just as minority ownership interests are given "a turn" in corporate law, such could also protect minority racial interests in our governmental democracy. Similar to Guinier's use of principles from corporate law, Roithmayr uses principles from antitrust law. Guinier's book focuses more on arguing the corporate law principles as remedies. Roithmayr's book focuses more on identifying the antitrust cartel structure and showing the way for our own creative construction of remedies to break these cartels to stymie the reproduction of racism.

Both books have had a huge impact on me. I remember taking corporations in law school in the late 1980s and wondering why the corporate principles– to protect shareholders who are not in the majority–were not embraced in America's political systems to protect voters who are not in the majority. Thus, when I discovered Guinier's articles, I hungrily considered her ideas. Sadly, misinformed objections to her arguments led to former President Clinton withdrawing Guinier's well suited nomination for Assistant Attorney General for Civil Rights in 1993.

Roithmayr's work, and her explanation of White advantage using cartel structures, eloquently proposes a straightforward analogy. Her book serves as an informative pedagogical tool. Further, *Reproducing Racism* is provocative as to what it does not do. While her work ends without extensively proposing many remedies to breaking these cartels, her work provokes the development of these remedies.

Using *Reproducing Racism* as a pedagogical tool

I teach Constitutional Law at a predominantly White school in the Deep South. One component in my class is small group presentations of recent United States Supreme Court cases. The students are allowed to self select their groups. Often a group predominantly of color will select one of the affirmative action/diversity cases to research and present.

Almost always following one of these presentations, a White male student will ask something like, “Well if Black people just do better we will not need affirmative action in admissions as they will be more competitive, then don’t you think America’s problems will be resolved?” When a young, self avowed conservative, White male posed this question to a group mainly consisting of Black females toward the end of the class period a few years ago, the young women presenting were visibly shocked by the question. Their answer did not satisfy him. So, the young man approached me after class and posed the same question. A number of students gathered around to hear my response.

In answering him, first I engaged him with a discussion about admission committees and their predominant racial construction. We then discussed whether committee members would have a certain amount of personal discretion in making decisions. He agreed with this point saying, although there should be criteria, some personal discretion was critical. So, my final question to him was, “Even if the Black applicants are at least equally qualified to the White candidates, if a White committee member with implicit bias believes that Whites are more deserving makes an everyday choice to prefer the White applicant, then will the committee and hence the school reproduce the same system of White preference?” At that point, a look of recognition came across the young White man’s face. He responded, “I get it. Yes, non-White candidates need more opportunities to advance in education and to improve on certain types of standardized testing, but Whites who evaluate them also need to advance in rejecting racism and in being aware of and rejecting their ordinary decisions that promote White advantage.”

These very points from our extended after-class conversation are covered in *Reproducing Racism*. Roithmayr discusses how Whites over the years created institutional rules that disproportionately favor Whites over non-Whites. So, in my next semester after a similar group presentation by a majority non-White group of students and a similar question by a young White male student, I referred him to Roithmayr’s book for reading and for future discussion.

Her pedagogical contribution is experienced even outside the classroom. Non-Whites I encountered, who saw me reading *Reproducing Racism*, wanted to know more about this reproduction of racism. When I explained Roithmayr’s theory to them, they were relieved to know that someone has written in a scholarly and also accessible way about what they know and what they experience on an everyday basis as non-Whites in America. Her book thus serves as an excellent supportive tool both inside and outside the classroom.

Using *Reproducing Racism* in search for exceptional remedies to racism

I attended a law conference panel discussing *Reproducing Racism*, soon after it was published. On this panel, Professor Roithmayr discussed her book and distinguished panelists offered a critique of her work, especially her last section on potential remedies.

Roithmayr connects the continued reproduction to antitrust theories where companies prosper based on bad behavior. Though certain behaviors were considered illegal later, companies created a “positive feedback loop” which allowed them to continue to prosper from the economic advantage gained from their previous bad behavior. Similarly, White privilege is locked in and Whites continue to be advantaged generation after generation. Such loops cause the reproduction of racism, even if intentional racism is diminished. The bad,

intentional behavior of the past locks in benefits for Whites. Though that past behavior is now frowned upon, the benefits of that behavior is still enjoyed by Whites on a daily basis.

At the end of the panel discussion, the question became how can these cartels of White advantage be broken to allow for more equitable systems? Roithmayr's book is well written and thoughtful, but does not conclude with many detailed suggestions on workable ways to break these cartels to unlock cartel-like reproduction of American racism generation after generation. She does propose some ideas including, modifying social norms, taxing the benefits that Whites gain from the feedback loops, limiting the opportunities for White flight so that non-Whites may be integrated into the cartel loops, and others.

My question to Roithmayr and the panel was further about remedies. I wondered whether cartel breakers can indeed be found. Specifically, I wondered if poor Whites could be recruited into a movement to break racial cartels. My argument was that economically, for example in my home state of Mississippi, poor Whites are little better off than Blacks. Still, in fact, many poor Whites seem to vote against their own economic interests as they overwhelmingly vote to elect candidates who are opposed to education for all, opposed to healthcare for all, and opposed to equal rights for women.

One of the panelists who was reviewing Roithmayr's book disagreed with my analysis. He argued that poor Whites have Whiteness and Whiteness has value. So poor Whites perceive this as a great value that outweighs any loss in the public well funded education of their children, or in health care, or in other areas they share in common with many southern non-Whites. Only to some degree did this panelist persuade me.

I still believe poor Whites should be willing to break the cartel for their own benefit. Whites in poverty, like non-Whites, need health benefits, need free and well funded public education, could benefit from the political leadership of empowered non-Whites who believe in equality for all.

A movie illustrates what may be my unrealistically idealistic view. In the film *In Time* (Twentieth Century Fox 2011), dollar bills are not the currency; time is. Initially, I was frustrated with the story line as it promotes the idea that Will, a White man (played by Justin Timberlake), has to break the system to save the poor and racial minorities. I thought of other films where the savior of racial minorities always seems to be a White superstar. *In Time*, though, gave me greater pause, as Will is himself poor and disenfranchised. By helping to save others, he redeems the memory of his poor White mother. The plot of the film comes from the status of these humans. When a human being turns 25, the person stops aging biologically. Each human automatically receives a digital clock imprinted on their arms indicating the amount of time they have left to live before suddenly dying. Those born into wealth and privilege are gifted with clocks with time of fifty years or more. Those born poor and disenfranchised receive time clocks with maybe 24 hours of time on their biological clock.

The movie's hero, Will, unintentionally ends up working with a rich young White woman, Sylvia (played by Amanda Seyfried), to rob the banks of time, to bring down a corrupt system stacked against minorities and poor Whites. His bringing down the corrupt system is as much for him and the memory of his poor White mother who died depleted of time (which was to him before her time), as it is for the others. So, he has recognized his commonality with others and sees he cannot truly be saved unless they are, too.

The activist role of a poor White male in a movement for inequality is critical. The same applies today. Race and class equality cannot be a viable affront to the structures of supremacy until the movement encapsulates poor Whites and helps them finally see they are allowing themselves to be used to further inequality and separation from others who struggle with inequality. Poor Whites seem to be banking on White advantage, but barely surviving without the same remedies that poor non-Whites seek.

In addition to poor Whites generally, what about White women, regardless of economic class, as cartel breakers? This could apply especially to those who realize the gender cartels that oppress them. In the movie *In Time*

, a rich White girl, Sylvia, joins the liberation effort. She has White privilege and class privilege, yet her father's gendered views and desire to maintain status imprisons this young woman, with an indefinite imprisonment of time. As they are so rich that she might live forever, this living forever in a cage on a pedestal becomes quite distasteful to Sylvia. Is it possible that the sexism that is part of the reproduction of racism could become so distasteful that even middle and upper income White women can be enlisted, too, as cartel breakers to stymie the reproduction of racism?

Conclusion

Daria Roithmayr's book, *Reproducing Racism*, provides an excellent framework to explain and study the reproduction of racism. In a time when racism is still rampant, an accessible way of confronting locked in White advantage is a needed key. Roithmayr provides this key, unlocking a door where those who dare to join as cartel breakers may enter and, hopefully, set America finally free by rendering the reproduction of racism stymied and eventually barren.

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