

Neoliberalism in Higher Education: Reflections on Affirmative Action

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Abstract

In this paper, the authors reflect on more recent discourse on affirmative action to illustrate how neoliberal rationalities work in higher education. They propose that affirmative action was “saved” by neoliberal rationalities framing the issue in terms of outcomes. That is, affirmative action, historically and ostensibly addressing racial injustice, now appears to justify practices furthering global competition, and thus it offers a good example for understanding the contradictory ways that neoliberal projects seek to shape the conduct of both institutions of higher education and their individuals.

Keywords: *neoliberalism, affirmative action, diversity, governmentality*

In this paper, we reflect on the more recent discourse on affirmative action to illustrate how neoliberal rationalities work in higher education. We propose that affirmative action was “saved” by neoliberal rationalities framing the issue in terms of outcomes. That is, affirmative action, historically and ostensibly addressing racial injustice, now appears to justify practices furthering global competition, and thus it offers a good example for understanding the contradictory ways that neoliberal projects seek to shape the conduct of both institutions of higher education and their individuals. Before we pursue this argument, a few introductory words about affirmative action are in order.

Few topics are as controversial as affirmative action in the field of higher education, and this is so despite the fact that the Supreme Court ruled in 2016 in *Fisher v. University of Texas at Austin (Fisher II)* that institutions of higher education may use (a limited form of) affirmative action to further the educational benefits of diversity (*Fisher v. University of Texas at Austin*, 2016). In this case, the Supreme Court upheld the University of Texas at Austin’s admissions policies, which entailed a mixture of the Texas “top-ten percent law” (giving applicants in the top-ten percent of their high school automatic admission into one of the state institutions), an “Academic Index” (SAT scores and high school GPA), and a “holistic metric of a candidate’s potential contribution to the University.” This holistic review resulted in a “Personal Achievement Index,” which attended to an applicant’s leadership, work experience, awards, community service, and “other special circumstances that give insight into a student’s background;” evidence of such special circumstances could include being raised in a single-parent household, speaking a home language other than English, socioeconomic status, and so on.

Fisher II has not resolved the matter by any means, and not just because its ruling is actually quite narrow, but also because the issue might still be *political* and *moral*, and as such, highly volatile and intractable. We know, for example, that this issue has been a prominent subject of political campaigns, policy debates, and state referenda. The danger to affirmative action does not

arise simply because of direct attacks on it, but because of the high-stakes testing regimes that actually leave many children behind and make affirmative action thinkable in the first place. And, of course, courts continue to hear cases challenging affirmative action programs in college and universities, as *Fisher II* illustrates.

Yet, having said that affirmative action involves moral questions, legal challenges to affirmative action in higher education, even accounting for recent victories, illustrate, paradoxically, that moral arguments, such as that affirmative action compensates for past wrongs (or, interestingly, that it constitutes a form of “reverse” discrimination), no longer justify (or reject) it. The University of Michigan in *Grutter. v. Bollinger* (2003), for example, in order to defend itself against legal challenges to its admissions policies, side-stepped these moral arguments in favor of so-called scientific ones; it commissioned a number of leading researchers to verify empirically the importance of racial and ethnic diversity. We will discuss this case in greater detail later in this paper, but, briefly, the Supreme Court upheld the University of Michigan Law School’s affirmative-action admissions policies, which amounted to an “individualized” review of each applicant. The importance of racial and ethnic diversity in higher education now was framed in terms of the educational benefits that arise from it, particularly those that prepare students for an increasingly multi-racial, *global* world. This was the argument that won out; it was affirmed in *Fisher II*; and we will argue in this paper that it is premised on neoliberal rationality.

To those on the political left, our argument that neoliberalism may have actually “saved” affirmative action might be read as problematic, since they often see neoliberalism as conservative and oppressive. To those on the political right, who often take on the mantle of individualism, which neoliberal projects often espouse, over and against collective values, our argument will read as incoherent, for affirmative action connotes “special” group interests. This paper will propose that a reading of neoliberalism via ideas of either individualism (for the right) or domination (for the left) misreads neoliberalism’s *object* (i.e., the creation of self-reliant, economically-minded individuals) and methods (which can include both liberating and dominating projects). Having said this, however, we will also argue that neoliberal projects must be contested, for they seek to govern via economism that defines the worth of individuals in very narrow ways.

In the next section, we explain briefly what we mean by neoliberalism, which often is asserted by those on the political left as the term that represents the effects of privatization, globalization, and other politico-economic forces undermining the nation state and creating severe inequality at a global scale. But what is “neo” about neoliberalism is not its effects, but its rationality. Following more recent views of neoliberalism as representing a myriad of governing practices, we will argue the “target” of neoliberal projects is not the state as such, as was the case with traditional liberal theories, but the individual, who will be reconstituted in ways that will empower her autonomy but also transform her ethical commitments to the social world around them. While neoliberal projects (and there are many, sometimes with contradictory goals) have clear and unquestionably authoritarian (and dominating) effects, their logic is that of self-empowerment, and thus they contain within them both oppressive and liberating tendencies.

Following our discussion of neoliberalism, we move to the issue of affirmative action, tracing how the rationalities associated with affirmative action been transformed from ones that fitted within traditional liberalism (e.g., liberty versus justice) into ones that now fit within neoliberal frameworks of “verifiable evidence,” “measurable outcomes,” “global competitiveness,” and other economic concepts. For this argument, we focus on the *Grutter* case, given its importance in giving imprimatur to the new logic of affirmative action as furthering educational outcomes. The

social consequences of this transformation in the affirmative action discourse have yet to play themselves out, though we will suggest that this shift is problematic in terms of the kinds of rationalities that will come to define effective citizenship as economic efficiency, an argument which is the basis of the final section of this paper.

Neoliberalism's True Object

Early critiques of the effects of global capitalism on education worldwide attribute them to “neoliberalism,” which is often characterized by those on the political left as an ideology underlying the movement toward privatization and marketization in education and in other state-provided services. For these critiques, the goal of neoliberal projects is to undermine the welfare state or public goods (see, for example, Apple, 2001; McLaren, 1999; Slaughter & Rhoades, 2004). In such critiques, the linking of neoliberalism with globalization and privatization allows those on the political left to exalt ideas like democracy, the public, and the state, which are all conflated and set against neoliberalism. Nelly Stromquist (2002), for example, argued with regard to the neoliberal projects characterizing global capitalism that “education is losing considerable ground in its traditional social acceptance as a ‘common’ or ‘public good,’ a resource open to all as a human right to be collectively shared” (p. 178). Neoliberal projects in education, so this goes, conflate “democracy” with “markets,” and in a world characterized by diversity and social inequality, it is dangerous to conflate a private good (marketization) with the public good (democracy) (Wells, Slayton, & Scott, 2002, p. 338).

Neoliberal projects, however, are not solely intent on furthering economic practices that undermine the welfare state. Indeed, the attacks on the welfare state attributed to neoliberalism reflects a romantic attachment to the state. For example, Paul Spicker (2000) proposes, the welfare state is characterized by collective action for social protection (p. 5). Yet this tension between collective and individual interests (or state and market, public and private) does not need to invent a *neoliberalism* to make it thinkable, for liberalism is characterized in large part by tensions between the state, the market, and the individual (see Foucault, 1981). There is something “new” about neoliberalism, but its rejection of the state is not one of them. We follow a more recent understanding of neoliberalism as less a set of agreed-upon practices than a term we now give to certain principles and methods of rationalizing the exercise of government, with government understood as the activity of directing human conduct within a setting and with the instruments of the state (see generally Gordon, 1991). Thus, what makes neoliberalism different from liberalism is its governmentality (i.e., the rationalities of, and practices directed at, shaping conduct).

Thomas Lemke (2001), expanding upon Michael Foucault's previously unpublished lectures (See also Foucault, 2004/2008), points out that U.S. neoliberalism actually extends economic rationality beyond the traditional economic sphere into the social sphere (p. 197), thus eviscerating historical liberal distinctions between the market and the state, the economic and the social, the private and the public, and the individual and the collective. Economic rationality becomes an all-encompassing logic for understanding, evaluating, and governing social life. In Gary Becker (1976), for example, the social becomes the economic, and the economic framework becomes social theory, with all the universality and all-encompassing logic that such a theory connotes. All social life is deemed governed by the “rational choices” of entrepreneurial individuals who see everything they do in terms of maximizing their “human capital.” Human capital refers to the activities that influence future income, such as schooling, on-the-job training, continuing education, self-help practices, the search for information on prices, as well as health care, migration, and

so on, and all these activities are defined as “investments” that will improve skills, knowledge, or health, and thereby raise incomes (Becker, 1993, p. 11).

The state as such is not so much undermined as it is given new functions. Its ability to intervene directly in the lives of individuals (i.e., its social welfare function) is constrained, to be sure, but it now becomes a facilitator of a slew of specialized private and quasi-public techniques for “conducting” the actions of individuals without being responsible for them (Rose, 1996, p. 56). The failure (or inadequacy, or inefficiency) of the state to play this role now elicits new forms of governing, in which responsibility for traditional state functions, such as schooling, for example, is shifted downward, to rationally-acting individuals and collectives (e.g., families, associations, etc.), and the rationalities of administration by these collectives will dedicate themselves to producing self-responsible individuals who are economically rational.

The individuals these neoliberal projects invent will bear the moral and political freedom to care for themselves but also the fiscal and political responsibility. To the extent that its objective is the self-responsibility of individuals, the actual target of the neoliberalism is the individual, not the state. Its undermining of the welfare state may be a necessary part of its objective. It must “free” the individual from his ties to such a state because these ties thwart its objective: to work on the individual to make him autonomous and self-responsible. This also means, of course, that individuals will be given greater “freedom” to pursue their entrepreneurial interests, but, consequently, they will bear all the fiscal, political, and moral responsibility for caring for themselves. The state can and should no longer insure them against the risks of their autonomy and freedom. Since individuals must care for themselves, their commitments will reflect this need to “invest” in themselves as much as they can, and everywhere they can, so that they can mitigate the consequences that come with their freedom or, at least, manage their risks. Their relationships with the state, with the other institutions that shaped their lives, and with other individuals, must now be transformed to match this new economic freedom they are now supposed to exercise (and which, by the way, they must come believe to be the only real kind of freedom there is).

Given neoliberalism’s logic of inventing self-responsible individuals, it is improper to focus only on the dominating aspects of neoliberal projects (see, for example, Brown, 2015); neoliberal projects contain within them the dual possibilities of domination (i.e., restricting freedom) and liberation (i.e., promoting freedom). Neoliberal projects, to be effective in advanced liberal societies, which are suspicious of state interventions, must attend to processes of self-government. Governing others entails trying to guide and shape their ideas and the actions they use to govern their own bodies and souls, and these must connect with their beliefs, capabilities, and motivations about social progress and citizenship. Barbara Cruikshank (1999) explains how individuals are transformed into particular kinds of citizens by technologies of citizenship, which now include all kinds of discourses, programs, and other non-state tactics aimed at making individuals politically active and capable of self-government (p. 4). Affirmative action, we will argue in the next section, is one of these kinds of technologies, for it is a way for individuals to see that their citizenship is increasingly tied to, and perhaps dependent on, the educational outcomes of diversity. Clearly, a logic like this has dominating tendencies, since it may undermine the ethical commitments individuals have to each other as a result of having been previously constituted as social beings whose autonomy must always be framed within such commitments (Bellah, 2000). But they may also involve “empowering” technologies that might free individuals from some of the oppressive rationalities that govern their lives (e.g., totalitarian states, religious orthodoxy, racial injustice.). These “empowering” technologies, therefore, are neither good nor bad per se; they are *dangerous*, for the

“will to empower contains the twin possibilities of domination and freedom” (Cruikshank, 1999, p. 2).

It is this logic of seeking to empower individuals that make human capital theories so dangerous in education. The theories of “human capital” rationalize human activity as the “rational choices” of entrepreneurial individuals who see everything they do in terms of maximizing their self-investments (embodied in knowledge and skills) in order to maximize their economic capital. Jerome Karabel and A. H. Halsey (1977) certainly were correct when they argued that human capital theories appeal to ideological (and thus false) pro-capitalist sentiments that define the worker as a holder of capital (as embodied in his skills and knowledge) and grants him the capacity to invest in himself (p. 13). Yet the idea of human capital does more than create capitalists of us all. Human capital is part of the processes of neoliberalism’s reinvention of social life as economic: First, by making all behavior subject to a cost/benefit analysis (behavior is transferred into quantifiable “human capital”); second, by establishing “rational choice” as the description of a desired reality, a reality in which meaningful existence requires producing and enhancing one’s self-investments; and third, by requiring material investment in education, not just from the state but from the individual. The logic of human capital is a crucial part of the art of neoliberal governing, and this logic is what saved affirmative action, an argument we turn to next.

Grutter’s Affirmative Action

Affirmative action is controversial because traditionally it has been framed as posing a conflict between two important liberal values: (1) all individuals deserve an equal opportunity to achieve their goals, and (2) hard work and merit—not race, gender, religion, or any other condition over which individuals have no control—should determine which individuals succeed (see, for example, Crosby & VanDeVeer, 2000; D’Souza & Edley, 1996; Eden and Ryan, 1999; Fried, 1999). These traditional arguments for and against affirmative action fitted well within liberal political reason, which has always been concerned with moral questions about justice versus liberty, merit versus equality, individualism versus collectivism, and so on (see Sandel, 1984). But as such, they are irresolvable questions, and as such they have given meaning to the ways in which affirmative action has been *invented* in the political arena and in the legal cases in the past, one side of the dilemma gaining privilege, but only provisionally. This changed when the University of Michigan was sued for its admissions policies, a litigation that culminated in two Supreme Court decisions in 2003 (*Gratz v. Bollinger*; *Grutter v. Bollinger*). Rather than pursue the traditional liberal arguments associated with the defense of affirmative action, the University of Michigan pursued a social-science strategy to convince the Supreme Court that the educational benefits of a diverse student body were (1) compelling enough to justify taking race into account in its admissions policies and (2) verifiable with empirical data.

Briefly, the University was sued in two separate cases over the affirmative-action policies in its law school (*Grutter*) and undergraduate programs (*Gratz*). The Supreme Court heard both cases simultaneously and determined that furthering the educational benefits was a compelling interest. But while the law school accomplished those interests in a legal manner (by conducting an individualized review of each applicant), the undergraduate college did not because it simply awarded points for race. In this paper, however, we read this litigation, not for the legal principles it espouses, but for the political meanings it offers. We are particularly interested in how the University justified its policies because it eschewed traditional liberal questions. As we indicated before, the university mustered extensive evidence of the educational benefits of diversity (see

Bowen & Bok, 1998, for an example of such evidence). This strategy proved successful, since the Supreme Court itself cited this evidence approvingly in this case and later in *Fisher II*.

The introductory paragraph of a University's report issued in preparation for the litigation, *The Compelling Need for Diversity in Higher Education*, defines what we are calling a social-science strategy:

The last Supreme Court decision addressing the use of race in admissions to institutions of higher education, *Bakke v. Regents of the University of California*, affirmed that the role of diversity in colleges and universities is both essential and compelling. Since *Bakke*, opponents and proponents have wrestled with ideology and theory, but have never had the benefit of a comprehensive theoretical framework that has been tested by reliable empirical data. The University of Michigan has drawn on several of the nation's leading, and most respected, researchers and scholars, to develop such a framework and verify its legitimacy with empirical proof. The evidence submitted by these leaders in the fields of history, sociology, education, economics, psychology, and law, confirms *Bakke's* holding and establishes the continuing imperative for diversity—including racial and ethnic diversity—in higher education. (as cited in Baez, 1999, p. 287)

The argument that one can use empirical data to transcend the ideological and theoretical work associated with affirmative action, work premised on traditional liberalism's narratives, suggest that something different occurred here. This strategy sought to transcend moral questions about justice and equality, and in this way, it very much fitted into neoliberalism's dispensing of moral questions, thus reframing those questions as economic ones. In this case, the empirical evidence of outcomes transforms what had been irresolvable moral questions into ones of measurable outcomes and economic efficiency.

In the *Grutter* case, the university was sued for its law school policies, which used an "individualized" review of each applicant and favorably considered race with a goal of achieving a "critical mass" of students from diverse racial, ethnic, and other backgrounds. The University made the argument that the law school's mission was (1) to produce highly skilled and effective lawyers who link professional training to a concern with solving social problems, like racial inequity, and (2) to produce graduates who have "strong likelihood of succeeding in the practice of law and contributing in diverse ways to the well-being of others" (*Grutter v. Bollinger*, 2003, p. 314). Through a diverse student body, the law school sought to ensure that that students understood the role of race in society, as well as how to "work more effectively and more sensitively" in a world that "is and will be multi-racial," and to instill mutual respect and "sympathetic engagement with the experiences of other people that are basic to the mature and responsible practice of law" (Initial Brief of the Appellant-Petitioner, 2002, p. 4). In a majority opinion by Justice O'Connor, the Supreme Court noted that the benefits of diversity were substantial, including "cross-racial understanding" and "the breaking down of racial stereotypes." Furthermore, "numerous studies show that student body diversity promotes learning outcomes," and "better prepares students for an increasingly diverse workforce and society, and better prepares them as professionals" (*Grutter v. Bollinger*, 2003, p. 321).

The Court went on to say that these

benefits are not theoretical but real, as major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints... We have repeatedly acknowledged the overriding importance of preparing students for work and citizenship, describing education as pivotal to "sustaining our political and cultural heritage" with a fundamental role in maintaining the fabric of society. This Court has long recognized that "education... is the very foundation of good citizenship." (*Grutter v. Bollinger*, 2003, pp. 333-334)

This notion that diversity in higher education was essential to ensuring useful skills in working with others of diverse backgrounds, especially in the workplace, was echoed by a number of supporters of the University's policies, who filed amicus briefs supporting the continued use of affirmative action. Here are some examples of these arguments:

The experience of the AFL-CIO teaches that the unique opportunities to interact with people from other races and ethnic groups on a university campus—at the threshold of the workplace—that are fostered by the admissions policies at issue in this case, will have substantial, positive impact on students, making them better citizens in our democracy as well as more productive members of society. (Brief Amicus Curiae of American Federation of Labor & Congress of Industrial Organizations In Support of Respondents, 2002, p. 2)

Amici need talented college graduates, minority and non-minority, who have been educated in an environment that reflects the nation's diversity. These graduates will enter amici's workforces and become the managers of the future. (Brief of Amici Curiae Media Companies in Support of Respondents, 2002, p. 2)

The existence of racial and ethnic diversity in institutions of higher education is vital to amici's efforts to hire and maintain a diverse workforce, and to employ individuals of all backgrounds who have been educated and trained in a diverse environment. As explained in this brief, such a workforce is important to amici's continued success in the global marketplace. Amici have devoted substantial financial and human resources to create and maintain a diverse workforce. These extensive efforts are part of the very fabric of amici's cultures, are implemented and overseen by senior managers, and are supported at the highest levels. (Brief for Amici Curiae 65 Leading American Businesses In Support of Respondents, 2002, p. 1)

Accordingly, one key component of ExxonMobil's ongoing strategy involves recruiting employees from premier colleges and universities, on a global basis, that offer a broad, well-educated, and heterogeneous talent pool... A diverse workforce is essential to the success of global companies like ExxonMobil, and student body diversity at colleges and universities, like the University of Michigan, is critical to ensuring that companies can meet their needs for workforce diversity. (Brief of Exxon Mobil Corporation As Amicus Curiae In Support of Neither Party, 2002, p. 2)

General Motors depends upon the University of Michigan and similarly selective academic institutions to prepare students for employment—to teach them the skills required to succeed and lead in the global marketplace. The quality of the education these students receive profoundly affects the ability of General Motors, and indeed all major American corporations, to compete. In General Motors’ experience, only a well educated, diverse work force, comprising people who have learned to work productively and creatively with individuals from a multitude of races and ethnic, religious, and cultural backgrounds, can maintain America’s competitiveness in the increasingly diverse and interconnected world economy. (Brief of General Motors Corporation as Amicus Curiae In Support For Respondents, 2002, p. 1)

Diversity is basic to higher education’s main purposes: to enable students to lead “the examined life”; to ready them to maintain the robust democracy in which we live; and to prepare them to function in the national and global economy. (Brief of Amici Curiae American Council on Education and 52 Other Higher Education Organizations in Support of Respondents, 2002, p. 3)

Our reasons for providing these quotes is to show how the logic of supporting affirmative action has changed. This logic cannot be read in terms of the traditional liberal principles we discussed at the start of this section (i.e., in terms of justice versus liberty, equality versus merit, and so on). Pitting notions of individual liberties against social equality is superficial to the extent that it argues that the actions of the University, its supporters, and the Court might be seen as indicative of a (renewed?) push for racial equality. Justice and equality are concepts of traditional liberalism, and they do not rely upon “empirical data” to give them coherence. These narratives are moral in nature; their logic is one of moral reasoning.

But reading these arguments as reflective of neoliberal rationalities allows us to see things differently. We can now see what diversity projects, such as affirmative action, rationalize in the governance and self-governance of individuals. Neoliberalism, at least in the ways we have been reiterating it throughout this paper, converts social life into an overriding economic rationality, and its main target is to invent autonomous, economically-rational individuals who will understand themselves in terms of self-investments. Targeting education *writ large* has always been important for neoliberal projects because focusing on education to accomplish their goals does not require use of state force, which is inefficient and improper under the liberal imaginary; in education, these projects focus on ideologies and pedagogies, which are very effective at attaching themselves to the rationalities of individuals’ self-government—the ways they affect their own bodies and souls. To be effective as such, however, educational systems must be restructured to prepare individuals for the global world by changing their own behavior to become less dependent on state resources and more “collaborative” and “flexible,” emphasizing team work, entrepreneurship, and shared decision making.

One can see how affirmative action now becomes necessary under this logic. For it is from institutions of higher education (especially the prestigious ones) that future workers and leaders will come, and so these workers and leaders must be able to function and to manage within an increasingly diverse world. Affirmative action then becomes a rationality for governing institutions of higher education, and “diversity” becomes one for governing individuals within those

institutions. These individuals will become subject to a social administration geared toward creating in material terms the logic of that rationality. So, “diversity” can now become a technology for furthering this economic rationality, to make it “real,” so that admissions, pedagogy, and all the things associated with collegiate life (e.g., freshman experiences, student programming, etc.) will direct students’ behavior toward having contacts with individuals of diverse backgrounds. But these contacts are relevant only because they allow students to develop skills that will generate capital for them afterward, particularly in the “global workplace.” It is appropriate under neoliberalism, therefore, to have the state intervene in institutional behavior to guarantee affirmative action, for the benefits of such diversity is essential to ensuring self-reliance (e.g., only those able to function effectively in an increasingly diverse world will be successful) and prosperity at an individual level. The benefits of diversity, in this sense, become other kinds of human capital, itself a logic of governance, and thus one that carries within it the twin possibilities of domination and liberation (we will conclude this paper with an argument about the pitfalls of such economism).

Affirmative action, then, seems no longer simply a modern example of the liberal contradictions about whether or not it is just to remedy past discrimination or to focus on collective rights over and against the individual’s; it is a strategy for governing individuals and the university itself, for it ensures that educated students are those who can function effectively and sensitively in a multi-racial world, as well as furthering a pedagogy that will further that imperative. And this is particularly important at prestigious universities, since they are key distributors of social capital:

A handful of these schools accounts for 25 of the 100 United States Senators, 74 United States Courts of Appeals judges, and nearly 200 of the more than 600 United States District Court judges. In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity. All members of our heterogeneous society must have confidence in the openness and integrity of the educational institutions that provide this training. (*Grutter v. Bollinger*, 2003, p. 332)

To further the neoliberal agenda, therefore, the most important institutions must be made the vehicle for the invention of the entrepreneurial individual. This is problematic, for this logic ensures the continuing oligarchy that is created and justified by these institutions, and it tends to give all this a moral imperative, since, as we said, this discourse can be read via a logic of justice and equality, masking its other kinds of rationalities. We must be leery of the kinds of things these institutions do, and the ways they rationalize continuing what they do.

Another interesting aspect of the *Grutter* case, and one reflecting neoliberalism’s conflation of social and economic questions, was that the Court made note of the fact that the law school’s policy did not restrict the types of diversity that were eligible for consideration in admissions. The policy was premised on admitting a “critical mass” of students from diverse backgrounds, but it did not define “diversity solely in terms of race and ethnicity,” nor was it “insensitive to the competition among all students for admission to the Law School” (*Grutter v. Bollinger*, 2003, p. 316). The whole logic of assigning points for particular social categories like race to candidates for admissions in the *Gratz* case, and to focusing so much on the idea of a “critical mass” in *Grutter*, signifies that the quasi-quantitative models of transforming social life into economic logic are in effect here. Moreover, the term “diversity,” a nomenclature that has stood for race and ethnicity, for recalling a particularly horrific past (i.e., legacies of colonialism and slavery), and for suggesting a particular utopian future (in which “people are judged by the content of their character, not

the color of their skin,” as the Reverend Martin Luther King has said), now becomes akin to having “lived or traveled widely abroad,” to being “fluent in several languages,” to overcoming “personal adversity and family hardship,” to “having exceptional records of extensive community service,” and to have had “successful careers in other fields” (*Grutter v. Bollinger*, 2003, p. 338). In typical neoliberal fashion, race is reduced to yet another quantifiable unit of economic measurement, and this strips it of its ties to the past, as well as to what it suggests for the future. Perhaps moving beyond this is a good thing, but it does not come without consequences for how we might reimagine social ties.

Stripping these terms of what they connote of the past and of the future will lead us to beg the questions that have haunted the U.S. for centuries and continue to do so.

Indeed, this history can actually be discounted, given a specific unit in time:

It has been 25 years since Justice Powell first approved the use of race to further an interest in student body diversity in the context of public higher education. Since that time, the number of minority applicants with high grades and test scores has indeed increased. We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today. (*Grutter v. Bollinger*, 2003, p. 343)

Race and racism thus simply become other “factors,” quantifiable and measurable (indeed, in the *Gratz* case it warranted 20 points). The fact that that race and racism can be made simple products of time, as well as simple quantifiable factors among others, suggests that the rationalities that governed our behaviors and directed our desires are undergoing radical change, and our commitments to each other, to our institutions, and to ourselves can also be changed. So the quip we tend to hear in our classes when issues of race are discussed, such as “that was in the past,” and “when are we going to get past this,” make a certain kind of sense, because we can think of racism in simple units of time and quantity, and the moral commitments that we can make to deal with this is also measurable in time and in quantity. This neoliberal rationality for understanding diversity, then, is something to wonder about, for its implications are much greater than whether the University of Michigan can admit more racial and ethnic minorities.

In summary, the University of Michigan did not defend its policies with traditional arguments about past discrimination or social injustice, thus dispensing with the moral questions that characterized liberalism. One should be leery of reading this case as one that can be made thinkable within traditional liberalism. We expose new rationalities of governing when we read this issue via a reading of neoliberalism, which has transformed moral arguments into economic ones. But our point here is not to condemn neoliberalism and exalt traditional liberalism, for the latter’s tensions always kept affirmative action under constant threat. Our critique is intended to show how rationalities for governing work in higher education, even with issues like affirmative action. Now, to the extent neoliberal rationalities can be said to have saved affirmative action, we want to say that this has been an empowering strategy. To the extent that this has re-shaped the kinds of commitments that we can make to each other, we would have us think of this as a very dangerous strategy, a point with which we conclude this paper.

The Pitfalls of Economism

We would like to stress again here that rather than think of neoliberalism as inherently *bad*, we should think of it as *dangerous*. And so it is in this vein that we briefly make our last point. To the extent that scholars and researchers bring in economic concepts like human capital into their analyses, even if intended to further democratic goals, such as supporting affirmative action or other practices for remedying racial inequality, they inadvertently “put us in danger,” if you will. Economic logic is dominated by neoliberalism, which has, paradoxically, denied the idea that there is a difference between economic logic and something else. So economic theories, given how powerful economic discourse is in shaping reality in Western cultures, should not be allowed to become so easily translatable into other fields, for with such translation comes with political effects (see Korvitz & Korvitz, 1999). To the extent that scholars and practitioners in education fail to see these effects in, say, their explicit incorporations of things such as human capital in their analyses (Perna, 2004), or by referencing those who do (Coleman, 1988), they may become complicit in a radical transformation of the rationalities for governing, which may do little to further social equity. For human capital is a technology of neoliberal projects, and while neoliberal projects can further individual mobility, as we saw in the case of affirmative action, they are not directed toward social goals because neoliberalism denies a difference between the individual and the social. All that concerns these projects is the kind of freedom that is thinkable within economic rationality, and such a narrow logic only limits democratic possibilities, not furthers them.

So, as we hoped we illustrated with the case of affirmative action, the easy conversion of moral concepts into economic ones, such as human capital, come with potential consequences. For one, economic discourse reduces everything to quantifiable simplicities (e.g., “race” becomes simply another quantifiable measure of an educational outcome). More important, the theories of human capital promoted by neoliberal projects are more than just theories; they have practical effects in social life, which is now rapidly understanding itself as the actions of rational, economically-minded, self-responsible individuals seeking to maximize their investments. Since individuals will have to care for themselves, their social and political commitments will reflect this need to “invest” in themselves (e.g., they will engage with others different from themselves only if they see those others are furthering their economic interests). This logic thus has serious consequences for social and political life, in which altruism, commitments, relationships—everything—will make no sense outside of an overriding economic rationality. The idea of human capital, then, makes neoclassical economists of all of us, economists who will not be able to understand that there may be social domains which cannot—and should not—be reduced to economic logic. Our definitions of ourselves—of our humanity, itself—is the stake in this discourse of human capital, and so we might want to be leery of bringing it so blindly, so uncritically into the educational realm.

Thus, with regard to higher education, one must ask how ostensibly liberating practices become aligned with neoliberal objectives, and what the consequences of that alignment entail. With regard to the practices associated with diversity, such as affirmative action, we might look into how they become aligned with neoliberal strategies of citizenship (e.g., how do we link diversity to the economy?). For such strategies will direct themselves to the relationships students form with each other, their motivations for attending colleges and universities, as well as their aspirations for their futures.

We believe that neoliberal projects seek to create particularly narrow economic visions of what counts as valuable citizenship, but we also think these practices can be countered, and indeed,

they already are being countered. Students do seek to initiate other ways of governing themselves, and while some of these ways may be problematic to us, leading us to counter them in turn (e.g., such as student movements toward religious fundamentalism), we must see them as ways in which students seek to counter the rationalities being enacted on them from above. Diversity projects also can offer students new ways of thinking about citizenship, or to question existing ones, and to see where the students take that. But, all our practices, even the so-called empowering ones, are also governing ones, and so we share with Nikolas Rose (1999) a “profound unease about the values that pervade our times...and a suspicious attention to the multitude of petty humiliations and degradations carried out in the name of our best interest” (p. 60). So, the point of our critique is not to ask us to put ourselves in the service of those who purport to govern better, but to offer resources to those who have been constituted as subjects of government by others and who are entitled, following Rose, to “contest the practices that govern them in the name of their freedom” (p. 60).

To conclude this polemic, neoliberalism has not proven itself to permit the kind of self-reflection that comes with the intense self-criticism over the tensions that characterize liberalism. Yet, liberalism itself involves arts of governing, which seek to control how individuals conduct their lives and to ensure that there is no self-reflection about that. The difference between liberalism and neoliberalism, however, is that the former’s rationalities were always in conflict. Because of this, there always was a small space for imagining things differently, as Wendy Brown (2015) suggested. Neoliberalism seeks to dispense with all contradictions via an overriding economic rationality. To the extent neoliberalism reconstitutes social life as solely, and entirely economic, we lose our ability to reflect upon ourselves except with such logic—even when we are considering what had appeared to be deeply moral dilemmas, such as affirmative action. Rather than blindly bringing in economic concepts into our work, therefore, and rather than putting forth diversity projects premised on such logic, we must examine the productive functions of knowledge, the ways in which knowledge shapes perceptions of the world and individual subjectivities, as well as the ways that knowledge works to make certain things “thinkable and practicable” (Rose, 1999, p. xiii). We thus end with a call to have us imagine different ways of rationalizing social life, and, to begin, we should refuse the economic rationalizations of education that are so pervasive today, even though the imperatives of late capitalism appear to compel them.

References

- Apple, M. W. (2001). Comparing neoliberal projects and inequality in education. *Comparative Education, 37* (4), 406-423.
- Baez, B. (1999). The study of diversity: The “knowledge of difference” and the limits of science. *The Journal of Higher Education, 75*(3), 285-306.
- Becker, G. (1976). *The economic approach to human behavior*. Chicago: The University of Chicago Press.
- Becker, G. (1993). *Human capital: A theoretical and empirical analysis with special reference to education* (3rd ed.). Chicago: The University of Chicago Press.
- Bellah, R. N. (2000). The good society: We live through our institutions. In D. E. Eberly (Ed.), *The essential civil society reader: The classic essays* (pp. 69-93). Lanham: Rowman & Littlefield.
- Bowen, W. G. & Bok, D. (1998). *The shape of the river: Long-Term consequences of considering race in college and university admissions*. Princeton: Princeton University Press.

- Brief for American Council on Education and 52 Other Higher Education Organizations as Amici Curiae Supporting Respondents, *Grutter v. Bollinger*, 539 U.S. 306 (2003) (No. 02-241).
- Brief for American Federation of Labor & Congress of Industrial Organizations as Amicus Curiae Supporting Respondents, *Grutter v. Bollinger*, 539 U.S. 306 (2003) (No. 02-241).
- Brief (Initial) for Appellant-Petitioner, *Grutter v. Bollinger*, 539 U.S. 306 (2003) (No. 02-241).
- Brief for Exxon Mobil Corporation as Amicus Curiae Supporting Neither Party, *Grutter v. Bollinger*, 539 U.S. 306 (2003) (No. 02-241).
- Brief for General Motors Corporation as Amicus Curiae Supporting Respondents, *Grutter v. Bollinger*, 539 U.S. 306 (2003) (No. 02-241).
- Brief for Media Companies as Amici Curiae Supporting Respondents, *Grutter v. Bollinger*, 539 U.S. 306 (2003) (No. 02-241).
- Brief for 65 Leading American Businesses as Amici Curiae Supporting Respondents, *Grutter v. Bollinger*, 539 U.S. 306 (2003) (No. 02-241).
- Brown, W. (2015). *Undoing the demos: Neoliberalism's stealth revolution*. New York: Zone Books.
- Coleman, J. S. (1988). Social capital in the creation of human capital. *The American Journal of Sociology*, 94, S95-S120.
- Copley, S. & Sutherland, K. (Eds.). (1995). *Adam's Smith's the wealth of nations: New interdisciplinary essays*. United Kingdom: Manchester University Press.
- Cruikshank, B. (1999). *The will to empower: Democratic citizens and other subjects*. Ithaca: Cornell University Press.
- Crosby, F. J. & VanDeVeer, C. (Eds.). (2000). *Sex, race, & merit: Debating affirmative action in education and employment*. Ann Arbor: The University of Michigan Press.
- D'Souza, D. & Edley, C. (1996). Affirmative action debate: Should race-based affirmative action be abandoned as a national policy? *Albany Law Review*, 60, 425-464.
- Eden, J. M. & Ryan, J. P. (1999). Affirmative action: Contentious ideas and controversial practices. *Social Education*, 63(2), 110-115.
- Fisher v. University of Texas at Austin, 579 U.S. ____ (2016)
- Foucault, M. (1981). History of systems of thought, 1979. *Philosophy & Social Criticism*, 8(3), 349-359.
- Foucault, M. (2008). *Birth of biopolitics*. (G. Burchell, Trans). New York: Picador. (Original work published in 2004).
- Fried, C. (1999). Uneasy preferences: Affirmative action, in retrospect. *American Prospect*, 46, 50-56.
- Gordon, C. (1991). Governmental rationality: An introduction. In G. Burchell, C. Gordon, & P. Miller (Eds.), *The Foucault Effect: Studies in Governmentality* (pp. 1-51) (pp. 2-3). Chicago: The University of Chicago Press.
- Gratz v. Bollinger, 523 U.S. 244 (2003)
- Grutter v. Bollinger, 539 U.S. 306 (2003)
- Karabel, J. & Halsey, A. H. (1977). Introduction. In J. Karabel & A. H. Halsey (Eds.), *Power and ideology in education* (pp. 1- 85). United Kingdom: Oxford University Press
- Korvitz, A. & Korvitz, D. (1999). Symbolic economics: Adventures in the metaphorical marketplace. In M. Woodmansee & M. Osteen (Eds.), *The new economic criticism: Studies at the intersection of literature and economics* (pp. 408-419). London and New York: Routledge.
- Lemke, T. (2001). The birth of bio-politics': Michel Foucault's lecture at the coll ge de France on neo-liberal governmentality. *Economy and Society* 30 (2), 190-207.

- McLaren, P. (1999). Traumatizing capital: Oppositional pedagogies in the age of consent. In M. Castells, R. Flecha, P. Freire, H. A. Giroux., D. Macedo, & P. Willis, *Critical education in the new information age* (pp. 1-36). Lanham: Rowman & Littlefield.
- Perna, L. W. (2004). Understanding the decision to enroll in graduate school: Sex and racial/ethnic group differences. *Journal of Higher Education*, 75(5), 487-527.
- Rose, N. (1996). Governing “advanced” liberal democracies. In A. Barry, T. Osborne, & N. Rose (Eds.), *Foucault and political reason: Liberalism, neoliberalism and rationalities of government* (pp. 37-64). Chicago: The University of Chicago Press.
- Rose, N. (1999). *Powers of freedom: Reframing political thought*. United Kingdom: Cambridge University Press.
- Sandel, M. (Ed.), (1984). *Liberalism and its critics*. New York: New York University Press.
- Slaughter, S., & Rhoades, G. (2004). *Academic Capitalism and the New Economy: Markets, State, and Higher Education*. Baltimore, MD: The Johns Hopkins University Press.
- Spicker, P. (2000). *The welfare state: A general theory*. Thousand Oaks: Sage Publications.
- Stromquist, N. P. (2002). *Education in a Globalized World: The Connectivity of Economic Power, Technology, and Knowledge*. Lanham: Rowan & Littlefield.
- Wells, A. S., Slayton, J., & Scott, J. (2002). Defining democracy in the neoliberal age: Charter school reform and educational consumption. *American Educational Research Journal*, 39(2), 337-361.