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DISENTANGLING DIVERSITY'S WEB OF AMBIGUITY
AND CONFLICTS: A BEGINNING

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COMMENTARY OFFERED ON THE CSHE ROPS[**]
Is the University of California Drifting Toward Conformism?
The Challenges of Representation and the Climate for Academic Freedom
by Steven Brint and Komi Frey – ROPS CSHE.5.2023

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Steven Brint and Komi Frey argue that there is a conflict between the University of California's commitment to academic freedom and the culture of rationalism and the University's civic mission. Their major concerns are the diversity, equity, and inclusion (DEI) policies that are likely to proliferate in the UC system from the experimental hiring process described in the Executive Summary of the "Status Report of the Advancing Faculty Diversity Program" (AFD).[1]

The Report
The stated overall goal of the AFD program, "is to identify best practices in both faculty recruitment and improving climate and faculty retention that could be scalable beyond the immediate unit or campus where these practices were initiated. An additional goal of the program is to create a systemwide community of practice in which campus Principal Investigators (PIs) are able to connect and engage with one another on their individual project work, create synergies in the work, and facilitate opportunities for learning and sharing ideas."

In the section toward the end of the Status Report (p. 2) it states, the "Key to achieving the overall goal is "utilizing innovative practices in recruitment such as the use of candidate statements on diversity, equity, and inclusion in the first round of application review; utilizing evaluation rubrics that enable more equitable assessment of candidates' experience and expertise; and recruiting from the pool of current and former postdoctoral fellows in the President's Postdoctoral Fellowship Program (PPFP) and Chancellors' fellowship Programs (p. 1)."

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[**] The author was invited by the ROPS Editor to critique and review the ROPS contribution "Is the University of California Drifting Toward Conformism?" by Steven Brint and Komi Frey. Authors are responsible for the content, and the views and interpretations expressed are not necessarily those of CSHE's research staff and other affiliated researchers.
[1] Office of the President of the University of California (2022) *Status Report on the Advancing Faculty Diversity Program,* https://regents.universityofcalifornia.edu/regmeet/may22/a3.pdf

In the final section, "Looking to the Future," the Report provides the rationale for the future to be "Transforming the University's professoriate [as a] central element of the plan and the ADF program can make strong contributions to achieving those goals. Critical to achieving the UC 2030 goals is a culturally competent and diverse faculty that can leverage 21st century technology to improve learning outcomes and attract and retain students from underrepresented groups (20)." The expectation is that through increased representation of underrepresented faculty, transformative change will begin.

How we got here: the evolution of DEI and the ambiguity of diversity
Brint and Frey in the section "Distributional Disparities and Demands for Change" provide an overview of UCs efforts to diversify the student body and faculty over the past 50 years. They point out and provide data supporting that the initiatives "proved insufficient to change the composition of the student body or the faculty, especially at the flagship campuses at Berkeley and Los Angeles (5)." The Report details the current approach to change these numbers that Brint and Frey find antithetical to academic freedom, the culture of rationalism, and encouraging of conformism.

I contend that the majority of the conflicts arise in great part due to the good faith and sole emphasis on representation without sufficient attention to the implied and potentially transformational changes in bringing on board under-represented faculty. This is the elephant in the room. Diverse faculty and students bring diverse content; their presence often affects social and academic behavior on campus, classroom interactions; it can garner both support and resistance from students, faculty, staff, and administrators; it has curricular implications and implies different scholarly perspectives; it influences academic and student life and often means questioning campus traditions.

As Gloria Anzaldúa reminded us, once the borders of race, gender, sexual identity, religion, age, etc. are relaxed (we have not removed them completely, and their removal has continuously been highly contested in our national culture), the borderlands are full of conflict.[2]

Curriculum transformation projects (1970s to mid-90s) were robust forerunners to DEI, robust because faculty actually studied, discussed previously omitted material, and developed or enhanced syllabi. Funded mostly by the now defunct federal government's Fund for the Improvement of Secondary Education (FIPSE), the Ford Foundation, and NEH from the late 1970s into the mid-90s, these projects sought to go beyond representation to transformed scholarship.

For example, including women in history and literature syllabi: would timeline categories change, topics be nuanced or changed, interpretations of "traditional" texts be altered when juxtaposed to texts by women? Similar but fewer efforts to address curriculum and scholarship were begun by Black or African American studies, Asian American, Chicanx/Latinx, Native American studies, and multicultural course requirements were established in general education curricula.[3]

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[2] (1987)Anzaldúa, G. *Borderlands/La Frontera: The New Mestiza*. San Francisco: Spinsters/Aunt Lute Publishers.
[3] See (1985) Shuster and Van Dyne, eds. *Women's Place in the Academy, Transforming the Liberal Arts Curriculum*. Rowman and Allenheld; (1991) Butler and Walter, eds. *Transforming the Curriculum, Ethnic Studies and Women's Studies*. SUNY Press; and (2001) Butler, ed. *Color-line to Borderland, The Matrix of American Ethnic Studies*. University of Washington Press. *Color-line to Borderlands was funded by The Ford Foundation which supported gatherings of the leading ethnic studies scholars who contributed to the book.*

These projects came to an abrupt halt with early 1990s backlash from influential scholars and politicians.[4] In the mid-90s, the Ford Foundation, the leading funder, abandoned curriculum transformation for campus diversity initiatives and social justice. With emphases on campus climate, civic education, and representation, robust support for scholarly development of inclusive syllabi has all but disappeared.

In 1994, women's studies scholar Deborah Rosenfelt posed two fundamental questions that have yet to be answered: "What is the content of 'diversity'? To what extent and in what ways does the rhetoric of curricular change for greater diversity get translated into practice? (26-27)[5]

U.S. pluralism, multiculturalism, curriculum transformation, and diversity have been defined, interpreted, and used interchangeably depending upon the campus or scholars involved, so the content and practice of diversity has been varied and sometimes elusive. The greatest influence on confusion about the concept of diversity is Supreme Court Justice Lewis F. Powell's lone opinion in the 1979 *Bakke* case that advanced the term. Asad Rahim, assistant professor, UC Berkeley School of Law, in "Diversity to Deradicalize," analyzes Powell's archived history before Powell became a justice in 1972 and his *Bakke* opinion. His research clarifies that despite acted upon beliefs to the contrary, Powell's concept of diversity did not include race but rather intellectual diversity, and that he supported race-based affirmative action only for societal stability.[6]

As a Virginia school board official, Powell steadfastly opposed desegregation and the Civil Rights Movement, fearing they would destabilize society (p.1431). And, as one of the nation's premier lawyers, he traveled the country warning of race war, claiming that African Americans deserved nothing to mitigate past injustices (p. 1431). Later, he supported affirmative action to avoid disruption and riots on campuses and society. He thought that deeming affirmative action unconstitutional would lend credence to damning evidence that America was irredeemably racist and oppressive, proven by the absence of racial minorities in the most elite institutions (p. 1429).

Simultaneously, Powell's greatest fear was a communist takeover by the leftist Free-Speech and Anti-Vietnam movements and Black activists of the Civil Rights Movement. He was an ardent supporter and admirer of J. Edgar Hoover and his view that national security was under threat by "black extremists" inciting riots to foment revolution and communists infiltrating college student groups (p. 1461). In a memo to the education committee of the Chamber of Commerce, Powell laid out plans to combat on college campuses the "single most dynamic source" of the assault on capitalism.

Powell's memo details how business leaders should work with Boards of Trustees and institutional leadership for conservatives to "reclaim the intellectual heart of universities," arguing that "Once radical ideology was openly challenged on campuses, students would see the leftist ideas as hollow and embrace conservative values."(1473). Abandoning his prior perception of academic freedom as the mouthpiece of leftist professors, he proposed monitoring textbooks for anti-capitalist content and using academic

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[4] (2001) Takaki. "Multiculturalism: Meeting Ground or Battle Ground in Butler, ed. *Color-line to Borderlands,* 3-17. Influential scholars like Arthur Schlesinger claimed attention to race and ethnicity would undermine *e pluribus unum*, as Allan Bloom's critique took hold, in addition to his claim that Blacks could not be digested in the melting pot; and as more embraced Pat Buchanan's call at the 1992 Republican National convention, referencing the Los Angeles riot, to "take back our cities, and take back our culture, and take back our country." It was clear that "our" was not inclusive of non-Whites.

[5] (1994) Rosenfelt, D.S.). "Definitive" Issues: Women's Studies, Multicultural Education, and Curriculum Transformation in Policy and Practice in the United States. *Women's Studies Quarterly*, 22 (3/4), 26-41. http://www.jstor.org/stable/40004253

[6] (2020) Rahim, A. "Diversity to Deradicalize." *California Law Review*. https://doi.org/10.15779/Z38NZ80Q8S

freedom and intellectual diversity to establish a forum of diverse ideas to facilitate the dominance of conservatives among students and faculty (p. 1473-1475).

The memo was leaked after his Supreme Court appointment and an unsuccessful backlash called for his removal. As Rahim demonstrates, "the idea that diversity could be a tool for deradicalization continued to inform his opinions on the court (p. 1476)."

Rahim provides a lengthy and detailed discussion of his archival research on Powell and *Bakke*. Powell "severed racial inclusion from the goal of remediation and the hope of equality." He also severed affirmative action from aspiring to racial equality. He supported racial diversity as contributing to intellectual diversity or pluralism of thought on campus (1483).

The national discussion changed from racial equality to diversity and representation as an institutional benefit. Perhaps sensing the ultimate demise of affirmative action, institutions began to focus on pedagogies, student life programs, and student success, and faculty hiring began to emphasize recruitment and retention, to the exclusion of curriculum transformation. DEI, as we know it was born.

Rosenfelt's unanswered question hovers over the resulting various interpretations of diversity in the larger population and in higher education: does it include race since Powell apparently supported affirmative action? Who is included? What does diversity in the classroom mean? Is anti-racist scholarship and pedagogy diversity? Does diversity only mean identity representation? Or does it prioritize intellectual diversity and robust discussion?

Powell removed race from diversity in *Bakke*, and in other instances removed race from affirmative action, substituting intellectual diversity, in effect making it difficult to claim the significance of race to anything. These and similarly variously answered questions I suggest are at the heart of conflicts about diversity's tangled web in institutions and across the nation.

Brent and Frey's discussion is indicative of the elephant in the room mentioned earlier, that diverse faculty and students bring more than their bodies to campus as they interact with the curricula, scholarship, and university structures. Diversity brings subject content to scholarship and the curriculum. In the following, I offer four observations.

First, is there a conflict between academic freedom and the culture of rationalism vs the civic mission of a university? As Henry Reichman argues:

> The claim that we must choose between academic freedom and diversity is false. Without academic freedom, diverse voices may be stifled. Yet at the same time, an institution that fails to recognize and address the needs and demands of previously underrepresented groups and individuals may maintain the forms but not the content of academic freedom. For academic freedom is not about the protection of individual privilege. As the 1940 statement declared, colleges and universities exist 'for the common good and not to further the interest of either the individual teacher of the institution as a whole. The common good depends upon the free search for truth and its free exposition.[7]

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[7] (2020) Reichman. "Academic Freedom and the Challenge of Diversity." *Liberal Education*. https://www.aacu.org/liberaleducation/articles/academic-freedom-and-the-challenge-of-diversity-upholding-two-core-values-essential-to-the-pursuit-of-the-common-good

Brint and Frey point out instances in which academic freedom has been denied and ask, "What are the criteria for determining that dialogue is civil versus discriminatory, intolerant, and hateful (6)." I agree that criteria need to be public to inspire trust, especially when the nuances of a specific case are addressed. They cite the Koala incident, in which the ACLU ultimately defeated UC San Diego's call for banning the paper from campus. This case presents an example of the conflicts among free speech, academic freedom and the significance of distress that can be traumatic on the targeted group.

Safe spaces are a response to bullying and hostile acts that are too often a part of both our larger and campus cultures. The Koala problem is similar to someone mocking lynching in our national media in the midst of the numerous shootings of unarmed Black men and women by police and 21st century White supremacy becoming prevalent in many states. *Question:* How do we reconcile free speech and/or academic freedom in the context of the common good? Is it possible, as James Baldwin posed to a class at Smith years ago, for my freedom to end where yours begins and vice versa?

If "professional expertise in teaching and research [that] provides the grounds for the protections afforded by academic freedom" as cited on page 2 in reference to the 1940 AAUP statement, then there should be attention to diversity content in the conduct of one or more of our teaching, mentoring, research, and service duties. Rather than political, this is a necessary component of advancing new knowledge, revised course content, as well as the changed composition of faculty and student bodies.

Too often scholarly disagreements, especially those regarding race, are left side-by-side with no discussion until years later, with credibility, given to both, and hypotheses built on both because of academic freedom. In a book review on the persistence of racist scholarship, an observation by distinguished historian Eric Foner also shows how academic freedom can foster serious inaccuracies:

> In the 1930s and 1940s, Columbia's anthropology department was home to Ruth Benedict, Margaret Mead, and Franz Boas, whose writings demolished the idea that races have inborn, permanently fixed capabilities. But next door, scholars in the history and political science departments continued to disseminate white-supremacist narratives.[8]

His final comment raises a huge problem for academic freedom today, as politicians mirror or expand upon tactics similar to Justice Powell's:

> Ideas have consequences. Neither the historical profession nor the publishing industry has fully acknowledged its decades-long complicity in disseminating the poisonous idea that Black Americans are unfit for participation in American democracy. Meanwhile, people are still teaching history, and many are teaching it well.

Question: What is the role of academic freedom in responding to incorrect or distorted content taught under the banner of academic freedom? Thus far, it seems we accept that it will all work out with the free flow of ideas. It doesn't, and Florida is an example of why.

Second, as to the conflict of the culture of rationalism with the civic, Brint and Frey describe the culture of rationalism as having an openness to engage with scholarly conversation within the context of the intellectual mission of the university (p. 12). Yet, they relegate critical race theory and intersectionality to activism in the civic realm tainted by postmodernism.

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[8] (2022) Foner. "The Complicity of Textbooks". New York Review of Books. The Complicity of the Textbooks | Eric Foner | The New York Review of Books (nybooks.com)

How much, for example, does Derrick Bell owe his conceptualization of the role of power to careful legal analysis of relationships between Blacks and the law? What about that was similar and dissimilar to postmodernism? The dismissal of postmodernism using the grad student argument, doesn't validate any serious inquiries about challenges to postmodernism for example, by ethnic studies scholars that has all but been ignored?[9]

Perhaps at the root of the perceived conflict is disagreement about what constitutes objectivity and "accurate reality" and the relationship between scholarship and activism. The Civil Rights and Black Power movements, both on and off campuses, inspired many scholarly pursuits and books and made possible African American studies departments, for example. Women's studies came about due to the pressures of the feminist movement.

Brint's and Frey's discussions of conflicts with the culture of rationalism require much more in depth analysis and discussion about areas of conceptual conflict. However, their over-riding concern appears to be the influence so-called activists have with UC administrators, influence they only anecdotally support. The discussions of postmodernism, the anti-racist movement, what they see as the "over-reach" of the concepts of systemic racism, and White supremacy, White fragility, individualism, etc., are not presented in ways that encourage dialogue, but rather in opposition to the concepts and scholars the authors view primarily as activists.

Reichman asserts that " Neither academic freedom nor a commitment to inclusion can be placed in a hierarchy of competing values. Both are core values because each is essential to the pursuit of the common good."[10]

Question: Topics raised about conflicts with the culture of rationalism warrant seminar discussion and scholarly papers about conceptual conflicts between the culture of rationalism and, for lack of a better word, diversity scholarship. Is it possible in university settings to view the values of academic freedom, inclusive scholarship, and civic values synergistically when examining points of intersection and conflict, generating new ideas and processes while illuminating pre-existing problems and ideas? Solely binary approaches will only produce more binary conflicts.

Third, it appears that the authors view DEI as driven by anti-racist activists, thereby presenting threats to "traditional academic values". Rather, I argue anti-racist scholarship and anti-Blackness scholarship by, for example, philosopher Lewis Gordon, work in the context of what the authors describe as traditional academic values (p. 14). Identifying anti-racist scholarship as antithetical to traditional academic values is a false dichotomy. Viewing this scholarship as instigating protests because it addresses some of the topics of protests is misguided. The author's assumption that DEI is so driven denies the scholarship in sociology and psychology that inform DEI.

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[9] See (1997) Mohanty, S. *Literary Theory and the Claims of History, Postmodernism, Objectivity, Multicultural Politics*. Cornell U Press; (2006) Alcoff, Hames-García, S. Mohanty, and Moya. *Identity Politics Reconsidered*. Palgrave MacMillan; and (2002) Moya. *Learning from Experience, Minority Identities, Multicultural Struggles*. University of California Press. At a 2000 Humanities conference hosted by Emory Elliott at UC Riverside, as I checked in at the hotel while the plenary was in session, I asked scholar Nellie McKay what all the shouting was that was coming from the room. She said, to my surprise that postmodern scholars were shouting down Satya Mohanty as he discussed post-positive realist theory. The assumption that all in the postmodern era are dyed-in-the-wool postmodernists is wrong.

[10] *Ibid*. Reichman

Also, a study by Frey finds that "even in the most politically progressive colleges on one of the more liberal UC campuses, radical critics in all likelihood remain a minority among faculty (p. 14). Nonetheless Brint and Frey claim a culture of forced conformity.

The kind of transformational, institutional change the Report seeks requires lots of scholarly and interpersonal dialogue. We live for the most part segregated lives. We don't know one another. Radical voices may indeed be louder but small in numbers. To claim that they shape DEI on campuses or even the ADF initiative is quite a stretch.

Question: Is it possible to build on the intellectual mission of the University by providing campus space and protocol to anticipate and discuss tendentious topics arising from interactions within the changed population? Could both scholarly knowledge and experiences be discussed? As long as problems arising from the changing environment are simply allowed to be only voiced, useful actions will always have the possibility of being thwarted.

And fourth, the problem of the diversity statements is perhaps solvable by recognizing that diversity includes experiences, attitudes, as well as content. If a goal is to hire faculty with experience and expertise with diversity, I see it as consistent with academic freedom to screen candidates with a diversity statement. Regardless of position, however, Brint's and Frey's argument against the statement would benefit from discussion of the statement prompt itself and from a survey of departments who are supportive of and using the process. Their argument is mostly buttressed with negative examples, often with the caveat that while this happened, we don't know how often.

They are covering a huge topic and might, perhaps unwittingly to prove a point, appear to cherry-pick at times. For example, a close look at the discussion of Tanya Golash-Bosa's *Inside Higher Ed* article "The Effective Diversity Statement" [11] is revealing.

Reading the article reveals that they distort her points in the retelling, stating that she "may represent an extreme position (p. 8)." They claim that Golash-Bosa "counseled applicants not to worry about coming across as 'too political', because such fears might lead them to write a 'blasé' statement'"; that she recommended "they demonstrate their 'awareness of how systemic inequalities affect students' ability to excel' and their commitment to 'activism'"; that she encouraged "applicants to 'tell your story'—that is, to point out the obstacles they have faced, or alternatively, to 'acknowledge your privilege." They also claim that she recommended focusing on "commonly recognized form (s) of oppression" and their "commitment to 'anti-racist pedagogy'"(8).

What she actually wrote is: "My first piece of advice is: do not write a throwaway diversity statement. Some job applicants think that writing a diversity statement that shows they actually care about diversity and equity may be too political." This is quite different from what the authors imply.   Shortly afterward, she describes the possible different levels of interest in diversity and equity that committee members might have: "I have been in the room when the diversity statement for every single finalist for a job search was scrutinized. The candidates who submitted strong statements wrote about their experiences teaching first-generation college students, their involvement with LGBTQ groups, their experiences teaching in inner-city high schools and their awareness of how systemic inequalities affect students' ability to excel.

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[11] Golash-Boza (2016). "The Effective Diversity Statement." *Inside Higher Ed*.
    https://www.insidehighered.com/advice/2016/06/10/how-write-effective-diversity-statement-essay

Applicants mentioned their teaching and activism and highlighted their commitment to diversity and equity in higher education."

About the reference to privilege, she wrote: "If you have overcome obstacles to get to where you are, point those out. If, in contrast, you are privileged, acknowledge that. … . Either way, use your story to explain how you can empathize with students who confront challenges on their way to achieving their educational goals."

Again, this is quite different from the implication that privilege should somehow bring guilt. Golash-Boza does recommend "focus[ing] on commonly accepted understandings of diversity," and advises not to tone down your statement with a comparison like the difficulties of being a Kansan in Missouri. "Instead, write about racial oppression, sexism, homophobia, transphobia, ableism, or some other commonly recognized form of oppression." Regarding activism, she does not suggest they commit to anti-racist pedagogy, Instead, she advised to choose something you have done, like "sign[ing] up to be a tutor… or [how you] incorporate antiracist pedagogy into your teaching. "

Rather than progressive or activist thinking, these are scholarly discussed and analyzed oppressions that stem from attitudes towards diverse identities that constitute our human diversity. Her "extreme" position reflects scholarship in sociology, history, women's studies, and ethnic studies—academic fields related to DEI.

The Brint and Frey's paper with some modifications could play a major role in advancing productive discourse about the sociocultural changes occurring in California institutions and nationally in higher education. Perhaps because their topic is so dense, it appears at times they criticize without exploring fully, or at least mentioning, the significant dimensions of the issues they see in conflict. My examination of their representation of Golash-Boza makes me wonder if other reductions led to similar misinterpretations or omissions.

And while there are certainly instances of incorrect claims of racism and examples of poorly constructed diversity "trainings," they often imply these instances as the norm. And yes, concepts like "melting pot" or "we are all immigrants," are often contested, but referencing Tom Elliot's "Everything's Racist" diminishes the seriousness of White Supremacy and detracts from the arguments in the paper.

Contrary to Powell's use of diversity, "academic freedom", and intellectual discourse to deradicalize, we are gradually recognizing that diversity has academic content, that having students understand how our democracy works and how to analyze social movements that intend to challenge its flaws are part of the mission of higher education. In this we have only spottily succeeded. I hope that future iterations of this paper will more fully explore, analyze and interrogate concepts in conflict, rather than, as it appears frequently, try to prove a preconceived point within diversity's tangled web.