An Affirmative View

For those of us who, prior to the Regents' resolution of 20 July 1995, did not believe that the University of California's commitment to affirmative action could be revoked, the current dismantling of affirmative action criteria in admissions policies has introduced epistemic crisis into the understanding of the University's political culture. When I came to the Berkeley campus of the University of California in 1993, it seemed to me that I was entering an academic culture schooled in the lessons of affirmative action and that the institution and the culture of affirmative action were indissociable from each other; in other words, it was impossible to think of Berkeley except as an academic culture formed in part through policies of affirmative action. The Regents' resolution inaugurated a sense of institutional dislocation, a sense of not knowing where I was, and a need to reclaim some sense of my political and cultural bearings.

As some of my minority undergraduates filed in to register their opinion on the matter of affirmative action, however, I realized that another discourse was filtered through this one, displacing the affirmative action debate onto one that concerns precisely the culture that they understand affirmative action to have produced, one based on the politics of identity and, in particular, practices of exclusionary identity politics. “Wait!” I wanted to yell, hoping still to separate the issues, but for some of these students, the issue had already congealed into the following form: only as freshmen, they told me, did students from various cultural and racial backgrounds hang out together in and out of class. But sometime during the sophomore year, the pressure to acquire and affiliate with an identity category became insurmountable. Sometimes this demand to affiliate took specifically political forms, but for the most part it was exercised in less overt ways. One student suggested that the campus culture produced the situation in which ethnic identities became mandatory. What disoriented me most was that these were students who were fans of Jesse Jackson, positioned at the left margin of liberalism—or even to the left of liberalism—and who sought a different sense of multicultural community than the one they saw encoded in, and produced by, affirmative action policy. The kind of multiculturalism to which they aspired would not be reducible to the stringing together of various forms of separatist identity politics.

How is it that affirmative action became, for these students, identified with exclusionary identity positions? And is there a way of reading their response that gives some insight into the cultural disposition of the Regents and their supporters? The students' reasoning seems to go like this: affirmative action appears to
be a way of *marking* students by “race, religion, sex, color, ethnicity, or national origin.” By marking them in this way, students are reduced to the mark, and the mark comes to stand for the reason they are at Berkeley, producing, as it were, a self-conscious class of tokens. Some students complain about being imprisoned by this mark, resenting the reduction it signifies, and others take it on as a sign of pride and accomplishment that enhances the cultural visibility of minority communities on the campus, in extracurricular as well as curricular activities.

The student discussion that came to my attention was not about whether affirmative action remains necessary, whether it is yet to accomplish the goal of realizing substantial equality through admissions procedures, or whether it helps to produce a community of faculty and students who represent the diversity of the population at large. Indeed, this discussion was not about affirmative action at all. Rather, it seemed that the debate centered on the way that policy has been culturally articulated, the way it tacitly structures the ways in which identities are formed, recognized, legitimated, and delegitimated within the academic community.

Whether affirmative action remains necessary and how it has been articulated are, I believe, two separate and separable issues, and their contemporary conflation is responsible for some of the confusion that is propagated under the rubric of “affirmative action debates.” Some critics of the culture of identity politics have, rightly or wrongly, attributed responsibility for their present quandaries to the indirect consequences of affirmative action policies. But is it clear that the policy has produced a culture of exclusionary identity politics? Has the policy, perhaps, come to stand for such a culture, one that has its roots in a more complex genealogy?

I am not certain how best to answer this question, but I do think that some common presumptions about how identity categories work condition the debates on both sets of issues, and that a critical examination of those presumptions is necessary to come to grips with the political aims at work in the overall debate. A reading of the Regents’ proposal suggests that affirmative action has become an occasion to question the relation between minority status and the question of identity, and the relevance of each of these terms to the determination of merit and achievement. The policy is held responsible for producing and sustaining racial, ethnic, and sexual divisions, rather than a possible remedy for the differential access that minorities and women have had to the resources of the University of California. The policy’s language mandates that certain categories not be used as criteria for admission or “admissions in exception,” thus targeting any reference to such categories and also implying that any such reference amounts to the practice of exceptionalism. The proposal not only prohibits reference to such categories but also actively imagines a set of deliberations in which such categories would no longer be critical in any way. The policy imagines the obliteration of such categories in the thinking of admissibility, and so bids admissions
committees to begin to imagine the community of students as no longer marked by such categories.

In the argument that some of my students offer, affirmative action has effectively produced a culture in which the identities of students are *totalized* by their minority status. According to the presumption at work in the Regents’ resolution, there is no room for reference to any of these categories as criteria in admissions. What does the very reference admit into the process of admissions that threatens the fairness of the deliberation? Why is it that these categories are now to become so thoroughly unmentionable? If they are mentioned, does this not mean that they become, for that reason, the supervenient factor at work in any deliberation? If they are mentioned, indeed, if they become mentionable, do they immediately threaten to overwhelm all other considerations? To deem the categories unmentionable in the discussion of criteria, as the policy does, is to assume that their mentionability contaminates legitimate criteria. If the categories become mentionable, will they operate unilaterally and as sufficient grounds not only to determine why a given student is admitted, but to constitute as well the continuing condition of eligibility and legitimacy of the student in the view of the University and its culture? The proposed obliteration of the categories is offered as a way to remove the stigma of minority status and to take away a set of blinders in the admissions process, permitting, ostensibly, an illumination of the “merit” and “achievement” of the student under consideration.

The Regents’ presumption about how affirmative action works, however, is that the student, admitted through reference to such categories, becomes nothing other than the mark of his or her minority status or, at least, acquires his or her legitimacy as a student through recourse to such categories. The policy to revoke affirmative action guidelines thus emerges as a liberation from this stigma, opposing the reduction of the person to his or her minority status, where that minority status is taken to be the primary legitimating ground for admission to the University. The student is thus ostensibly illuminated as a person with variable merits, none of which are to be interpreted in light of his or her minority status, cultural or national background, sex, color, religion, ethnicity, or race.

A number of uncritically accepted presumptions are at work in the argument whose schematic form I have provided above. First, why is it that reference to such categories in the deliberation on admissibility is taken to be a *reduction* of the student under consideration to the mark of his or her minority status? To make reference to such categories may be one way of establishing the necessary background for an understanding of what the candidate has accomplished. Such a reference helps to contextualize the constraints and opportunities that have formed a student’s learning environment, operating to delimit not merely the “cultural trappings” that the candidate may or may not have had to overcome (a view that continues to see minority status exclusively as a liability to be overcome, an injury requiring compensation) but also the cultural contribution the candidate

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stands to make to the community at large. To acknowledge the ways in which a minority status works to frame such issues is not the same as reducing the candidate in question to his or her minority marking. If “minority status” is considered as a mark, a factor, an attribute, a static quality of a person, then the categories do work to reify a set of social dynamics and historical formations, relevant contexts, not only reducing, say, the category of race to the status of an attribute, but also leaving the way open for the reduction of the individual to his or her minority status.

Although one might argue that such a category forms but one factor among many, it would be better to cease thinking of such a status as a “factor” altogether. Minority status is better understood as a framework for the interpretation and determination of what constitutes achievement, a horizon within which the meaning of achievement can be understood or, for the first time, becomes understandable. Indeed, it very well may be that “achievement” and “merit” become illuminated—that is, rendered visible and interpretable—only within a framework that acknowledges the cultural specificity of the meanings of “accomplishment.” In this sense, the reference to minority status is not a blinder in the way of determining merit and achievement but, rather, an epistemic condition for the recognition of achievement and merit, indeed, for an understanding of the various forms that merit and achievement take.

To understand minority status this way, however, is to construe it neither as that which totalizes identity (whereby a person is nothing but this mark of minority status) nor as a totalization that must be overcome through a prohibition on any reference to it (the rendering unspeakable of such terms within the proposed scenario of admissions deliberations). Although the language of the “factor” implies that this status will be but one factor among others and, hence, only partially constitutive of the individual’s profile, the language nevertheless performs a totalization of the status, suggesting its containment and representability as a statistical unit or discrete attribute. As a “factor,” minority status is entered into the quantifiable language of the equation, and the qualitative dimension of minority status becomes eclipsed through that reduction. With that eclipse, minority status is no longer understood as a background, a framework of interpretation, but becomes reduced to a quantifiable item to be tallied along with others, although not one to be read or interpreted as part of the cultural fabric of a life. This “qualitative” dimension, the questions of interpretation that minority status poses to the deliberation process, is precisely what the language of ontology and quantification cannot capture. And this is where the positions for and against the totalizing views of identity fail to question the presumption of totalization—compounded by the operative presumption of quantification—that conditions them both.

In effect, my argument is that minority status ought to be construed neither as a quantifiable factor nor as that which must remain unspeakable within the

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admissions policy. The perspectives on a life that such categories permit are foreclosed both by their unmentionability and their calculability (indeed, both constitute forms erasing this epistemic perspective). What is most relevant about minority status for the determination of merit and achievement cannot be “calculated” according to a quantifiable method. The quantification of minorities not only abstracts from the qualitative considerations of background, history, environment, opportunity, and cultural forms of expression and ideals but also freezes the status of “minority” in an ahistorical vacuum, subjecting it to a logic of calculability that destroys the very referent it seeks to represent. Minority categories are neither partial nor exhaustive attributes of a person, and reference to such categories does not in itself furnish knowledge about what a person is and what it is a person has done or will do. As markers, they are points of departure for an interpretation, ways of locating accomplishment culturally, specifying the terms by which it can best be understood. When they are taken to represent the person, they work in the service ofmuting the vital question of how best to interpret this person’s efforts, according to what set of frameworks, through a preemptive ontological move: this is what this person is.

A further justification for the inclusion of reference to such categories in the interpretation of criteria has to do with the kind of academic community an admissions procedure seeks to produce. In contrast to a justification for affirmative action that claims that certain underrepresented groups require compensation for past discriminatory practices, the justification offered here insists that discrimination is to be opposed as part of any viable present and future educational practice. Discrimination does not take place only when it is consciously intended; discrimination is aided and abetted when admissions procedures fail to take account of the importance of cultural, sexual, and racial diversity in the building of academic community, the democratization of the University, and the enhancement of intellectual exchange and the production of knowledge. Here the question is not how best to compensate for past wrongs. Rather, the questions are how best to build the kind of academic community that reflects the diversity of the community that the University seeks to represent, a diversity that gives concrete cultural meaning to the ideals of democracy that the University seeks to embody and to foster; how best to produce the University as a public site of cultural exchange, one in which the practice of equality is brought to bear on intellectual work, not only in terms of representing the kinds of people who have traditionally been excluded from such work, but also in accepting the challenge to revise traditional assumptions about how knowledge is circulated, produced, and received when it is practiced by communities no longer formed through discriminatory practice. This is, in my opinion, an affirmative view of affirmative action.

This affirmative view, however, seems nowhere in sight in the Regents’ deliberations or in the policy resolution passed in July of 1995. It seems clear that the justification of affirmative action that the Regents oppose is one that is based on
the demand for remedy and compensation; other kinds of justification are not considered. The notion that a group has suffered historically and therefore deserves admission as a way of compensating for past discrimination is but one way of arguing in favor of affirmative action. If discrimination persists as a present fact, is it necessary to construe affirmative action as compensation for past wrongs? That approach is clearly open to all kinds of questions. Alternatively, affirmative action might be based on the principle that a full and adequate description of merit and achievement is often not possible without recourse to the minority status of the candidate, and that minority status does not provide the legitimating ground for eligibility for admission, even though its consideration may be essential for the determination of eligibility.

Oddly, the Regents appear to be ambivalently committed to the remedy-based justification of affirmative action. This seems clear from a reading of section four, a part of the resolution that sets out what kinds of adverse social circumstances might well be rectified through special considerations, one that replaces considerations of minority status with considerations of economic disadvantage and “unwholesome” family and neighborhood environments. Here it is clear that the Regents do consider remedial actions as the proper business of admissions. The Regents explicitly approve the admissibility of some considerations of environmental constraints in the determination of a candidate’s eligibility for admission, but only on the condition that the candidate has evinced the moral courage or “character” necessary to overcome such hindrances. There they remark that “consideration shall be given to individuals who, despite having suffered disadvantage economically or in terms of their social environment (such as an abusive or otherwise dysfunctional home or a neighborhood of unwholesome or antisocial influences), have nevertheless demonstrated sufficient character and determination in overcoming obstacles to warrant confidence that the applicant can pursue a course of study to successful completion, provided that any student admitted under this section must be academically eligible for admission.”

Contrary to what one might expect, the resolution does accept the notion that reference to nonacademic factors, such as adverse circumstances, might very well come into consideration in determining the eligibility of a given applicant. Where one might expect a rigorous distinction between academic and nonacademic criteria, the Regents offer instead a preferred and acceptable list of nonacademic considerations in admissions: economic disadvantage (a category that resonates with “class” but is also clearly distinguished from it, characterizing contingent and local economic environments and, hence, having none of the systemic or institutionalized status usually associated with class) and abusive and dysfunctional families and neighborhoods. In both sets of criteria, the problem of discrimination is localized, apparently stripped of its racial, ethnic, and sexual dimensions and of any reference to the broader national context of its operation or the systemic ways by which it proceeds.
In a ghostly yet telling way, the very rhetoric of the section mimes one conventional form that the rationale for affirmative action takes. The section isolates a set of suffering applicants, but it also provides a moral and pedagogical imperative as well: only those who overcome their social suffering through manifest heroism ought to be rewarded for their efforts. The unstated text appears to be that, under the former policy, those who failed to overcome their social suffering through manifest heroism were improperly rewarded by the University, gaining admission for no other reason than that their minority status was construed as an adverse circumstance. In section four, what contributes to the determination of a candidate’s eligibility is not merely that a student has suffered in a dysfunctional family or antisocial environment (left unexplained, but presumed, in this formulation) but that a student has evinced evidence of moral “character” and the capacity to “overcome obstacles” as well. The Regents thus seek to reward the efforts of those candidates who show evidence of such moral characteristics, suggesting that the candidate will show similar fortitude in overcoming whatever obstacles stand in the way of completing a course of study. After having established this capacity to overcome obstacles to the task of completing an education, the section ends by taking distance from the connection it has just established, noting that these are not “academic” criteria, but that they may be justifiably added to a consideration of academic criteria in the determination of eligibility.

The rhetorical recirculation of a rationale for affirmative action in this section is an effort both to defeat affirmative action and to rewrite the social narrative of suffering and remedy that the Regents understand to be supporting its claims. According to this logic, affirmative action rewards those who have suffered on the presumption that their minority status is both sign and proof of such suffering. The new policy, however, not only identifies a new class of sufferers (ones who, presumably, have not been recognized by affirmative action policy and, hence, have been the victims of affirmative action) but also offers a new set of moral criteria for the dispensation of “special consideration.” Significantly, whereas not all justifications for affirmative action require a commitment to “special consideration” (the term itself arises mainly in the context of antiaffirmative action rhetoric), the section described above does subscribe both to an account of social victimization localized within families and neighborhoods and to a characterological and moral solution to this narrative of suffering, rather than to a political, institutional, or social response. Greater, apparently, than any injustice caused by contemporary practices of discrimination are the kinds of sufferings that putatively follow from the erosion of the family’s moral health. In what that moral health consists remains unclear, but the elliptical reference to a putatively common understanding of what constitute “unwholesome” and “antisocial” influences nevertheless supports this rather consequential claim. The decline of “neighborhoods” appears to be, in part, an unavowed reference to who is moving in, who is moving out: in other words, to the racial composition of the area, and that phrase,
taken in tandem with the reference to “unwholesome” families, also sustains strong metonymic links to discourses on drugs, single and unmarried mothers, wayward fathers, lesbian and gay families, divorce, incest, and child abuse. In effect, the policy does not oppose a view of discrimination as victimization, but redescribes the field of relevant social injustice such that the “breakdown” of families and the “decline” of neighborhoods are what truly victimize promising young students. Evidence of having come to terms with these forms of adversity is worthy of special consideration in admissions in a way that references to discriminatory practices linked to sex (pointedly not “gender”) or minority status are not. Certain forms of narratively established victimization are admissible into the consideration of eligibility, but they will be ones that make no explicit mention of race, sex, ethnicity, national origin; they will be ones that relocate the social causes of suffering in economic disadvantage, the family, and the neighborhood, each of which might be understood to euphemize issues of class, sexuality, gender, and race. In other words, the policy prohibits the mentionability of such categories, but the categories it does mention—neighborhood and family—are dense sites for the displacement of racial anxiety and sexual fears attending to the erosion of sexually normative kinship arrangements. Thus the policy prohibits the mentioning of such categories, but their unmentionability structures the categories that now become mentionable and mandatory: the categories that are authorized and require mention for special consideration in admissions are precisely those that mention—and consolidate—problematic notions of race and sex precisely without mentioning them.

The analysis of the institutional operation of discrimination that once supported the rationale for affirmative action is countered with a morally sanctified individualism. This anti-institutional politics mirrors the contemporary turn against welfare in favor of workfare, the “Newt effect” in academe. The drama of the heroic individual is reaffirmed as the proper replacement for affirmative action policies, where the latter are understood as remedial actions. The institution is under no obligation to give special consideration to those who have suffered discrimination; on the contrary, the institution will now reward those who have overcome their adverse circumstances with the resources of individual “character.” Thus, the institution seeks to reward those who expect no compensation from the institution for their suffering. The institution, under the guise of applauding the individual character and fortitude required to overcome adversity without institutional assistance, thus extends its institutional power (and paternalism) by offering that very reward. The institution thus signals that those who will receive special consideration will be those who describe their suffering as the result of economic disadvantage, unwholesome family, and declining neighborhoods, thus recirculating the tropes that within public discourse define racial and sexual normativity, but doing so in a way that never explicitly mentions those terms. What will warrant special consideration are those narratives that follow the sequence
in which victimization at the hands of local environments is overcome through individual moral tenacity. In many ways, this is a battle over which discourse of recent history will prevail: those who agree to restrict the political account of their suffering to economic, familial, and neighborhood reasons; who make no reference to minority status; and who produce a story of individual overcoming—rather than one of institutional or political transformation—will provide the new historiographical norm for those whose narratives warrant institutional compassion.

One may well speculate that section four will produce a stream of confessional admissions statements from savvy high school seniors, regaling the committee with stories of family abuse and heroic survival. The Regents not only make clear which narratives will “sell” but also mandate a certain production of individual autobiography in ways that localize every victimization and individualize every solution. Has this kind of narrative taken the place of the discourse of discrimination, or does the narrative of abuse, victimization, and individual solutions constitute the contemporary devolution of antidiscrimination discourse (mirroring the turn to “self-esteem” and abuse narrative that predominates within certain circles of diluted political leftism)? Has the account of discrimination become reduced to an account of abuse that is construed as the consequence of racially inflected and sexually nonnormative notions of family and neighborhood? To what extent has an institutional analysis of the differential effects of discrimination against women and minorities become less compelling than an account of victimization that indirectly targets racial and sexual minorities, as well as women, for the apparently “unwholesome” state of domestic life?

It is unclear to me whether this shift is a displacement of a discourse on discrimination by an abuse narrative populated with victims of bad families and heroic individual survivors, or whether there is some eerie way that abuse narratives are the individualist cooptation and domestication of the narrative of discrimination, narratives that have emerged from antidiscrimination efforts and that now work powerfully to thwart their progress.

The lapses in the language of the policy present, however, some ambiguity that might be exploited in further clarifications: “The University of California shall not use race, religion, sex, color, ethnicity, or national origin as criteria for admission to the University or to any program of study.” If the policy simply means that none of these categories will suffice as exclusive criteria, then the problem would not be insurmountable. But the language does not restrict the scope of its applicability in that way. If such categories are not to be used as criteria, then it still remains an open question whether an affirmative action policy might not be developed in which such categories work as points of departure for the determination and interpretation of criteria but are not, strictly speaking, criteria in themselves. Moreover, if part of the mission of the University is to offer a non-discriminatory environment, to enhance the diversity of its faculty and student
body, to give cultural meaning to democratic ideals, and to continue the dynamic relation between the University and the communities that it serves, then what a candidate for admission has to contribute to the realization of that mission simply could not be assessed without reference to those distinguishing circumstances. Such a reference need not operate as a criterion in a narrow sense, but could very well operate to enable an interpretation that establishes the likelihood of such a contribution.

If, as seems clear, minority categories are historically formed and continuously in the process of historical formation, then there is no easy recourse to such categories as fixed points of descriptive reference. When we ontologize such categories, we cease to understand them historically and substitute a language of “what one is” for a more complex account of the nexus of cultural location, differential access, social legacy, and community norms that come to form that person’s situation and the cultural framework for his or her education. Strictly speaking, we make a mistake if we think that in referring to someone’s minority status that we describe a person through that reference; at best, the mark of identity works as an abbreviation for a more complex description; we forget the substitution of identity for description when we act as if the reference to identity is itself descriptive. In referring to a minority status within the process of admissions, we mark one point of departure for a relevant description of that person. The relevance of that description depends on a culturally and historically nuanced understanding of the cultural background within which a better illumination of merit and achievement becomes possible. And this understanding is achieved by educators precisely through a cultural engagement with the kinds of issues explored in the kind of scholarship pursued in the various fields of minority studies on Berkeley’s campus. Indeed, the future for affirmative action may reside precisely in learning how best to bring to bear on admissions practices the complex and compelling academic work on racial formation; gender construction; and the production and transformation of religious, ethnic, and class categories that happens few places with greater distinction than at Berkeley.