

## The Ethics of “Affirmative Action Pedagogy”

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Central to the argument of Megan Boler’s powerful, provocative and stimulating essay is its call for an historicized ethics which “recognizes the need to develop ethical principles that take into account that all persons do not have equal protection under the law nor equal access to its resources.” For it is, in Stanley Fish’s words, “The sleight-of-hand logic that first abstracts events from history and then assesses them from behind a veil of willed ignorance” that bolsters anti-affirmative action arguments and legitimizes the perpetuation of institutional inequalities.<sup>1</sup> The pedagogical practices to which historicized ethical principles ought to give rise, Boler argues, are practices of affirmative action applied to classroom speech. Affirmative action pedagogy, she writes, “ensures critical analysis within higher education classrooms of any expression of racism, homophobia, anti-Semitism or sexism,” which she further characterizes as “ignorant expressions rooted in privilege.”

“An affirmative action pedagogy,” Boler explains, “seeks to ensure that we bear witness to marginalized voices in our classrooms....No utterance that assumes the inferiority of targeted groups is sacred or immune to interrogation.” But what is meant by “voices” here, and is it the *substance* of what is spoken, or the *identity of the speaker* that constitutes the basis of differentiated rights to speak? “Voices” is a term that spans these two very different things: indeed a minority student can speak with a racist voice, and the paradigmatic straight white male can voice principles and practices of equity and social justice. Neither has a monopoly on ignorance, a point I will return to.

Whether restricting rights to speak is the way to secure freedom to speak is of course the trickiest question here. Especially if we believe, as the American Civil Liberties Union does, that bigoted speech is only a symptom of a far greater social and cultural problem, which is bigotry itself. The discourse of “political correctness” is spoken invariably by those for it is a merely troublesome inconvenience which, nevertheless, is fairly easily dealt with — for example, the student overheard to say to a peer “I wrote the political correctness section and I guess I will put it in at the end.” We all know we can regulate our speech, but changing our attitudes and actions is another matter altogether. And practices of politeness, whether merely social, or whether indeed enshrined in policy, surely do not amount to the virtues that we as educators might wish were their actual motivation.

Bernard Williams develops an argument with respect to tolerance that is worth considering in the present context: One possible basis for an attitude of tolerance, “but only one,” Williams stresses, “is a virtue of tolerance which emphasizes the moral good involved in putting up with beliefs one finds offensive...[but] it is a serious mistake to think that this virtue is the only, or perhaps the most important, attitude on which to ground practices of toleration.”<sup>2</sup> Tolerance as a practice, Williams points out, may most often be grounded in moral indifference, and so, I

suggest, might practices of affirmative action in the classroom. So one line of questioning to pursue here is whether Boler's essay is proposing an entirely political solution to a largely educational problem. This is not to deny significance to the convergence of the two domains, but nevertheless to insist on significant areas of distinctiveness between education and politics to which educational philosophers need to attend.

Of particular historical interest here is how the progressive left has altered its relation to the issue of freedom of speech. Just a few decades ago, the struggle was for, as Michel de Certeau puts it, the "Capture of Speech," the right to freedom of expression.<sup>3</sup> In more recent years, however, we have seen the progressive left turn increasingly to *restrictions* on speech rights. Why have we found free speech so unruly? And how does our conception of violence alter when we shift critical attention from state violence to the violence of citizens towards minority group members, and presume the state to be its neutral arbiter?

Arguing a position in many ways diametrically opposed to the arguments of Boler's essay, de Certeau contends that

Relations among groups are conflictual by nature. It is thus impossible to subscribe to the idealistic views that assume that conflicts can be resolved by means of a mutual 'understanding' or merely by a technical improvement in pedagogical methods. In fact, technical improvement conceals the power that one group exerts over others by defining in its own terms the protocols of the encounter.<sup>4</sup>

De Certeau calls this strategy an "ethnicization of political problems," and calls for an explicitly political clarification and expression which is not constrained by, in his words again, the "obsession with unity," and he urges, in the context of courses on civic morality within a "school for diversity," action and reflection to counteract this "ethnicization of politics."<sup>5</sup>

The resourcefulness of the minority speaker confronted by the apparatuses of power within which one must simultaneously speak against that power, I suggest, is not better served by one particular form of speech over another, and above all is diminished and not elevated by special rights to speak granted by those same apparatuses.

Writing here on the politics of speech specifically from the standpoint of the revolt of workers and students in France in May and June of 1968, de Certeau stresses the significance of what he terms "the capture of speech." The very idea of a "capture" of speech seems to me to be significant. Speech was not granted; it was, indeed, captured. Much was risked, struggles ensued — in the streets and universities, to be sure, but also within individuals, in families, between friends, within communities. Speech was not given, it was taken, and this I think, is significant. So long as power and participation are granted to its traditional outsiders by those who own the keys to the institution, the risk is that, in de Certeau's words, "the dominant group would be given the dominant role as the essential actor in history" (an actor who becomes, de Certeau adds, "an evil agent if it cannot be a benevolent hero)."<sup>6</sup> So seen, even this right to speak is granted under the sign of passivity.

Here again it becomes important to question: does this pedagogy accord rights to speak on the basis of what is said, or on the basis of who says it, on the basis, that is, of identity? Because, of course, identities are more often hybrid than pure. More importantly, identities which are ascribed rather than asserted work, again, to position the subject under the sign of passivity — the teacher, but not I myself, knows who and what I am. I am troubled, too, with an apparent lapse of historical memory in sentences like "the uniqueness of classrooms is that, ideally, they provide a public space in which marginalized and silenced voices can respond to ignorant expressions." Ideally, they do, which is part of the problem with philosophical analysis which forgets its history. How can we forget that the uniqueness of classrooms, historically, is that they have effectively accomplished and authorized social relations of hierarchy and subordination, that they have provided a public space for the exercise of power and the legitimizing of racism and oppression? And it is in these very same spaces that we will now conduct education as a practice of freedom? How can this happen? By means of what tools can so radical a structural reorganization be accomplished?

When Boler characterizes the to-be-prohibited forms of speech as those which "are supported by dominant cultural values institutionalized and validated through social, legal, and political practices" does she forget that education is precisely one such institution? Why place into the mouths of students, institutionally supported racism, sexism, homophobia, and so on, as if these were their originary words, rather than being ventriloquations by subordinated subjects of the school's, and later the university's epistemological and ethical "canon," its "official knowledge." If our students were the source of such ignorance and hostility, rather than merely the enunciators of what schools and universities have taught them, we might hope to deploy schools and universities as gatekeepers in practices of their eradication — but if students are merely the mouthpieces for the official discourse which protects and preserves a political condition of radical social inequality, do we not, as Judith Butler warns, unwittingly suspend critical insight into state power and state violence when we displace power and violence onto individual citizens of whose rights to speak the state is thereby constituted as neutral arbiter?<sup>7</sup>

If we are presupposing in such an argument that teachers are willing and able to transform pedagogy by means of critical dialogue, why do we do so? What theory of change is at work here?

#### THE TALKING CURE

It is at this point many educational theorists turn to the pre-eminent toolset of subject formation, the practice of speech, and to the particular form of speech privileged by educators since Socrates (and no less spurious today than in his time), that distinctive set of deceptions and deformations we like to call "dialogues." Why has such passionate effort been devoted to defending the sanctity of the dialogue as the educative method of choice? I suggest that dialogue does not in fact have the effect it is presumed to have, and at the level of its theoretical conceptualization, I think we have to ask why so many have made impassioned arguments for it. Recall here Michel Foucault's extensive critical interrogations of the obligation to speak,

the institutionalizing of the practice of confession, and, of particular importance for educators its normalizing, in his words, “disciplinary” function.<sup>8</sup>

Indeed Boler’s first paragraph announces this: “our social and political culture predetermines certain voices and articulations as unrecognizable, illegitimate, unspeakable.” Ironic indeed, then, that the argument which follows this acknowledgement of historically pre-structured inequalities of speaking is an argument for the special protection of rights to speak. What kind of right is this right to deliver unrecognizable utterances always already illegitimately spoken by unspeakable subjects — and how can it be enforced and defended?

More important for my purposes is the presupposition so often made with respect to the talking cure — the insistence that hearing silenced voices, by which of course we mean people talking — fixes everything. I am not even sure whether talking fixes anything — but certainly I do not think talking fixes social injustice even within the microcosm of the classroom, let alone that it fixes what is at root a political-administrative and not either an ethical or educational problem. In fact, as Butler again has argued, prohibiting hostile speech cannot be done except by reciting it, and in that re-citation, the possibility of repeating its harms is ever-present.

One right which educators ought not to defend is the right to be ignorant and the right to speak ignorantly. This is not specific to any particular community or type of student or type of speech. If educators refused that right of ignorance to their students, would not pretty much all the kinds of speech that Boler’s essay seeks to prohibit by resorting to speech codes be dealt with? What kinds of undesirable speaking would be left over?

Teaching often will involve the temporary, tactical, and selective suppression and privileging of what students might wish to say. But in the end, educating is the job of the educator, and what gets said in the classroom may be more important than whether or not it is the students themselves who say it.

While the First Amendment prohibits the making of *laws* restricting freedom of speech, and that does make any attempt to violate freedom of speech a risky business, nothing constitutionally requires educators to afford full rights to speak to all students at all times, and indeed they have never done so. What I fear we see here is not the courageous educator seeking equity and social justice even at the risk of breaking the law, but, sadly and pathetically enough, the too-frequent timidity of educators who clutch at the First Amendment as a justification for *not* doing what they ought to do, and saying what they ought to say, even though their freedom of speech is protected.

Instead of criticizing ethically impoverished practice, shall we say to teachers “You will be entitled to silence students who oppose you. If you feel intimidated about affirming equity and inclusion, we will create a team of allies who will speak on your behalf. If you feel too exposed, you need not risk disclosure of your own otherness, we will find a majority speaker whose voice secures for you protective coloration. You can be a coward, weak, closeted, and we will make it possible for you to be an activist for social justice.” Meanwhile, what work are we doing to afford

protection to those far less powerful Others whom we would encourage to speak their difference, by a temporary and artificially enclosed silencing of otherwise dominant peers?

The truth is, whatever arguments we can marshal, teachers and especially women and minority teachers, are rarely able in reality to silence speech both hostile and ignorant, when spoken by dominant "voices." Given our inability to create adequately protected discursive environments, why is so much attention paid to protecting the educator from the dangers of practicing equity and inclusion, and why is so little attention paid to making practices of equity and inclusion less dangerous for students of a different "voice?" For it is not at all clear to me that protecting the first secures the last.

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1. Stanley Fish, "Reverse Racism, or How the Pot Got to Call the Kettle Black," [www.Theatlantic.com/politics/race/fish.htm](http://www.Theatlantic.com/politics/race/fish.htm)

2. Bernard Williams, "Toleration: An Impossible Virtue?" in *Toleration: An Elusive Virtue*, ed. David Heyde (Princeton, NJ: Princeton University Press, 1996), 19.

3. Michel de Certeau, *The Capture of Speech* (Minneapolis: Minnesota University Press, 1998).

4. *Ibid.*, 161.

5. *Ibid.*, 167.

6. *Ibid.*

7. Judith Butler, *Excitable Speech: A Politics of the Performative* (New York: Routledge, 1997).

8. Michel Foucault, *The History of Sexuality* (Newbury Park: Vintage Books, 1990).