

To thy happy children of the future, those of the past send greetings.
—Engraving on Alma Mater statue at the University of Illinois at
Urbana-Champaign

**Catherine
Prendergast and
Nancy Abelmann**

In June of 2003 the Supreme Court handed down its decision in the much-discussed affirmative action case *Grutter v. Bollinger*. The majority opinion, written by swing vote Justice Sandra Day O'Connor, validated the consideration of race in university admissions in the name of the educational value of diversity. Bolstered by petitions from Fortune 500 companies hungry for diverse employees to appeal to an increasingly diverse consumer base and manage an even more diverse global labor force, *Grutter* offered a picture of the harmonious university family where students learn from each other's differences. Importantly, because the *Grutter* university family is to be comfortable, bearing nothing of the scars of past oppression, it echoes today's university marketing in which a safe, secure, and only incidentally diverse community is promised to aspiring applicants.¹ The current moment is one that finds universities busily selling themselves on the return of a comfortable, but not disturbingly diverse, in loco parentis and finds race to be part of that sale.²

Investigations of corporate and academic connections have proliferated in recent years as various scholars have explored the relationship between the market and the academy. The *Grutter* decision reminds us that the profit-making products of the university are not only its patents, as Christopher Newfield suggests,³ or its degrees, as Bill Reading suggests. The products of the university are also the students themselves, in all their corporality. As Readings argues, in the wake of the challenge presented by feminism and ethnic studies, the unmarked, "liberal individual is no longer capable of metonymically embodying the institution."⁴ We find that as the "individual" disappears, however, it is the "family" that allows for the university to incorporate diverse bodies to marketable ends. An investigation of the vexed relations between kinship and colleges thus reveals how universities assign market value to student bodies for today's global racial trade. We pursue this investigation wherever kinship and the university are invoked in tandem: in the figure of Alma Mater and the

resurgence of the university's role as in loco parentis; in an alumni narrative that serves as a window on the contemporary workings of the metaphor of the university as family, and its more silent double, the university as corporation; in MyRichUncle—a gap education financing program that markets itself through illusions of kinship and meritocracy, but in reality assigns differential value to variously racialized student bodies and makes clear the racial contours of the university family. Lastly, we turn back to the *Grutter* decision, to two key texts that reveal the limits of the affective kin links imagined through affirmative action in higher education: the General Motors Corporation's influential brief supporting the University of Michigan, when read in rare juxtaposition to the company's sustainability reports, suggests merely the company's intentions to pit its domestic racialized workforce against its global one; no less problematically, Justice Clarence Thomas's dissent, charging that the administrators of the university and the majority in the Supreme Court only sought affirmative action to protect legacy admissions (the university's traditional mechanism for rewarding family loyalty), studiously avoids confronting the actual utility of racialized others, historically and currently, to the university and global economy.

Our own intellectual genealogies affect how we came to see kinship as crucial to an understanding of colleges. Abelmann, a sociocultural anthropologist, found Korean Americans moving to and through the American university in the web of familial and ethnic kinship. This ethnic skein, however, posed an enormous challenge for many of her interlocutors: the college life that did not push them out of their “comfort zone” did not really qualify as the “real thing.” Abelmann thus became interested in how this ethnic, or even familial, “comfort zone” runs against the grain of the “family of diversity” that these students have come to understand as the sine qua non of the “American” college experience. That the students themselves, as Asian Americans, are in turn expected to add “color” to the college template is yet another conflicted area for these students who offer, by many counts including affirmative action, the one color that does not count. In her manuscript, “The Intimate University: College and the Korean American Family,”⁵ Abelmann examines these students' paths toward and management of their college lives against the backdrop of family history, ethnic geography, and the university as a particular and ideologically invested imaginary.

Prendergast, a scholar of language and literacy, studies court cases over affirmative action in higher education. *Grutter* is, in essence, another twenty-five-year extension of the 1978 landmark Supreme Court decision on affirmative action, *Regents of the University of California v. Bakke*, a case that Prendergast found to be revelatory of cronyism in both Court and uni-

versity. In *Bakke*, members of the Court, many of them Harvard University alumni, waxed nostalgic about Harvard’s Crimson football team during the oral argument. Harvard’s appearance in the case proved to be more than incidental, as its undergraduate admissions policy was appended to Justice Lewis F. Powell’s governing opinion and has since become the law of the land for considering race in university admissions. The significance of legitimating affirmative action through Harvard rather than the Constitution suggests that members of the Court (with the notable exception of Justice Thurgood Marshall) were more interested in protecting the prestige value of their own alma mater—the source of their own cultural capital and intimate sense of fraternal kinship—than in rectifying legacies of racial discrimination. This is not surprising, as, historically, whites began heavily investing in education after Reconstruction just when property no longer served as the distinguishing feature separating whites from blacks; behind whites’ rigorous defense of segregated education in the South was the fear that racialized others might become “kin.”⁶ The present intensification of racial segregation in elementary and secondary education that the country is undergoing to little public alarm renders hollow the pursuit of diversity advertised by universities and affirmed by *Grutter*.

Collectively our work has brought us to the view that families structure how people experience universities, and vice versa, even (and we might say especially) as the university ostensibly embraces diversity to fully enter the ever more crowded market of higher education.

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The Rise, Fall, and Rise of In Loco Parentis

Let us begin with our mother: Alma Mater—at our campus (the University of Illinois at Urbana-Champaign), a statue of a woman of certainly white origin with open arms welcoming students who approach the quad from its northwest corner and commercial hub. The inscription on the pedestal, “To thy happy children of the future, those of the past send greetings,” suggests that the university community is a family, one that bridges time, drawing together in happy sorority and fraternity the alumni past and future. It is through the figure of the alumnus that we find the strongest enunciation of the connection between university and the metaphor of kinship. Alumni status and kinship status share several characteristics. Like kinship status, alumni status has an affective dimension, connotes a sense of belonging, and also confers certain benefits, including—depending on the institution—social connections and a degree of cultural capital, both of which can in turn secure material benefits. Further, both alumni status and kin status are conferred

on individuals permanently. As has been argued in recent studies of kinship, what makes kinship relations unlike many other social relations is not their biological basis but their permanence: “Once ascribed, they presumptively remain with the self through the course of its life, and even in the aftermath of its death.”⁷ There are many ways to actively claim alumni status: on cars, in personal ads, and in obituaries. Indeed, as it is with kin, it is difficult for individuals to sever ties with the university. Furthermore, ties to universities, like ties to kin, often carry financial weight. Alumni, like children leaving the roost, are expected if possible to take on some of the burden of supporting their “family” of “origin” to the end of their days or even through their estate, if possible, in return for their enriched position in the world.

Complementing the figure of the *alumnus* is *in loco parentis*, a practice whose changing role in the last century complicates the seamless history of familial continuity that *Alma Mater* projects. The universities’ customary, and in some cases legal, role as substitute parent ended in the late 1960s.⁸ Before that point, following long-established practices of the British school system, universities assumed moral charge of their students, enforcing conduct codes, curfews, and chapel visits. The relationship between the student and the school was thus explicitly familial: the school assumed the familial mantle and parental responsibility for its temporary charges. *In loco parentis* as both a customary and a legal relationship began to erode as the sexual revolution, protests over the Vietnam War, and racial diversification of the student body challenged the school’s authority to enforce its authority as approximation of the normative family unit.⁹ Racially diverse students brought their own kin lineages that marred this easy university family. One racially diverse student body even legally challenged *in loco parentis*. In 1961 the University of Alabama tried to expel six African American students without due process for participating in a lunch counter sit-in. When the university invoked *in loco parentis* to justify its actions, the federal circuit court in *Dixon v. Alabama State Board of Education* overturned the expulsion. Students, the university was reminded, had families of their own, and moreover families that did not necessarily embrace the values of the university.¹⁰ Little by little the university “family” contracted, and students began to be recognized as independent and responsible adults whose sexual and other freedoms were respected or at least tolerated, and who were arrested, rather than expelled, when they committed criminal acts. With the wane of *in loco parentis*, universities were relieved of their responsibilities for the physical well-being of their students, a change that protected them from an increasingly litigious society.

The great irony of the history of *in loco parentis* is that the very generation that provoked its demise as students would become today’s

parents who are purportedly actively reviving its spirit. According to recent reports, families now look for safe colleges that will coddle their children.¹¹ Similarly, students for their part go to university less to rebel and more to socialize and consume. Ever more privatized and costly, today's university draws its students increasingly from higher-income families and must answer to their needs, demands, and class reproduction anxieties. Parents and children alike clamor for a haven in which to secure safe passage to an upper-middle-class future.¹² To be certain of that future, parents, students, and corporate America all agree that students must prepare themselves for the diverse face of the workplace and of the domestic and global consumer. Today's familial, conflict-free university offers not only a secure, regulated environment but also a safely "diverse" environment that will both enrich students' educational experiences and proffer advantage in the labor market.

However, in a 2004 op-ed for the *New York Times Magazine* titled "Diversity's False Solace," Walter Benn Michaels questions why diversity should have anything to do with upper-middle-class comfort. Arguing that affirmative action along class lines would be more equitable even to people of color than affirmative action along race lines, Benn Michaels remarks on the recent trend in college marketing, "It's not surprising that universities of the upper middle class should want their students to feel comfortable. What is surprising is that diversity should have become the hallmark of liberalism."¹³ We find, however, that if viewed through the intersections of family, academy, and corporation, it is not so surprising at all. Although Benn Michaels wants to dispense with race and expose class as the sole axis of exclusion, the global economy with its racially marked hierarchies intrudes, as it is this economy with its pursuit of particularly racialized human capital that has become the real hallmark of neoliberalism. The paths to social mobility are therefore sculpted more by racial inequities than Benn Michaels will allow.

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"Like Family"

We turn to anthropologist Laurel George's auto-ethnography of her working-class background and upper-middle-class education for revealing reflections on the corporate nature of the university family and its silence on race.¹⁴ Drawing on recent anthropological theory that recasts kinship in terms of social rather than biological relations, George offers that the schools she attended "acted as both institutional stand-ins for families and as conduits for new 'fictive kin' relationships."¹⁵ Although George underscores that these fictive families were always fractured by

class fault lines, not mentioned in her writing are the ways in which her whiteness allowed the particular fictive kinship that she describes. A child of a divorce, George experienced schools as the literal *in loco parentis*, so much so that at a certain point her father began sending his court-ordered child support payments directly to the headmaster of her prep school, the Williams School in New London, Connecticut. Even though she had at this point severed ties with her biological family, she describes her experience of her prep school as a “true ‘alma mater’ (fostering mother).”¹⁶ George’s transfer from her family of origin to the school seemed almost complete when, in her senior year, her mother briefly moved to Miami, and George was invited to live with a member of the dance faculty.

Although George would again find this fictive kinship with her professors in college, she reflected that this was a kinship always fraught with ambiguity. She writes of her professors at Wesleyan University: “Certainly what made Wesleyan a stand-in for family was not only its promise of institutional security, but the fact that it, like Williams [prep school], was peopled with kindred individuals like these special professors.”¹⁷ She finds these relationships most dear because it is these professors who teach her that universities are factories generating “not only pure knowledge but also class inequalities.”¹⁸ George’s observation here is complex, beginning with an avowal of kinship and ending on a note of class and familial insecurity. As such, her statement reflects her desire to believe the myth of the American university as providing something so intangible that class will cease to matter, except as an academic question for abstract contemplation. But later moments in George’s narrative reveal that while masquerading as a “family” in which class difference is more or less incidental, the university like any other corporation is deeply invested in reinforcing—rather than exposing—class inequities. The real moment of awakening for George was inspired by the remarks of a fellow student, not a professor.

As it happens, George’s mother was a secretary at Yale, having chosen, according to George, a position with higher social than economic capital. This position, however, even supplemented with other work, did not allow for her mother to afford the Williams prep school, and her boss, a dean at Yale, wrote a check to cover the difference. George retained fuzzy feelings about this financing of her education for years until she discussed it with a friend active in the movement to form a graduate student union at Yale, where she was at that point a research fellow. “He remarked that the dean’s actions amounted to nothing more than a token gesture, and had clearly done nothing to ameliorate the underlying problem of clerical workers’ severe underpayment. His comment stung. Of course he was absolutely right, but his analysis detracted from the cozy feeling that I had a benefactor eager to reward my industriousness and promise.”¹⁹ George registers a

sting because she had been written out of the fairy tale in which people with few means but great promise attract benefactors to support their studies. In the fiction, someone appears to pay the bill, preferably someone “like family.” Conveniently, this fiction also displaces the burden of education financing from the state onto the individual who can be, unlike the state, utterly arbitrary in the exercise of beneficence. We can see then that George began to interrogate what it is that allowed for the fictive kinship, that “alma mater” feeling, of elite prep schools the likes of Williams, and elite colleges, the likes of Wesleyan and Yale. She came to recognize the cold contract that allowed her to remain in school and thus housed: “If I were to fail my classes,” she notes, “I would have no home.”²⁰ However, she does not question the meritocratic logic in which her benefactors will come through as long as she upholds her side of the bargain, nor does she consider that her whiteness no doubt facilitates this contract, allowing her to be regarded “like family.”

My (Fictive) Rich Uncle

In the wake of the social welfare state’s decline in the United States, the American educational contract has become much chillier than the one that George experienced, and no less racially skewed. MyRichUncle, a company that provides a new form of gap education financing to take the place of the family, reveals that the fiction that most families can support their promising kin through college is just that: a fiction. Known in business parlance as a “human capital contract purveyor,” MyRichUncle nevertheless plays on the cozy feeling conjured by the notion of kin-sponsored education. In practice, MyRichUncle specializes in matching up investors with students in need of money. The students agree to pay back a predetermined percentage of their income over time, rather than paying back the fixed amount they initially borrowed, plus interest. As in George’s narrative, MyRichUncle suggests that a little cash from a kindred spirit (though in this case a more remote one) might be the only thing needed to realize the dream of the meritocratic university. However, a closer look at MyRichUncle reveals the mechanics of the American racial economy, ones that cannot be dismantled with a little help from contractual kin.

We begin with a statement from one of the company’s founders, Raza Khan, who explains the investment plan’s inspiration. Khan’s narrative here establishes its authority in great part through his declaration of alumni affiliation to a particular selective and expensive university. He writes:

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I emigrated to the US in 1980 with my parents and five siblings. My father, a successful banker, took great care of us, but we ran into financial difficulties along the way. At the time I graduated from Stuyvesant high school like many middle-class students, I had enough income that I did not receive much financial aid but did not have enough income to cover the full cost of college. New York University extended me a partial scholarship. I borrowed some money and began working during school to cover the rest. I wanted to avoid debt as much as possible. I wanted to graduate with a sense of freedom, and I knew second-hand some of the difficulties people faced as a result of their loan obligations.²¹

Khan's narrative reveals the plight of many students, including, as Khan would have us note, middle-class students with successful parents who are nevertheless in need of help financing their education. But his narrative, like George's, has telling gaps. Khan's history alone does not explain the firm's genesis. In different promotional material the founders offer that they began with the idea of investment in individuals generally but eventually picked education as the site for what has been called the first modern human capital market because, as Khan remarked, "there was such a dire need for new financing options."²²

Khan emphasizes the college freedom that gap financing can provide. However, a *Yale Herald* article offers another perspective on MyRichUncle. Titled "College Students Become Common Stock," the article asks rhetorically, "How are you going to afford college if your rich aunt suddenly decides she doesn't like you anymore and would rather bequeath her money to her dear cats? Well, young nephew, you can go to MyRichUncle for help."²³ "Common stock" is, we concur, a more apt term than "niece" or "nephew" to describe the relationship between student and benefactor. Investors can learn a great deal of information about a student and speculate, based on a profile that includes that student's school, race, and intended major, who might offer the best yield. Like stocks, not all students are equally valuable, and like stocks, students can be traded to another buyer. The notion of "common stock" thus indicates the differential value that different students will hold, a value subject to the vagaries of capitalism. In invoking the fictive "nephew," the article identifies MyRichUncle's bait and switch in which the fictive kinship relationship is more like a crass financial investment.

The arrangement is in fact more pernicious. Because they are humans, the students in the MyRichUncle program resemble indentured servants more than they do common stock. Like the exchanges that MyRichUncle conducts, indentured servitude was a system of bondage by consent, although indentured servants did not have a choice of career but rather went to the highest bidder. Coincidentally, indentured servitude also served to define

whiteness and suggest the unity of white racial identity. In seventeenth-century Anglo-America, only whites could enter such contracts, and they did so most frequently following economic downturns in the host country.²⁴ These details raise questions about the elements of “choice” and “willingness” in the decision to enter the kind of contract MyRichUncle offers. That students now can be bought and sold much like indentured servants suggests something both about the economic times in which we live and about the changing function of universities in an information economy in which advanced and flexible literacy, rather than brute labor, has become the nation’s most critical resource.²⁵ An agency like MyRichUncle profits from the conjunction of a number of factors: rising tuitions at state schools designed to offset declining state support; rising loan debt with the reduced size of Pell Grants and direct lending; and lastly, the rising imperative of education, as manufacturing jobs disappear and advanced degrees become base requirements for many professions.²⁶ Khan’s narrative captures none of this collusion but rather portrays MyRichUncle as family helping out family, as if it were the most direct kind of lending there could be, eliding as it does so its own position as middle man. Jeffrey Wallen’s observation that the university no longer provides an alternative to the market, that “the task of the university today is to provide the most effective means for increasing human capital,”²⁷ aptly explains MyRichUncle. MyRichUncle demonstrates that in the context of the global economy, the university now seems to be where some students go not only to secure property interests but also to barter themselves *as* property interests, even as they work their way to becoming the new managerial class.

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Kinship becomes the fiction through which the capital speculation of MyRichUncle can appear as support for education or even school loyalty. Thus a complimentary report on MyRichUncle by Michael Palacios, sponsored by the conservative Cato Institute, suggests a special role for loyal alumni in the new human capital market:

One type of fund that might be of particular interest to universities is the alumni fund. Alumni tend to be loyal to their alma maters and are an important source of funding for their schools. By giving money to their schools, alumni are sharing their success with the institution. Alumni may be willing to increase their contributions if they can expect a return on their investment. Thus, human capital funds provide alumni relations offices with a new way of attracting capital.²⁸

This quotation acknowledges the economic stake that universities have in ensuring alumni loyalty and suggests that loyalty can best be sustained by substituting the lure of financial incentives for the practice of investing in the school’s students through the creation of scholarship funds.

To Palacios, the shift of responsibility to sustain education into the private sphere signals a welcome trend rather than a problem. Self-conscious of the similarities between human capital contracts and indentured servitude, Palacios highlights the differences, arguing, “The fundamental difference is that with slavery or indentured servitude the master has authority over what the slave or servant does. *The essential element is lack of free will, not ownership of earnings.* If we were to accept the thesis that ownership of a percentage of future earnings is slavery, we could all consider ourselves slaves of the tax-imposing state.”²⁹ It is the state with its claim on a portion of the public purse, in Palacios’s view, that might be seen as limiting freedom.

Importantly, Palacios does consider the ethical complication that women and racial minorities may be given less favorable contracts by human capital contract purveyors such as MyRichUncle. However, he dismisses this concern by arguing along neoliberal lines that contracts merely reflect, rather than cause, a difference in earnings. He adds: “We might not like the information that a free-market-driven instrument like human capital contracts would offer us regarding the value of earnings for different careers and groups, but that is not a reason to reject the instrument. Rather, such information makes society’s decisions more transparent and should be seen as an opportunity to improve society’s decision-making.”³⁰ This point disingenuously ignores, however, the lowering of the student’s future earnings that might result from an education hampered by a lower initial investment, or less favorable payback schedule. Nevertheless, as Palacios points out, the instrument does point to a “truer” picture of the valuing of diverse others. Racial difference here is no more significant to Palacios than any other kind of variable factored in to achieve the highest yield. For example, although in its advertising MyRichUncle suggests that the allure of the program to investors is the potential payoff of funding the poet who eventually becomes a stockbroker, Palacios seems to indicate that such scenarios are a long shot. He cites among the program’s benefits a “true” valuing of different disciplines, so it might be revealed within the university structure what courses of study would cost the student more in the long run in terms of decreased future earnings. When the analogy of race to discipline is laid bare, it becomes apparent that through the objective instrument of the marketplace, white alumni will choose their fictive white kin to invest in, not because they are “white” but because they are worth more. Although MyRichUncle seems to suggest, following Khan’s narrative, that those people not from the right family background can borrow another, in practice that family background is never set aside but determines one’s value from start to finish.

As the case of MyRichUncle demonstrates, there is no logic of kinship independent of the marketplace. This message is further reinforced through the Supreme Court's decision in *Grutter*, and by the corporate briefs supporting the University of Michigan, which proclaim diversity as critical to global business.³¹ Indeed it was in great part the need for human capital—specifically for “diverse” human capital—that saved affirmative action. The pleas for the educational value of diversity were clearly secondary to this interest. The sense that continuing discrimination against people of color warranted affirmative action did not resonate in Justice O'Connor's decision at all (though the notion of reparations is nonetheless implied in O'Connor's twenty-five-year time limit for affirmative action). In the text of her decision, Justice O'Connor directly cited briefs from business and industry calling for the importance of a more diverse workforce to appeal to an ever-more diverse body of consumers. O'Connor declared, “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.” She names the major businesses immediately in her citation: “Brief for 3M et al. as *Amici Curiae* 5; Brief for General Motors Corp. as *Amicus Curiae* 3–4.”³²

O'Connor's invocation of the global marketplace echoes most precisely the amicus brief of the General Motors Corporation supporting the University of Michigan's position. The General Motors brief states substantial interest in the case because of the number of alumni it hires. A footnote reveals the relationship between General Motors and the university to be financially reciprocal: “In part because General Motors hires so many graduates from the University of Michigan, the university is one of General Motors' ‘Key Institutions,’ to which it provides significant financial assistance.”³³ The alumni of the University of Michigan, General Motors notes, need to be diverse because its own workforce needs to be diverse in order to maintain not only “their” but “America's” economic competitiveness in the global marketplace. It would seem from the language of O'Connor's decision and from the language of the brief that what is good for General Motors really is good for the country.

The domestic market imperative to produce a diverse body of alumni is therefore underscored by the global racial economy driven in no small part by General Motors. In 2003 the General Motors Corporation included substantial partnerships and controlling interests in companies in Japan, South Korea, and Russia; and an Isuzu and Bedford plant in Nairobi,

Kenya. Citing the importance of its global operations in the brief, General Motors argued, “Only a well educated, diverse workforce, 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.”³⁴ The kinship affinities then for those who are called on to “work productively” are hardly robust and differ starkly from the kinship bonds announced at the higher ranks. In the same way that MyRichUncle seems to invite all, but behind the scenes upholds racial distinctions and hierarchies, this need for a diverse workforce to appeal to diverse consumers does not extend to a need for diversity in the top ranks of corporate America. Despite its commitments to affirmative action and global diversity, and despite the many awards it has been given for supporting diversity, in the year *Grutter* was decided, the three top officers of General Motors—G. Richard Wagoner Jr., chairman and CEO; John M. Devine, CFO; and Robert A. Lutz, vice chairman—were all white men; all ten of General Motors’s vice presidents were white and, save for one, male; and of the eleven members of the board of directors, one was a person of color. Further, the distribution of diversity was far greater at the nonsalaried levels, with 20 percent of the hourly workforce in the United States being African American, according to the General Motors Corporate Responsibility and Sustainability Report for 2003.³⁵ The report does not contain information on the diversity of the non-U.S., and therefore even more poorly compensated, workforce, but one might imagine it comparatively quite diverse indeed.

But the relative extent of diversity on different ends of the scale does not tell the whole story of the kin links (i.e., cronyism) sustaining General Motors. When in April of 2005 GM went into crisis as its debt was downgraded to junk-bond status, Wagoner appointed Mark LaNeve as marketing chief, a man Wagoner said he treats “like a brother.” LaNeve got his start at Cadillac through less fictive kin relations: a former girlfriend’s father worked for Cadillac and had gotten him a job on the sales floor. Besides hiring LaNeve, however, Wagoner also dealt with the crisis by announcing a plan to shed twenty-five thousand employees between 2005 and 2008, all from GM’s U.S. operations. Meanwhile, GM retained its workforce in China, its most profitable sector, where workers earn about 60 dollars a month.³⁶ Here the place of diversity in the logic of global neoliberalism emerges: GM seeks a racialized workforce to maintain its competitiveness, but that workforce would “work productively” someplace else for less. The global rather than domestic nature of the economy in which General Motors participates might explain why colleges and corporations alike seem untroubled with the current state of affairs where

immigrant blacks are beating out indigenous blacks—whose grandparents were all born in this country and descended from slaves—for places at top colleges.³⁷ The logic of the market dictates the need for primarily cultural/global diversity. In this market, the “experience” of people of color with domestic genealogies is less valuable in the global economy.

Although Justice O’Connor embraced General Motors’s vision of diversity in the decision of *Grutter*, not all on the Court embraced the majority opinion. We refer here to Justice Thomas’s controversial dissent in *Grutter*, which—although just as unwilling to recognize the global market of racialized labor sustaining the corporate interest in university diversity—ironically uses the more obvious aspects of the university’s investments in kinship (legacy admissions) to challenge affirmative action. His interest in kinship, however, is just as obscuring of historical inequities as academe’s invocation of the happily diverse family.

Justice Thomas’s dissent charged that the University of Michigan’s main interest in supporting affirmative action was to achieve a particular “aesthetic” and “façade”—one, he quipped, that carries no more meaning to the university than the size and shape of its desks. Thomas claimed that the pursuit of “elite” status through diversity comes at the expense of serving the state of Michigan, as lawyer alumni generally leave the state. He issues the further charge, although hidden in a footnote, that colleges and the majority in the Court also supported affirmative action so as to avoid challenge to the legacy admissions policies that he personally disdained: “Were this Court to have the courage to forbid the use of racial discrimination in admissions, legacy preferences (and similar practices) might quickly become less popular—a possibility not lost, I am certain, on the elites (both individual and institutional) supporting the Law School in this case.”³⁸ Justice Thomas’s pithy answer to the significant question as to why legacy admissions historically have not received the same scrutiny as affirmative action admissions is that privileges based on kinship and other factors are not addressed by the Constitution, which does address specifically privileges based on race.³⁹ In an attempt to answer critics of Thomas who have dismissed his opposition to affirmative action in *Grutter* as personally motivated, Stanley Fish has offered that Thomas consistently adheres to a strict constructionist view of the Constitution.⁴⁰ Where Fish parts with Thomas is in finding such a position flawed, unable to allow the Constitution to deal with the vicissitudes of history to which the Court as a body must respond.

Tantalizingly, Justice Thomas seems to invoke these vicissitudes by beginning his dissent with a quotation from a Frederick Douglass speech titled “What the Black Man Wants” that appears to promote a doctrine of noninterference: “And if the negro cannot stand on his own legs, let him

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economy.

fall also. All I ask is, give him a chance to stand on his own legs! Let him alone! . . . your interference is doing him positive injury.” With this quotation Thomas attempts to establish intellectual kinship with Douglass. This quotation—often without the ellipses—was circulated widely (subsequent to the publication of the *Grutter* decision) by foes of affirmative action as exemplifying the true nature of racial justice. But as Asa Gordon of the Douglass Institute of Government in Washington, D.C., points out, even Thomas’s original quotation of Douglass is butchered and taken out of context, twisting its meaning completely. Douglass had begun his speech praising various entities, like the Freedmen’s Bureau, that were the forerunners of affirmative action. Excised at the point of the ellipses are the significant comments that underscore the actual history of interference to which Douglass refers: “If you see him on his way to school, let him alone, don’t disturb him! If you see him going to the dinner table at a hotel, let him go! If you see him going to the ballot-box, let him alone, don’t disturb him!”⁴¹ Without these lines, the history of deliberate exclusion from which Douglass was begging release is erased.

We find Justice Thomas’s condemnation of legacy admissions indicative of his attempt to have it both ways—to appear both historically sensitive and constitutionally pure. As legacy admissions policies clearly give advantages to whites whose forebears faced no exclusions, Thomas’s strike at them seems compelling. We must, however, recognize the emptiness of the current trend in which schools and politicians assert that a meritocratic admissions program can be achieved by jettisoning affirmative action and legacy admissions together. Although Thomas refuses to acknowledge it, if one recognizes the lineages that have given unfair advantage to the kin of whites, one must also recognize the historical legacies and genealogical lineages that make affirmative action the very least of what universities can do to attempt to rectify centuries of injustice; the forgotten legacies are really those that African Americans have left to the modern university—their labor and the profits that laid the foundations of its buildings and endowments.

We appreciate that the effect of *Grutter* will be a much-needed if slightly qualified public affirmation of at least Harvard’s vision of affirmative action, one in which race is but one consideration in admissions. We find, however, a more profound investigation of the value of diversity to the university and the American economy elsewhere. Two months before *Grutter* was announced, in April of 2003, Ruth Simmons, president of Brown University and an African American, appointed a committee to investigate historic connections between the global slave trade, the Brown family (after whom Brown University is named), and the university. As a consideration of reparations was part of this investigation (though Sim-

mons said that the investigation would not result in a simple payout), the move can be appreciated as a radical one; however, the most radical and underappreciated aspect of Brown's effort is its profound challenge to the prevailing idea of the university as a diverse and happy family that we have discussed throughout this essay. Brown's slave-trading founding family and MyRichUncle's investors remind us poignantly of the "value" assigned to brown skin, then and now. These values cannot be erased by the Benetton image of a university kinship that obscures its own corporate genealogy.

If we have in this essay charged the university to come clean of its fictions of kinship, we must here come clean on any fiction that the life of "real" kin, of family, has ever been so different from that of the corporation. We do not wish to suggest that the family and corporation are inherently opposing entities. Historically, people across cultures have marshaled capital through kinship arrangements. Consider, for example, the family farm or the family business. As the Brown University investigation so eloquently reminds us, universities are both families and corporate entities. Pernicious are those attempts at glib renderings of university family, such as today's in loco parentis, that obscure all difference (often in the name of diversity) or explain away all difference with the logic of market value, such as MyRichUncle. Having been "stung" by the empty promise of the powerful metaphor of university kinship, Laurel George is eloquent on how the "like" in "like family" works: "How does it indicate both a whole constellation of similarities and affinities, likenesses and kinship, while also indicating distance and difference?"⁴² We hope here to have illumined one corner of that constellation, that of college, kinship, and the restless pursuit of diversity.

Notes

1. David L. Kirp, "This Little Student Went to Market," in *Declining by Degrees: Higher Education at Risk*, ed. Richard H. Hersh and John Merrow (Houndmills, UK: Palgrave MacMillan, 2005); Wesley Shumar, *College for Sale: A Critique of the Commodification of Higher Education* (Washington, DC: Falmer, 1997); Bonnie Urciuoli, "Excellence, Leadership, Skills, Diversity: Marketing Liberal Arts Education," *Language & Communication* 23 (2003): 385–409.

2. Our definition of the "university" includes most four-year institutions private or public, with or without graduate programs in the United States. The goal of "excellence" has led to greater sociological similarities between these institutions than have existed heretofore (see Bill Readings, *The University in Ruins* [Cambridge, MA: Harvard University Press, 1996]). This analysis would exclude, in general, community colleges and urban institutions that rarely strive for diversity, as they already have it (see Walter Benn Michaels, "Diversity's False Solace," *New York Times Magazine*, 11 April 2004).

3. Christopher Newfield, "Jurassic U: The State of University-Industry Relations," *Social Text*, no. 79 (2004): 37–66.
4. Readings, *University in Ruins*, 9.
5. Nancy Abelmann, "The Intimate University: College and the Korean American Family," unpublished manuscript.
6. Catherine Prendergast, *Literacy and Racial Justice: The Politics of Learning after Brown v. Board of Education* (Carbondale: Southern Illinois University Press, 2003).
7. James D. Faubion, *The Ethics of Kinship: Ethnographic Inquiries* (Lanham, MD: Rowman and Littlefield, 2001), 12.
8. David A. Hoekema, *Campus Rules and Moral Community: In Place of In Loco Parentis* (Lanham, MD: Rowman and Littlefield, 1994).
9. See Carol Stack, *Call to Home: African Americans Reclaim the Rural South* (New York: Basic Books, 1996).
10. *Dixon v. Alabama State Board of Education*, 294 F.2d 140 (5th Cir. 1961), 188.
11. Ethan Bronner, "In a Revolution of Rules, Campuses Go Full Circle," *New York Times*, 3 March 1999; Neil Howe and William Strauss, *Millennials Rising: The Next Great Generation* (New York: Vintage, 2000).
12. Catherine S. Newman, *Falling from Grace: The Experience of Downward Mobility in the American Middle Class* (New York: Free Press, 1988).
13. Benn Michaels, "Diversity's False Solace," 12.
14. Laurel George, "'Like Family to Me': Families of Origin, Families of Choice, and Class Mobility," in Faubion, *Ethics of Kinship*, 215–33.
15. *Ibid.*, 215. Several factors have spurred many reconsiderations of organic notions of kinship. These factors include the rise of reproductive technology, the recognition of nontraditional family structures, and the gnarled politics of both domestic and transnational adoption. In addition to Faubion, recent volumes include Sarah Franklin and Susan McKinnon, eds., *Relative Values: Reconfiguring Kinship Studies* (Durham, NC: Duke University Press, 2001); Linda Stone, ed., *New Directions in Anthropological Kinship* (Lanham, MD: Rowman and Littlefield, 2001); Kath Weston, *Families We Choose: Lesbians, Gays, Kinship* (New York: Columbia University Press, 1991).
16. George, "Like Family to Me," 217.
17. *Ibid.*, 227.
18. *Ibid.*
19. *Ibid.*, 220.
20. *Ibid.*, 225.
21. "Vision," *MyRichUncle*, 14 July 2004, myrichuncle.com/Vision.asp.
22. Nathaniel Ward, "Students Cash in at MyRichUncle," *The Dartmouth Online*, 18 January 2002, www.myrichuncle.com/images/news/TheDartmouth.pdf.
23. Phuoc La, "College Students Become Common Stock," *Yale Herald*, 2 February 2002.
24. For a history of indentured servitude in Anglo-America, see Michael L. Bush, *Servitude in Modern Times* (Cambridge: Polity, 2000).
25. For a discussion of the rising centrality of literacy to the capitalist economy, see Deborah Brandt, *Literacy in American Lives* (New York: Cambridge University Press, 2001).

26. Ibid.
27. Jeffrey Wallen, "Opinion: Professional Discord," *College English* 64 (2002): 354.
28. Michael Palacios, "Human Capital Contracts: 'Equity-Like' Instruments for Financing Higher Education," *Policy Analysis* 462 (2002): 7.
29. Ibid., 8 (emphasis in original).
30. Ibid., 8.
31. Alan G. Lafley, the CEO of Proctor & Gamble, one of the corporations supporting the University of Michigan, declares that "diversity is a fundamental business strategy." See *Proctor and Gamble*, 14 July 2004, www.pg.com/supplier_civersity/;jsession=J2RRXBL3SWRQRQF1AJ1SZOWAVABHMLHC?_requestid=34307148.
32. *Grutter v. Bollinger*, No. Docket 2–241 (U.S. Supreme Court 23 June 2003).
33. Brief of General Motors Corporation as Amicus Curiae in Support of Appellants, *Grutter v. Bollinger*, filed 30 May 2001.
34. Ibid.
35. "General Motors Corporate Responsibility and Sustainability Report. 2003," *General Motors Corporation*, 16 July 2004, www.gm.com/company/gmability/sustainability/reports/03/pdfs/sus03pdf_400.pdf (emphasis added).
36. See James MacKintosh and Bernard Simon, "GM to Cut 25,000 Jobs and Close U.S. Plants," *Financial Times*, 8 June 2005 (Wednesday London Edition 3); and Keith Bradsher, "GM Thrives in China with Small, Thrifty Vans," *New York Times*, 9 August 2005.
37. Sara Rimer and Karen W. Arenson, "Top Colleges Take More Blacks, but Which Ones?" *New York Times*, 24 June 2004.
38. *Grutter v. Bollinger* (Thomas, C., dissenting).
39. The language of Justice Thomas's dissent here reads: "The Equal Protection Clause does not . . . prohibit the use of unseemly legacy preferences or many other kinds of arbitrary admissions procedures. What the Equal Protection Clause does prohibit are classifications made on the basis of race. So while legacy preferences can stand under the Constitution, racial discrimination cannot. I will not twist the Constitution to invalidate legacy preferences or otherwise impose my vision of higher education admissions on the Nation. The majority should similarly stay its impulse to validate faddish racial discrimination the Constitution clearly forbids" (*Grutter v. Bollinger* [Thomas, C., dissenting]).
40. Stanley Fish, "One Man's Opinion," *New York Times*, 30 June 2003.
41. Asa Gordon, "A Color-Blind Supreme Court?" *World and I*, February 2004, 38.
42. George, "Like Family to Me," 221.

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