

ON DIVERSITY*

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DIVERSE: to “turn apart” (ME & OFr < L *diversus*, pp. of *divertere*, to turn aside < *dis-*, apart + *vertere*, to turn).

The word “diverse,” etymology informs us, appears in the thirteenth century, perhaps in analogy with a term used in geometry, “transverse.” Roughly four and a half centuries later, the word’s meaning becomes more or less fixed: an adjective signifying “different in character or quality.” Late in the 1930s, “diverse” emerges as a verb to designate a new imperative in U.S. economics: to diversify, meaning the careful quantitative distribution of various investments. By 1978, in a landmark United States Supreme Court ruling on university admissions, the word “diversity,” now a noun, comes to inscribe both a qualitative distinction of ethno-cultural groups and their quantitative distribution in institutions of higher education. Although the balance between quality and quantity, as well as their definition, was subject of much legal dispute, the notion became widely accepted that diversity of representation of various groups was fundamental to the educational mission of the university and the well-being of the social field. Whenever we speak of diversity in the U.S., we invoke the spirit of the Supreme Court’s definition.

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“Diverse” shares its root (Latin *vertere*, to turn) with a singularly powerful word: “universe.” Although ostensibly diversity’s opposite (in that it signifies movement towards unity), universality lends diversity much political force today: diversity threatens to become a universal. Below we examine this force in historical and juridical perspective, and consequently, much of this article addresses how diversity’s “universal” status is historically and institutionally posited, contested, and negotiated. Further, we view the elaboration of the relation between diversity and universality as the sedimentation of a certain historical movement propelled by the desires, fears, imagination, needs, struggles, and worries of individuals and collectivities across the social field, of institutions of civil society, and of the state. Our analysis of this complex word traces multiple vectors of that movement.

Now, consider one particular instance of this “turning apart” implied by “diverse.” Members of the American Musicological Society (AMS) demanded, in 1977, space for work different in character and quality from the positive archival and historical interests predominant at the time. Those members—disciplinary insurgents, it would turn out—were in essence asking the AMS to allow a self-turning apart, to make a formal commitment to a number of different areas of study and research, including music-theoretical work. In short, those members demanded that the AMS diversify. That insurgent movement converged in the formation of the Society for Music Theory (SMT).

Perhaps, then, “diverse” is always “diverse *from*,” and so institutionalizing “diversity” also always involves institutionalizing some form of insurrection. This insurrection, however, does not simply cease when demands for diversity are met. Quite to the contrary, once set into motion, this process of institutionalization introduces what Étienne Balibar calls a “latent insur-

rection” at the heart of all collective organizations and all institutions.¹ By this logic, diversity begets diversity; in dialectical terms to be explored later in this article, diversity contains its own negation. The force of this negation drives political change. Diversity is a horizon to which organizations and institutions might aspire. Its disruptive force, however, compromises the project of ever fulfilling that aspiration. In this sense, diversity poses a unique temporal problem for politics: at what point can it be said that adequate or sufficient diversity has been achieved?

The disciplinary diversification in music studies from 1979 is different in quality and character from the diversity advocated by the SMT’s Committee on Diversity (henceforth, “the Committee”). The latter was formed in 1996, at a time in which, as an institution, the SMT sought to set up a dispositive both to respond to the increasing demographic heterogeneity of the field of music theory and to further that heterogeneity by recruiting and mentoring members of underrepresented peoples (see Appendix 1). In 2007, when the panel convened of which this paper was part, there was a sense of crisis. The underlying message of the special session “Voices from the Field,” organized by the Committee on Diversity, was that although work to diversify the SMT had been done, much more remained to be done (see Appendix 2).

Surprisingly, there are no available statistics for SMT membership according to the standard U.S. demographic categories of ethnicity, race, gender, sexuality, and nationality.² Nonetheless, we might infer that the overall balance is not very, well, diverse. Furthermore, if it existed, such a tabulation would powerfully ascribe qualitative distinctions to individuals, while the percentages would describe the quantitative distribution of these ascriptions in field as a

¹ Étienne Balibar, “Ambiguous Universality,” *Differences: A Journal of Feminist Cultural Studies* 7/1 (1995): 48–74.

² Results published in 2005, from a study by the SMT’s Committee on the Status of Women, found that out of one hundred SMT-member respondents, 30% were female and 70% were male (Janna Saslaw, “Committee on the Status of Women,” *SMT Newsletter* 28/1 [2005]: 7–8).

whole. These statistics would buttress the Committee's injunction to further animate the distributions of those qualities and quantities, adjusting their proportions perhaps by means of canon expansion (a common theme in the Committee's programming since 1996), methodological adjustment, curricular revision, and active recruitment and organization. However, this injunction would remain committed to the particular ascriptions of the table, because they historically organize and drive the politics of diversity in the academy. By this logic, the injunction and the distribution to which it responds seem to collapse into one another, and this happens at an institutional level. One of our goals in this article is to interrogate the juridico-political process of this institutionalization, assessing the stake of adhering to its categories in this historical moment. Neither the broader academic field nor the relationship of the academy to the larger social field in and within which the SMT was founded are now what they were when the Committee came into being in 1996. Those shifts are in need of examination. To this end, this article offers an analysis of "diversity" along three axes:

- (1) As a socio-technical dispositive attending to specific historical pressures on the SMT, where the SMT constitutes an institution and socio-political space in constant transformation;
- (2) As a juridical category receiving juridical form responding to national disputes about social parity in higher education and graduate professional training; and
- (3) As a dimension of subjectivity in which the experiences of actresses in the field and outside of it give diversity agency in the educational mission of the contemporary university.

We begin with this final axis.

I. ETHNIC MANEUVERS IN THE DARK

Participants in the 2007 Committee on Diversity panel, “Voices from the Field,” were invited to address the issue of diversity from our personal experience in the field. To honor that request, I (Jairo Moreno) related a couple of stories that I also include below: one from my first forays into the job market while in graduate school at Yale, another from my first professional appointment at Duke University.

Early in 1995, I had my first-ever campus interview, at a small liberal arts college and conservatory in the great North American Midwest. It went well, and much to my surprise I was offered a tenure-track position. I politely declined. I always thought of that decision as stemming from the bio-cultural impossibility of withstanding minus-20° Celsius in the Wisconsin tundra while on the way to discuss the finer points of dominant prolongations to astute young musicians, early in a spring semester.

Another interview materialized right after, this time in the Southwest. I had been pretty much myself during the first interview. In the first-year evaluation at Yale I had been described as bringing a lighthearted attitude to complex discussions, or something to that effect; so I decided that I shouldn’t tamper with my style while at the largest state university in the largest state of the Union. After all, I thought, I might feel slightly more at home there; I mean, there were quite a few Spanish-speakers down there, lots of folk with resonant vowels at the end of their last names and that kind of thing. And so I did: I went down there, was “myself,” and bombed the interview, big-time. Upon return to New Haven, I was gently taken aside by the person then serving as department Chair. After a quick chitchat about the interview (which the Chair, it seemed to me, had already heard about), the Chair retorted, tongue-in-cheek: “Jairo, you shouldn’t be so . . . um . . . what is the word I am looking for . . . um . . . ‘Lat’n’!”

This was the kind of comment that was at once absolutely clear and perplexingly obscure. Coming from an experienced and well-respected professor, and an insider in the discipline, I could not afford not to listen. That much I knew. But much was left for me to infer within the limited context in which the speaker could have possibly known me. (By the time the Chair joined the faculty, I was finished with course work and not working as a TA.) On the speculative evidence from my first-year evaluation letter, I guessed that perhaps taking too casual an attitude might have been inappropriate to the formal protocols of an academic job interview. I could chalk that up to a combination of my ignorance, naïveté, and disingenuousness. Beyond that, all my guessing was based on a nebulous syntax that all of the sudden appeared to be the key to understand how one's "personality" could be—and would be—inserted into a vaster and incomprehensible grammar of stereotypes. If in the context of graduate school I could be marked as "Lat'n," in another I'd be "Hispanic," or "Colombian" in yet another. And I am sure there are more contexts still.

Now, I don't recall being rattled by the comment itself (or thinking something silly, like being seen to carry an imaginary tropical fruit basket on my head); and I certainly didn't blame my failure at the interview on whatever it was that the Chair was communicating. (Among other things, during the interview my answers to most questions were simply inadequate, and my job talk went well over the allotted time.) Nonetheless, if the effect of the Chair's utterance on me was immediate and personal, the structure of its identity ascription was not. In time, the reach of this institutional structure began to dawn on me as an individual. Two things came into clearer focus:

- (1) The pervasiveness of this syntax across the entire social field in the U.S., to organize interpersonal and institutional relations; and

(2) The possibility of working as an academic would entail taking a stance vis-à-vis such ascriptions, that is, managing my newly acquired consciousness of the things that I could represent to potential employers, peers, and eventual colleagues.

A short while later I managed to ask the Chair to be more specific about the meaning of “Lat’n.” To the Chair’s credit, s/he did, confirming my initial intuition that a personality trait had been scaled out to a group identity category: “. . . well, you know, don’t be so informal all the time.” As an example, the Chair suggested that, if possible, I should avoid touching people I had just met. (A slight tap on the shoulders of a new acquaintance is not an uncommon practice where I grew up.) Fair enough, I said.

I don’t know if I toned down my “Lat’n” sociability habits, simply got better at interviews, or knew that, with the dissertation close to being finished, I needed to get a job, but the following year I was lucky to have two excellent job offers. First, though, I did heed the advice of the Chair who, before I headed south for an interview, had kindly suggested that I maintain a respectful distance and adopt a deferential attitude towards the interviewers, particularly a British scholar member of one of the committees. And so it was that, apart from giving firm handshakes and politely laughing at the odd jokes that punctuate all interviews (as instructed by those in the know), I never came any closer than two feet from anybody—which is what I imagined some normative Anglo-American personal space to be. Over the course of two interminable days I worked really hard to keep any limb that might have come into uncomfortable or inappropriate contact with somebody else’s body (British or not) tied to my increasingly stiff torso. Shortly afterward I received the call offering me the position. I accepted it.

That year I joined Duke. I was the only “Hispanic” among some twenty-three new faculty hires. That much I knew from the statistics the University publicized, which I eventually came to

know as part of a years-long Faculty Initiative, a coordinated effort to recruit minority professors to tenure-track positions. In 1996, the split for all regular faculty was 89% White, 6% Asian, 3% Black non-Hispanic, and 2% Hispanic.³ Because of the ascription “Hispanic,” I—whose skin color is on the whiter shade of pale—shared this category with a Galician (Spain) colleague, whose intensely dark skin would have made the casual onlooker consider him to be of African or Southeast Asian descent. He, a senior Latin Americanist literary eminence with formidable Hegelian credentials and outlook, and I, a junior middling music theorist with a fatal weakness for a certain post-Heideggerianism of French origin, could be intellectually labeled as accomplices with Eurocentrism—for being (for academic liberals like ourselves) on the wrong side of the 1980s culture wars and its aftershocks throughout the 1990s. Additionally, we might be ideologically labeled as members of the great unmarked and hegemonic troves of faculty everywhere who were fatally and un-redeemably unaware of our oppressive perpetuation of the study of “whiteness,” which were the most damning charges in the self-appointed court of epistemological justice ran by ethno-racial identitarians incapable of imagining other forms of academic politics. None of these charges ever materialized. But within the institutional environment at Duke, race, ethnicity, and the cultural values attached to these categories were never far from earshot. Other colleagues seemed quite engaged in affirming them, either in their scholarly work or in passionate rhetoric at meetings, letters to the student paper, casual conversation, and so on. It was hard, if not outright impossible, *not* to think in intensely racialized terms.

In passing conversation with my Galician colleague, it turned out that our lower middle-class parents had similar interests, which could well have influenced our eventual lives as academics; there were lots of books at hand, some classical music (it was Rossini time on

³ Institutional Research, Office of the Provost, Duke University.

Saturday mornings at my house, late Beethoven at his), a healthy obsession with education, rigorous secondary education in the humanities, and so on. It certainly did not escape my attention that at this late stage of modernity, a citizen from a former colony and one from the former imperial power could be so neatly lumped under a single ascription in the hands of the new empire. Indeed, “Hispanic” was first officially deployed in the 1970 census, during the Nixon administration, in an effort to accommodate an increasing number of peoples of Latin American origin, regardless of race. The trajectory of this ascription is quite telling: in the 1930s “Mexicans” were counted, by the 1940s the criterion was “persons of Spanish mother tongue,” by the 1950s and 1960s “persons of Spanish surname.” “Hispanic” is consolidated just as official ascription became central in the management of ethnic populations.⁴

At Duke, and at one extreme and powerful distributive figuration of this ascription, we constituted part of the percentage of total Hispanic faculty (1.5% by 2001), along with other such distributions, such as the percentage of Black non-Hispanic faculty (3.6% by 2001), all carefully tabulated and advertised by the administration. These totalizing figurations of course played a central function within the calculus of a certain institutional level operating well beyond individuals like my colleague and I. Yet, this calculus obeyed a peculiar logic in which the dual virtue of our experiences as individuals and our qualities as members of ethnically recognized groups would enrich the educational mission of the University. Such was the burden of exemplarity I learned about as a junior professor, and it may have been the most difficult and intractable lesson of life as an academic in the U.S.

⁴ For discussion of the history of political practices of labeling, see Suzanne Oboler, *Ethnic Labels, Latino Lives: Identity and the Politics of (Re)Presentation in the United States* (Minneapolis: University of Minnesota Press, 1995).

It was never clear, however, whether or not this calculus compelled one to disidentify, as I had attempted while interviewing there, or to perform whatever ethno-racial identitarian maneuvers were necessary to get ahead in academia, as others I knew had successfully done. For my part, I remained in the dark, performing my own maneuvers in the penumbra between being too “Lat’n” and never being Latin enough. Whether or not I sufficiently or adequately contributed to the cultural, intellectual, or social diversity of the institution, I never truly knew.

II. POLITICS OF CULTURE

“It might be easier to achieve social justice in Colombia than to think outside identity politics in the mainstream U.S. academy.” These words, from Ana María Ochoa-Gautier, my one-time colleague at New York University, would sum up my increasing awareness—although not necessarily my understanding—of what was at stake in continuing to work as an academic in the U.S.

Even the simple stories above indicate the kinds of difficulties that emerge as an institutional dispositive mobilizes various forces across the social field. The stories show the perplexity that institutional ascriptions might generate for individuals either unable to decipher its codes or simply ignorant of the interpretive frameworks that lend those codes social intelligibility and meaning. Identity ascription, and the cultural background that this identity is assumed and expected to represent, are central to the work of diversity in institutional settings. Indeed, as we discuss now, because of rational and affective dimensions founded on notions of culture and identity, “diversity” gains and retains a great deal of power and appeal—power articulated through a vast network of formal and informal discourse, from the U.S. Supreme Court to the consumer market.

The rational and affective force that culture and identity carry in the public sphere makes it easy to overlook their role in mediating the relation between the state and civil society and in legitimizing juridical and legislative measures. Culture and identity have become part of a generally shared discursive ground for the imminently political practices of consensus-forming. But culture and identity transcend the discursive dimension of social life; more precisely, they come to form part of a political life-world in which “affective relations and the state are immanent to each other.”⁵ The following section sketches out a genealogy of processes by which the ascription of identity fuse with the notion of cultural sovereignty. We then map how this fusion constitutes a uniquely U.S. contribution to democratic practice. Owing to this nation’s formidable disseminating capacities, this “process” has gained something like universal status: identity politics. Perhaps here, diversity and universality coincide yet again. First, much political work had to be done to reach this point of coincidence.



In the late 1960s, Kevin Phillips, then a Republican Party strategist and operative and now a reputable political historian and critic of the G.O.P., helped engineer what is known as the Southern Strategy. The objective was to win over white, low-income voters to the Republican Party; the method was to incite social divisions along the color line in Southern states: racial politics at their rawest and worst. This was done not by curtailing gains attained by minorities through the Voting Rights Act of 1965 but precisely by promoting them. As the number of blacks registering for the Democratic Party increased, Phillips wagered, so would the number of racist whites turning to the G.O.P. Why? Because at the beginning of the decade, Southern

⁵ John Beasley-Murray, “Subaltern Politics: Solidarity and Critique (Or, Four Theses on Posthegemony),” paper presented at the Latin American Studies Association (LASA) Congress (Washington, D.C., 2001), 3.

Democrats opposed Civil Rights more fiercely than Republicans. Feeling betrayed by their own party because of a federally mandated disruption of their local and communitarian social orders—for instance, school busing—these voters were affectively susceptible to political redistribution. To accomplish this redistribution, the Nixon campaign made wide appeal to powerful notions of states’ rights. This permitted invocations of local cultural identity, of communal and individual decision-making, of the promise of a redistribution of power administration back to the states. In the context of the Party’s strategy, these effects sustain the possibility that Southern white identity, particularly among the working class, might well survive the perceived sweeping changes in U.S. society. Along the way, self-reliance was invoked as a quintessentially “American value” and the liberal establishment and bureaucracy was cast as an accomplice of minorities in squeezing out “middle America”—an enduring coinage of the Nixon camp.⁶

The history of populism is strewn with political maneuvers such as Phillips’ and it is well beyond the present purposes to provide a more detailed account of the rise of right-wing populism in the U.S. at the end of the 1960s. But suffice it to note that Phillips’ strategy did manage to attain what he called a Republican majority—the title of his 1969 classic. The G.O.P. successfully co-opted the figure and values of the “everyday man” (i.e., a predominantly male, white working class) as its own, not just in the South but across vast expanses in the Midwest and elsewhere. The consequences of this were still felt dramatically in the 2000 and 2004 presidential elections.

⁶ Another such coinage, “Silent Majority,” mobilized people not invested in either the counter-cultural movement or the anti-War demonstrations.

The dynamics of this moment in modern political history are consequences of then-emerging uncertainties about the utopian promises of the post-war years, uncertainties that would help drive the promotion of culture and group identity as viable political options. In broad terms, the post-war period ushers in the decline of an “American society” that understood itself as culturally homogeneous. That this was a matter of perception by the white majority cannot be emphasized enough. Additionally, post-war economic changes made it impossible for the U.S. to rely on the continuing prosperity that the nation enjoyed in the post-war years. These are consequences of, on the one hand, the increased visibility of minorities in the wake of the Civil Rights movement and, on the other, an increasingly competitive market resulting from an accelerated decline of communitarian input on economic decisions, which leads in turn to new patterns of consumption along group-identity lines. Generational dissension would challenge ideas of the nuclear family. The anti-establishment, left-oriented metropolitan youth activists on university campuses, fighting for free speech, would enter into conflict with a traditional leftist sector, the labor unions. The conflict produced an unprecedented clash between two powerful socio-political values of U.S. life: individualism and communitarianism. Outright hostility toward the Vietnam War fanned doubts about administrative reason and eroded the state’s moral ground.

This is a time of reckoning for the Civil Rights movement as well, which, following the assassination of Dr. Martin Luther King, had to reassess the capacity of American society to accept its rightful demands. The movement, and certainly its black membership, underwent radical transformations. Black politics and activism would include both Black Nationalist militant organizations and movements such as the Reverend Jesse Jackson’s Operation PUSH that

sought to work within a political apparatus already busy at work to siphon away any electoral power black citizens might have gained earlier the decade.⁷

The issue of individual and group rights presented ongoing structural challenges in the context of the Civil Rights movement. Although compelled to confront systematic access inequities in employment, health care, and housing among cultural, ethno-racial, and gender *groups*, the state's antidiscrimination legislation and programs were designed to protect *individual* rights as inscribed in the Fourteenth Amendment. Whatever gains the Civil Rights movement had made to promote a color-blind society, the end of the decade cast doubts on the power of legislative and administrative reason to guarantee and protect social justice, be it for individuals or groups.

Earlier in that decade, however, the state had launched some of the most radical (and for many, progressive) projects of social reform since Roosevelt's New Deal. Johnson's "Great Society" included federally funded programs to wage a "War on Poverty" with "community action" as its main weapon.⁸ By relying on local activism to create the necessary momentum for economic self-empowerment and self-determination, the Economic Opportunity Act (EOA) created opportunities for leadership parallel to the traditional political structures of city councils and mayors. It wasn't long before career politicians felt the threat of this emerging political class and sought legal avenues to slow its development. These efforts were, unfortunately, successful.

As Johnson's anti-poverty programs expanded, however, so did his investment in the Vietnam War. As the war dragged on, it became increasingly evident that a disproportionate number of deployed soldiers and casualties came from those economically disadvantaged groups that the EOA sought to assist: Blacks and Latinos. This contradiction cast a shadow on the inten-

⁷ Operation PUSH, founded in 1971, is an acronym of People United to Serve Humanity.

⁸ Economic Opportunity Act, 1964.

tions behind community empowerment when many of those communities' most able working bodies being sent off to battle. This tension between the military demographic, as a paradigmatic reflection of the real—i.e., patriotic—society, and other institutions' demographic distribution, will play a role nearly thirty years later in one of the Supreme Court's most important decisions about diversity in higher education. Some interpreters would blame increasing war expenditure on the eventual drainage of social program funding. History will never know.

To return to the 1970s, the Nixon administration eventually disbanded the EOA and redistributed its domains (education, health, and housing) across a dense and intractable bureaucratic network of federal agencies unreachable through direct community input. Planning for solutions to basic societal needs would be transferred to technocrats, reflecting a turn towards specialized knowledge and a new culture of rational management of social access distribution. Of course, this was the same administration that gained power by appealing to communal senses of cultural self-determination in the white South. On the new front of culture as politics, the Nixon administration would deploy the same logic to inculcate the value of self-determination in a number of "minority" communities (i.e., those demographically marked as colored). This was no contradiction. Both programs embodied a strategic awareness of the enduring power and pliable qualities of notions of culture, identity, and community to do politics.

One of the EOA's most lasting effects was encouraging communities to become aware of their own practices of cultural sovereignty; that is, to bring into their consciousness that there were everyday practices proper to specific locations and best known through the authority of experience of those engaged in them, day in and out. This goes some way to explain how many community organizers successfully became political leaders. These leaders had expertise in the new political currency, culture, which they could rearticulate to the new political possibilities the

state now offered. Consequently, their success should not be reduced to some kind of need to fill in the void left as the federal government withdrew from the micro-administration of the social field. At stake is nothing less than the cultivation and mobilization of cultural sovereignty in the political field. The state now offered the recognition of the needs of subordinate groups defined by ethno-racial cultural identity under a new set of “means of access to goods and services provided by the welfare state.”⁹

A decade after the heyday of the Civil Rights movement and its vision of a color-blind society, minority politics were framed within a softer, vaguer, and ultimately more juridically pliable vision of a color-conscious society. This passage from a language of “rights” (which, again, had in the individual their minimal unit of intelligibility and legislative power) to a more humanistic but more broad and elusive language of “needs” (which had collectivities as their ideal social unit) coincided with two major displacements in the politics of dissent.¹⁰ First, the neutralization of radical manifestations of color-consciousness in minority resistance groups, which included armed Black, Chicano, and Puerto Rican movements, all of which were violently repressed and many eventually decommissioned, quite literally. Second, as George Yúdice remarks, “political action gave way to political brokerage in increasingly institutionalized settings: university programs in African American, Chicano, Puerto Rican, and women’s studies; community cultural programs; bilingual education programs; and more.”¹¹ There they would

⁹ George Yúdice, *The Expediency of Culture: Uses of Culture in the Global Era* (Durham, NC: Duke University Press, 2003), 55.

¹⁰ Yúdice, *The Expediency of Culture*, 54.

¹¹ Yúdice, *The Expediency of Culture*, 54. The first Black Studies department was at San Francisco State (1968). Chicano studies programs were first founded at U.C.-Los Angeles (1969), followed by California State Northridge (1969), U.T.-El Paso (1970), and U.C.-Santa Barbara (1971). San Diego State College opens the first Women’s Studies program, in 1970.

remain, increasingly unable to interact effectively with or affect the messy “culture” of electoral politics and its institutions.

Cultural affirmation had solidified as the means for minority disenfranchised groups to demand that the state satisfy their rightful needs. For its part, the state demanded that groups making those demands be legitimately recognized if they met the proper standards of cultural affirmation. The state considered some differences (race, gender, and heterosexuality) to be normative and non-mutable—and distributed the social terrain for identity politics accordingly. In other cases, groups were compelled to locate “surrogate terrains” for identity formation, such as language for Hispanics or sexuality for homosexuals.¹² Recognition defused resistance and guaranteed a modicum of resources.

Community and identity groups consequently become “corporate identities,” which are constituted as “forms of group identity that are officially recognized, sanctified, legitimized, and accepted by the state and its institutions.”¹³ The “incorporation” of the corporate identity forges a fundamental link between “forms of group identity based on language, ethnicity, religion, and culture, as they are experienced by individual members, and forms of group identity that are recognized by the state and its institutions as legal or quasi-legal entities, which then confer on members of such groups certain rights and privileges.”¹⁴ This version of the corporate identity, which comes close to effacing distinctions between individual experience and group identity, obeys a particular political logic. Namely, corporate identities require their claimants to demand public recognition of their essential difference in order to become a corporate identity. This co-

¹² Yúdice, *The Expediency of Culture*, 55.

¹³ Seyla Benhabib, “Civil Society and the Politics of Identity and Difference in a Global Context,” in *Diversity and Its Discontents: Cultural Conflict and Common Ground in Contemporary American Society*, ed. Neil J. Smelser and Jeffrey C. Alexander (Princeton: Princeton University Press, 1999), 298.

¹⁴ Benhabib, “Civil Society,” 298.

constitution (or circularity) is not problematic in itself, but it begs a question that will haunt the official multiculturalism-to-come of the 1980s: what is at stake in a political setting that asks people to become what they already are, only more so?

There are two dimensions to this query. First, the state creates a public and political culture that rewards claims to identity among disenfranchised groups. Second, in this political culture, such groups must forcefully assert their singularity or individuality vis-à-vis other groups, asserting, thereby, their claim to difference. These dimensions exist in tension with one another. However different from one another, all identity groups *seem* functionally equivalent insofar as they are constituted as corporate identities, when in fact their only objective common ground (what political theory calls a universal) is their shared disenfranchisement and subordination. If according to its classical anthropological definition, culture is the more or less tangible ensemble of ideas, practices, and values, it is the less tangible *relation* of difference between these ensembles that constitutes a new political form.¹⁵ Two practical consequences follow that will affect profoundly the administration and management of diversity via corporate identities:

- (1) The social field is distributed along an axis of pluralism; and
- (2) There emerges what Daniel Bell called a “revolution of entitlements.”¹⁶

In what follows, we expand on both.

Pluralism is an old trope in U.S. discourses of self-identification. Using the motto *E pluribus unum*, pragmatist philosophers William James and John Dewey appealed to the notion

¹⁵ Yúdice, *The Expediency of Culture*, 23.

¹⁶ Daniel Bell, *The Cultural Contradictions of Capitalism* (New York: Basic Books, 1978), cited in Benhabib, “Civil Society,” 299.

in an effort to attenuate anti-immigration sentiment in the 1930s.¹⁷ By the 1970s, pluralism becomes a key term for cultural-identity politics. Pluralism is also a fundamental tenet of liberalism, giving form to the demands society makes of a political system constituted around the idea of the “individual” as that society’s ultimate and sacrosanct political unit. By consolidating themselves as “corporate identities,” ethno-racial “groups” can articulate demands as coherent, bounded individualities and not heterogeneous collectivities. In a sense, then, the pluralism of the 1970s made individuals of groups, mediating a tension between individual and collectivity existing at the heart of liberal democracy.

As Chantal Mouffe explains, the systemic primacy of the individual presents an empirical limitation to the corporations necessary for democratic political practices: how can democratic political practices accommodate the theoretically endless (plural) number of demands, entitlements, interests, and needs of individuals (or, as in the present case, of individual groups)?¹⁸ At stake is the neutralization of systemic conflict. One solution, apparent in the emergence of cultural identity groups, is to accommodate demands of this plural association through rational and non-conflictive consensus. In other words, by rationally agreeing that the nation’s already

¹⁷ According to Timothy Brennan, pluralism is first theorized within the context of creole nationalisms in Latin America and the Caribbean: “A New World pluralism was first theorized by early Caribbean travelers like Jean-Baptiste du Tertre and Père Labat, and then forged into a political ethic by Sarmiento, Martí and others in the wake of the nineteenth-century liberation movements . . . it was this tradition of thought that was—honorably at first—introduced into North America by the pragmatist philosophers John Dewey and William James in the Gilded Age, to stave off anti-immigrant sentiment in the U.S. It was then gradually purged of all trace of its foreign origins, to become officially institutionalized as the creed of the nation” (Timothy Brennan, “Cosmopolitanism and Internationalism,” in *Debating Cosmopolitics*, ed. Daniele Archibugi [New York: Verso, 2003], 43-44). In 1956 Horace Kallen elaborated another version of pluralism tolerant of “the commerce of difference” (in Kallen, *Cultural Pluralism and the American Idea: An Essay in Social Philosophy* [Philadelphia: University of Pennsylvania Press, 1956]), as Avery Gordon and Christopher Newfield write (Avery Gordon and Christopher Newfield, “White Philosophy,” in *Identities*, ed. Kwame Anthony Appiah and Henry Louis Gates, Jr. [Chicago: University of Chicago Press, 1995], 396). See also the essays in Chantal Mouffe (ed.), *Dimensions of Radical Democracy: Pluralism, Citizenship, Community* (New York: Verso, 1992).

¹⁸ Chantal Mouffe, *On the Political* (New York: Routledge, 2005), 11. Kevin Korsyn invokes Mouffe’s analyses of democracy in his analyses of the contemporary university (see Korsyn, *Decentering Music: A Critique of Contemporary Musical Research* [New York: Oxford University Press, 2003], particularly chapters 7 and 8).

existing plurality (of ethnicities, races, faiths, etc.) must be reflected officially in the institutions of the state *and* the civil society.

The interpretive impasse here is whether pluralism constitutes the recognition of a ground objectively given and existing prior to the rational agreement or, instead, such recognition constitutes a horizon to which liberal democracy aspires. In the complex hermeneutics of the politics of diversity, these options co-exist in tension with one another. One points to an objective pre-existing condition and the other to its potential realization in a more just society of the future. Most crucially, pluralism constitutes a form of *management* of diversity (both pre-existing and to-come), in which a group's culture counts as political capital under this new system. This requires that culture *and not simply* "people" be subject to administration. The same question arises with respect to culture: is it an objective and pre-existing ground or is this ground validated and resignified by political legitimation? We must answer yes in both cases. In turn, the construction of what a group's culture is, what historical events most decisively affect its formation, and so on, becomes the terrain over which groups will compete, powerfully introducing the question of entitlements. The consequences that these changes have for our understanding of diversity are as follows: the rational acceptance of pluralism and its legitimation at all political levels creates the general terms both for intelligibility of what it means for the nation to be a body politic, made up of diverse cultures, and for the elaboration of projects that might best fulfill this diversity.

By a "revolution of entitlements," Bell means not just a proliferation of rightful demands within minority identity groups but also the creation of a marketplace-like logic for those demands, as well as a transformation in definitions of what constitutes the property of these

groups *qua* cultural identity collectivities. We are most interested in the last two of these definitions of “revolution of entitlements.”

Pluralism orders the social field as a non-conflictive accommodation of differences and identities. The implication that this accommodation eliminates conflict constitutes pluralism’s *ethical dimension*. But pluralism also functions as a management measure because cultural identity counts as capital in a political and material economy administered by the state. This is its *economic dimension*. These dimensions are incompatible.¹⁹ The former eliminates all adversarial relations among groups (as well as neutralizes the more radical forms of resistance to the state). The latter animates competition among groups for state welfare (understood broadly as the distribution of material resources to the social field as a whole, not in the patronizing terms under which welfare would be cast by the right-wing). The politics of cultural identity create an economic space compelling individual groups to maximize their specific interests, according to the logic of the market. This market logic should not be understood merely as a strategy adopted by groups vying to survive or be recognized in the new political economy. Rather, it is absolutely co-constitutive of the politics of cultural identity and of the notion that diversity is beneficial to the body politic as a whole.

Such a competitive market logic might ask what constitutes the greater historical and ongoing injury: the brutal institutionalization of racism against blacks under Jim Crow laws and the social marginalization of black communities in the contemporary U.S., the dispossession of land and social isolation of native Americans, and so on. As we now discuss, when disputes over entitlements to higher education enter the juridical terrain in the late 1970s, the very notion of

¹⁹ Mouffe, *On the Political*, 11.

what constitutes “genuine diversity” places limitations on how specific a group’s interest can actually be. This reflects what will become a constant need for management of this new form of political capital—cultural identity—in the interest of that peculiarly pre-existing plurality of U.S. society and of the ethical aspiration to true social diversity. The most important ground for the management of this diversity is juridical.

III. DIVERSITY AS A JURIDICO-POLITICAL CATEGORY

To become a juridico-political category, the state has to take what is called “compelling interest” in diversity. We will have much more to say about “compelling state interest,” but for now, we offer two questions that unfold along the qualitative/quantitative dyad that historically splits (and troubles) thinking about diversity. In what *kind* of diversity does the state take a compelling interest? And if, as we have suggested, diversity acts as a ceaseless, insurrectionary “turning apart,” how *much* diversity can the state be interested in maintaining? Is it possible to determine that an institution is adequately diverse? Through what unit of analysis could such a claim be made? This section examines these questions through the precedent-setting 1978 Supreme Court case, *University of California Regents v. Allen Bakke* (hereafter *Bakke*),²⁰ regarded by some as a great compromise, and by others as a vague decision that irrevocably muddied the waters for affirmative action for the next thirty years. In what follows, we show how, in *Bakke*, a very particular understanding of “diversity” reconfigures the relationship of individual to group. Through *Bakke*, we show how the Supreme Court stabilizes this “diversity” as a properly juridical category. As a mediating term between individual and group, this

²⁰ *University of California Regents v. Bakke*, 438 U.S. 265 (1978); cited hereafter as *Bakke*.

“diversity” guides the rational and non-conflictive consensus that constitutes pluralism. We move slowly and carefully through the case, unpacking the legal logic that subtends both the Court’s version of “diversity” and its understanding of pluralism.

But first, the facts. In *Bakke*, the question of the constitutionality of U.C.-Davis Medical School’s “special admissions process” precipitated Justice Lewis F. Powell’s landmark decision that race-conscious admissions policies will be considered constitutional given that they meet a very specific set of standards and conditions. Powell ruled, however, that Davis’ policy was unconstitutional. How does this play out? In 1973 and 1974, Davis’ Medical School set aside sixteen of its one hundred seats for students accepted through its “special admissions” program. According to its application guidelines in 1973, Davis’ special admissions were open to “economically and/or educationally disadvantaged” applicants, although Davis never produced a formal definition of “disadvantaged.” In 1974 the guidelines were changed to include only “minority students,” which in this case encompasses three racial and ethnic groups: African-American, Native American, and Chicanos.²¹ Allen Bakke, a white male applicant, applied to special admissions in 1973 and 1974. He was rejected in both years, and brings the suit because he claims that the special admissions program discriminated against him on the basis of race. The California district court sided with Mr. Bakke, deciding that: (a) the special admissions program violates Title VI of the Civil Rights Act of 1964; (b) U.C.-Davis was required to admit Allen Bakke; and (c) U.C.-Davis was forbidden from taking race into account in any future admissions decisions.²²

²¹ U.C.-Davis includes Asians when counting minority students enrolled in the medical school, although Asian students are not officially included in the special admissions program.

²² “No person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be discriminated under any program or activity receiving federal assistance” (cited at <http://www.ourdocuments.gov> [accessed 14 July 2008]).

The Supreme Court upheld the first two rulings but overturned the third. In his decision, Powell (known as a as a master of judicial compromise) balances the “social necessity of affirmative action”²³ with a meritocratic individualism that from some perspectives looks a lot like the individualism deployed in late 1960s electoral politics to shore up “American” values along racial lines. Powell’s compromise depends on a very particular construal of the relation between the First and Fourteenth Amendments.²⁴ It is the Fourteenth Amendment that holds Powell fast to the category of the individual.²⁵ Why? How is individualism yoked to constitutionality in *Bakke* and what are its implications?

As one might expect, what constitutes “equal protection” and who is thereby “equally protected” has not been interpreted consistently throughout history. The Equal Protection clause, for example, was deployed to support segregation until *Brown v. Board of Education* (hereafter *Brown*) initiated a radical change in its interpretation in 1954. As it’s used in *Bakke*, the Fourteenth Amendment mandates that all persons be considered as individuals before the law; that consideration should not be shaped or inflected by a person’s identification with any particular racial group. Nor, on the other hand, should these rights be interpreted relative to differences

²³ Robert Post, “Introduction: After Bakke,” *Representations* 55 (1996), 4.

²⁴ When two constitutional values encounter one another in this way, they are called “countervailing interests”; in *Bakke*, as we show shortly, the First Amendment protects academic freedom as a freedom of speech. The First Amendment is in a certain sense in U.C.-Davis’ favor insofar as it affirms that the university should be able to admit whoever it sees fit on academic grounds. The Fourteenth Amendment, on the other hand, guarantees “equal protection before the law,” and forbids the state to “make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.” The challenge, here, is to allow the university to continue exercising its academic freedoms, while ensuring that that exercise doesn’t abridge the “privileges” and “immunities” of the citizenry.

²⁵ Since *Brown v. Board of Education*, The Equal Protection clause of the Fourteenth Amendment has been interpreted as protecting the rights of individuals, not of groups. The clause mandates that: “States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws” (cited at http://www.usconstitution.net/xconst_Am14.html [accessed 6 August 2008]).

between ethno-racial groups. Does this interpretation of the Fourteenth Amendment and the Equal Protection clause place a limit on the market logic of demands articulated through cultural difference? This question points toward one of the many endpoints of our analysis, but for now we offer two questions whose impact on *Bakke* is significant. Does the opposition of the unique individual to the identification with a racial collectivity mean that the Fourteenth Amendment should be interpreted as being color-blind? And secondly, how do we think of race and ethnicity under the legal injunction that both ascriptions be considered only through the category of the individual?

The history of the Fourteenth Amendment is extremely significant here. Under some readings, its framers understood this Amendment as protecting the freedoms of the then recently freed slaves. In this sense, the Fourteenth was meant to adequate the rights of one racial group to those of another; it implicitly divided American society into two racial groups, which Powell calls the “two-class theory.” Clearly, under the “two-class theory,” any legislative action based on the Fourteenth will act upon racial groups, and not individuals; that is, although intended to *protect* the rights of Black Americans, the Fourteenth accomplishes what Jorge Klor de Alva calls “the fusion of person with category.”²⁶ The logic of this fusion, de Alva forcefully points out, is at work as early as the seventeenth century, deployed by white Europeans to ontologize racial difference. It serves, de Alva continues, to figure American slavery as a natural consequence of the intrinsic character of Africans, making of slavery a social ontology. This same fusion haunts the “two-class” model, which paved the way for the “separated but equal before the law” logic of segregation, and as we are reminded by the dissenting Justices in *Bakke* (i.e.,

²⁶ Jorge Klor de Alva, “Is Affirmative Action a Christian Heresy?,” *Representations* 55 (1996), 66.

Brennan, White, Marshall, and Blackmun), it was most definitely deployed as such. *Brown* forces a radical reconsideration of both *what* “equality before the law” should mean, and *how* that equality should be distributed. As is well known, *Brown* declares that “separate school and public facilities of all sorts were inherently unequal and forbidden under the Constitution.”²⁷ Any form of (alleged) equality that is deployed in and through the separation of the nation into racial groups is thus unconstitutional also. Among its many other consequences, *Brown* paved the way for the individualistic interpretation of the Fourteenth Amendment that in 1978 becomes so essential in *Bakke*.

Accordingly, in his opinion Powell writes: “The guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color.”²⁸ Using different evaluative rubrics for persons of different racial groups, as did Davis’ “special” and regular admissions tracks, violates the Equal Protection clause. According to Powell, the “special admissions” track isolates individuals of different ethno-racial groups from competition with one another and thereby functions like a quota system. Under this logic, U.C.-Davis treated Allen Bakke as a “white male,” and not as an individual variously qualified or unqualified for success in medical school.

So far, however, it is not yet clear how individuality and race function together. Justices Brennan, White, Marshall, and Blackmun assert that the adherence to individualistic mandate of the Fourteenth Amendment does not demand recourse to judicial color-blindness, although Powell’s rendering of the Fourteenth implies that it does. Their opinions, which we quote at

²⁷ *Bakke*, 45.

²⁸ *Bakke*, 13.

length below, point to the Fourteenth Amendment's uneasy relationship with history, which even their more flexible, contingent construal of the Amendment cannot efface.

[C]laims that law must be “color-blind” or that the datum of race is no longer relevant to public policy must be seen as *aspiration* rather than as a *description* of reality. This is not to denigrate aspiration; for reality rebukes us that race has too often been used by those who would stigmatize and oppress minorities. Yet, we cannot—and, as we shall demonstrate, need not under our Constitution or Title VI, which merely extends the constraints of the 14th Amendment to private parties who receive federal funds—let color blindness become myopia which masks the reality that man “created equal” have been treated within our lifetime as inferior both by the law and by their fellow citizens.²⁹

Color-blindness is tantamount to disavowing histories of racial oppression; and yet, these Justices describe the “equal protection” described by the Amendment as being grounded in (or modeled on) no particular historical present. The Fourteenth describes an ideal and indeterminate future to which we must aspire. “Reality” here—which could be taken to mean analysis of both historical and contemporary race relations—doesn't mediate or condition that aspiration as much as it simply compels us to continue aspiring with renewed strength. These Justices hardly “denigrate aspiration”; rather, they implicitly frame it as the most pertinent hermeneutic for legislation pertaining to ethno-racial equality. According to this passage, the law functions as an affective, hopeful injunction and not as a means of assessing the historical present from which we move into a more just future. In other words, these judges imply that the law has no positive relation to history; the best any interpreter of the law can do is *not* obscure or disavow history. As we detail below, this will have significant implications for Powell's understanding of the relationship of the university to history.

²⁹ *Bakke*, 45.

Powell produces a different set of problems in his construal of the relationship between history and the law. The version of the Fourteenth expounded by Brennan et al. should be flexible enough to accommodate changing relations between “minority” and “majority.” Similarly, Powell recognizes the historical necessity of moving beyond the “two-class theory” that subtends the Fourteenth in its original framing.³⁰ This said, Powell claims that the terms “majority” and “minority” are so historically contingent that to use them as axes for constitutional interpretation “undermines the chances for consistent application of the Constitution from one generation to the next.”³¹ Implying that historical legacies of discrimination are more flexible and transient than do White, Blackmun, Brennan, and Marshall, Powell goes on to claim that “the concepts of “majority” and “minority” necessarily reflect temporary arrangements and political judgments.”³² Powell’s deference to contingencies in political judgment *and not*, for example, socioeconomic conditions, is telling; were he to consider socioeconomic disparity, perhaps Powell might not think “minority” status to be so temporary. And yet, the notion that “minority” status is determined by political judgment is consistent with the culturalist logic of the 1960s and ’70s. Although history may impact how groups articulate their status to the state, those same historical processes should not, under Powell, impact the interpretation of the Constitution. We arrive at the crux of the politics of cultural identity as they intersect with the juridical logic that most profoundly grounds “diversity” as a socio-political imperative in the U.S.: cultural sovereignty cannot win any group special consideration before the law.

³⁰ The early cases in which the interpretation of the Fourteenth Amendment was at issue confronted the U.S. “legacy of slavery and racial discrimination” (Shelley v. Kramer, 1948; Brown v. Board of Education, 1954; Hills v. Gautreaux, 1976) in which “majority” meant white and minority meant “African American.” What *Bakke* requires, then, is either an interpretation of the Fourteenth that moves beyond the “two-class theory” or a new judicial precedent as regards what groups count as minorities.

³¹ *Bakke*, 16.

³² *Bakke*, 15.

And so, Powell has to craft a definition of diversity that somehow transcends its own historical moment while remaining relevant to it. He defers to a familiar political category in order to accomplish this. Remaining consistent with the Equal Protection clause, the individual appears once again as the only category through which diversity can be defined. This satisfies the quasi-ahistorical quality of Powell's constitutional hermeneutic. Robert Post reminds us that "there are significant Western traditions—for example, Kantian and Christian traditions—in which the values of individual autonomy are understood as standing outside history."³³ The version of individualism that Powell deploys here, however, opposes the political logic under which ethno-racial groups become individuals in a marketplace of needs and demands; rather, here ethno-racial identification becomes just one of many qualities that constitute the singular, unique individual.

Patricia Williams strikingly exemplifies this logic when she writes, "while being black has been the most powerful social attribution in my life, it is only one of a number of governing narratives or presiding fictions by which I am constantly reconfiguring myself in the world."³⁴ In this sense, race becomes one of many axes along which Williams' practices of living are organized, but needs to be understood not as an immutable category but as refracted through other such axes. Williams' constant self-figuring implies a self-determined agent capable of surveying and assessing the totality of her possible lived "narratives" and "fictions," and so able to adjust her practice of everyday life accordingly.³⁵

³³ Post, "Introduction: After Bakke," 4.

³⁴ Patricia Williams, *The Alchemy of Race and Rights* (Cambridge, MA: Harvard University Press, 1991), quoted in François Cusset, *French Theory: How Foucault, Derrida, Deleuze & Co. Transformed the Intellectual Life of the United States*, trans. Jeff Fort (Minneapolis: University of Minnesota Press, 2008), 139–40.

³⁵ Symbolic displacements, of the kind articulated to the notion of "subject position" that Williams mobilizes and much in vogue in the humanities' critical vocabulary of the 1980s and 1990s, are not necessarily material displace-

Williams' self-description offers a markedly appropriate example of what Powell calls "genuine diversity." What does this mean? Powell describes two possible concepts of "diversity" relevant to higher education. These are "simple ethnic diversity" and "genuine diversity." When assessed in the juridical realm, only "genuine diversity" is constitutionally permissible; according to Powell, "simple ethnic diversity" is essentially quantitative. The latter version of diversity is staked on how many students of various ethno-racial groups enroll in a given institution. In practice, "simply ethnic diversity" assumes that an applicant's race describes her most salient contribution to an educational institutional, and thus collapses individual identity into group membership. In Williams' case, an admissions policy based on "simple diversity" would not be attentive to the "narratives" and "fiction" that impact her orientation around, toward, and within blackness. The U.C.-Davis admissions policy, according to Powell, is oriented toward "simple ethnic diversity," and as such isolated persons from different ethnic groups from competition with one another. This violates the preservation of individual rights mandated by the Fourteenth Amendment. The bottom line: simply enrolling minority students does not equal achieving educational diversity.

"Genuine diversity," on the other hand, does not exclude race and ethnicity, but mandates that race be considered alongside qualities like special skill sets and talents, professional goals, areas of interest, service or work experience, socioeconomic status, and geography. It is supposed to be a flexible term, whose constitutive qualities a single enumeration cannot exhaust. Although Powell is unwilling to allow historical contingency to inflect his interpretation of the Constitution, the model of diversity that he crafts through that interpretation is itself flexible and

ments. Not coincidentally, these displacements are voiced by a predominantly middle-class academic sector, presumably able to strategically displace to this or that position.

open to social and political change. Under the logic of “genuine diversity,” any unique quality of any individual could be thought of as “contributing” to diversity in higher education. Race and ethnicity can be taken into account in admissions decisions, but only as one quality among many others. The only “entitlement to difference” in this logic operates between individuals—not between groups that function like individuals. Diversity, then, appears as less a force that drives an insurrectionary “turning-apart” than as a way of simply describing the infinite differences that make individuals different from one another. The components of Powell’s diversity are synthesized, or are rendered coherent insofar as they are thought to constitute the individual *qua* individual, regardless of her identification with a particular ethno-racial group.

Powell’s responsibility in *Bakke* is not only to theorize a “diversity” compliant with the Constitution; he needs to show that constitutional admissions policies can be built around “genuine diversity.” He doesn’t create this policy *ex nihilo*, but rather imports the admissions policy of one of the nation’s most prestigious universities into the juridical realm. Harvard University’s version of race-conscious undergraduate admissions becomes the new model for affirmative action in higher education.³⁶ Under the Harvard policy Powell adopts, race and ethnicity can be treated as a “plus” in a particular applicant’s file, but should not be *a priori* regarded as the most important factor of her application. Nor should race and ethnicity become the dominant hermeneutic through which an applicant’s other qualities are judged. This is vague, indeed, but it is in precisely this vagary that Powell’s great compromise on *Bakke* lies. How does this work? In an admissions decision, Powell mandates that “the particular qualities of any applicant [should be] placed on the same footing for consideration, although not necessarily accorded

³⁶ Powell authorizes this without considering the differences between public and private universities and without exploring the subtle ways in which diversity might function differently in an undergraduate context versus a graduate or pre-professional school.

the same weight.”³⁷ An application process has two parts: first, “equal footing” is established, and secondly, those qualities are ranked hierarchically, or put simply, “unequally weighted.” When placed on equal footing, any number of an applicant’s unique qualities can potentially be decisive in terms of her admission. According to this logic, race could be placed on equal footing with, for example, exceptional musical talent or unique work experience. When weighted, however, any one of these qualities, including race and ethnicity, can then again become decisive; indeed, race can only become decisive in the second, “weighted” phase. The first phase requires an admissions officer to assess the scope of an individual’s unique qualities, thus ensuring the individualized review required by the Fourteenth Amendment, while the second phase makes race-conscious admissions possible. Powell has thus produced a constitutional model for simultaneously color-blind *and* race-conscious admissions.

We opened this section by asking how diversity becomes a juridical category. How does the state articulate its interest in educational diversity? After having examined the case in some detail, we now want to return to this question, with special emphasis on the judicial precedents that buttress Powell’s decision. This requires a quick review of a legal process known as “strict scrutiny,” which consists of two tracks of inquiry. These are called “compelling state interest” and “narrow tailoring.” Strict scrutiny is used whenever the state or a recipient of state funds (a public university, for example) creates legislation or policy that classifies individual according to their race or ethnicity. Because such classifications have historically been used with discriminatory intent, they are known as “suspect classifications.” One of the earliest and most famous deployments of strict scrutiny appears in two cases that contest the constitutionality of Japanese-Americans during the Second World War. Powell quotes the following passages from

³⁷ *Bakke*, 24.

Hirabayashi v. United States (1943)³⁸ and Toyosaburo Korematsu v. United States (1944),³⁹ respectively:

Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people, whose institutions are founded upon the doctrine of equality.

All legal restrictions which curtail the civil rights of a single racial are immediately suspect. This is not to say that all such restrictions are constitutional. It is to say that courts must subject them to the most rigid scrutiny.⁴⁰

To read in these statements both the validation of equality and suspicion of racial classification seems strange, not only because both these cases occur exactly ten years before *Brown*, but also because both cases uphold the constitutionality of the Japanese internment. Why? It was first determined that the state's interest in wartime security was a compelling enough interest to justify the suspension of a racial groups' civil rights. Compelling state interest is determined by weighing the state's interest in maintaining a policy against "an individual's constitutional rights that are affected by the law."⁴¹ Once compelling state interest is established, narrow tailoring—strict scrutiny's second test—enters the scene. Narrow tailoring tests the means by which the state achieves its compelling interest; if a program is narrowly tailored, then its procedural means comes as close as possible to serving exclusively its stated end. A narrowly-tailored procedure must be the "least intrusive means" of meeting a goal.⁴² This definition sits uncomfortably alongside the cases in which they were developed. Was internment truly the "least intrusive means" of ensuring national security amidst the "presence of an unascertained number of disloyal members

³⁸ Hirabayashi v. United States, 320 U.S. 81 (1943).

³⁹ Toyosaburo Korematsu v. United States, 323 U.S. 214 (1944); cited hereafter as *Korematsu*.

⁴⁰ Both cited in *Bakke*, 13.

⁴¹ Henry Campbell Black and Bryan A. Garner, *Black's Law Dictionary*, 8th edn. (New York: Thomson/West, 2004).

⁴² *Bakke*, 13.

of [Japanese origin]?”⁴³ This question, based in a much larger critique of the curtailment of civil liberties in the name of national security, implies that the policy of internment was not narrowly tailored, and therefore should have been declared unconstitutional.

Although individualized, Powell’s “genuine diversity” still to a certain extent relies on racial classifications, and therefore it must survive the two tests that constitute strict scrutiny. The U.C.-Davis special admission program, of course, does not. The question, then, becomes: does the state’s interest in educational diversity outweigh any infractions against an individual’s civil rights that might follow from its pursuit? Powell must now assess what diversity can and cannot effectively do for the state, and this assessment must itself unfold along strict scrutiny’s two parallel tracks. For Powell, strict scrutiny shockingly strikes down one of the classic argument in favor of affirmative action, which Judith Butler formulates as “the notion that a group has suffered historically and therefore deserves admission as a ways of compensating for past discrimination.”⁴⁴ This finding addresses U.C.-Davis’ claim that its special admissions responds to precisely the past “societal discrimination” that Butler invokes. For Powell, “societal” and “historical” discrimination are so multifarious and pervasive that it’s impossible for a single institutional to narrowly-tailor means for remuneration. The only way that an institutional could constitutionally compensate for past discrimination is to show that such compensation responds to specific instances of discrimination in that institution’s own history. It is thus constitutional to develop policy that rights past discrimination in the institutions that constitute the social field, although it is impossible, in Powell’s purview, for those institutions to act directly in or on the social field as such.

⁴³ *Korematsu*, 3.

⁴⁴ Judith Butler, “An Affirmative View,” *Representations* 55 (1996), 81.

Yet again, Powell cleaves affirmative action from history. This has ramifications for “diversity” as such; that is, if “diversity” is an institution’s goal, then that “diversity,” and the means by which it is attained, must be yoked to that institution’s historical specificity. Powell follows this formula when he ultimately claims that the state has a compelling interest in the educational mission of its universities. He thereby tethers diversity to such a mission, which he describes as follows: “it is the business of the university to provide the atmosphere that is most conducive to speculation, experiment and creation.” A “genuinely diverse” student body, Powell decides, maximizes this essential “speculation, experimentation and creation.”⁴⁵

This “business of the university” is framed in and through the so-called “four academic freedoms.” Under the First Amendment, these freedoms protect the university’s right to determine which applicants will best fulfill this mission. In *Sweezy v. New Hampshire* (1957),⁴⁶ Judge Henry Frankfurter described the four academic freedoms as the university’s right “to determine on academic grounds who may teach, what may be taught, how it shall be taught and who may be admitted to study.”⁴⁷ By invoking *Sweezy*, Powell produces a workable but somewhat uneasy marriage of the First and Fourteenth Amendments. On the face of it, this seems simple enough: the university is free to admit anyone (and to develop race-conscious policy) as long as that policy is built on individualized review. “Genuine diversity” doesn’t prescribe how

⁴⁵ *Bakke*, 22.

⁴⁶ *Sweezy v. New Hampshire*, 354 U.S. 234 (1957); cited hereafter as *Sweezy*. A self-proclaimed “socialist” and “classical Marxist,” Sweezy was investigated under the 1953 Joint Resolution Related to the Investigation of Subversive Activities, which authorizes the attorney general to act “on his own motion” upon information about subversive persons and activities “presently located within the state.” Sweezy was asked to turn over to the attorney general his lecture notes for classes at the University of New Hampshire. He refused, and was held in contempt of court. Sweezy refused, however, not by invoking his Fifth Amendment rights, for to do so would be tantamount to admitting that the lecture notes were themselves incriminating. Rather, Sweezy withheld the notes under the First Amendment, claiming that “right to lecture” is protected as a freedom of speech. *Sweezy* ultimately produces the four academic freedoms, although the case clearly rests on the freedom to “determine what may be taught.”

⁴⁷ Cited in *Bakke*, 22.

“unequal weight” should be distributed and, importantly, the First Amendment preserves the university’s right to make this decision. But a closer look shows something strange at work here. When Powell claims that diversity enhances the educational mission of the university, we might ask *whose* education is thereby enhanced. Could it be that Powell articulates diversity’s benefits in terms of those who would have access to the university without race-conscious admissions? That he finds diversity to be consistent with an educational mission that precedes this debate by over twenty years implies that we should answer this question in the affirmative. Powell’s “genuine diversity” does nothing to transform the educational mission of the university; diversity simply becomes another way in which the university can better fulfill its mission.

Now consistent with a mission that precedes it by over twenty years, this is a diversity that “diverges,” it seems, from nothing. The reason why universities should be diverse, Powell implies, is because the social world for which it prepares its graduates is diverse.⁴⁸ Under this logic, the university must become adequate to the social world in which it operates. But, does “genuine diversity,” yoked as it is to the academy, truly reflect the modalities of difference that constitute the social field? The next two sections work at this question. Yes, the university can address itself to that field only on the issue of “diversity.” But the university cannot directly intervene in “societal discrimination” or address itself to its history. To divorce diversity from discrimination is, to a large extent, to sever diversity from history. The university can address a “diverse” social world, but it cannot address a “discriminatory” social world. The relationship, in *Bakke*, between diversity and discrimination becomes increasingly unclear.

⁴⁸ In the following decade, this dictum would become part of a cosmopolitan vision, as this statement by Henry Louis Gates reflects: “to reform core curriculums to account for the comparable eloquence of the African, the Asian and the Middle Eastern traditions, is to begin to prepare our students for their roles as citizens of a world culture, educated through a truly human notion of the humanities” (Henry Louis Gates, “Whose Canon Is It, Anyway?,” *New York Times Book Review* [26 February 1989]: 1, 44–45).

IV. DIVERSIFYING THE SMT

Powell's great compromise requires that he be prescriptive with respect to the Fourteenth Amendment, but *not* under the First Amendment. That is, he makes no recommendations about how an educationally diverse university should function—at the level of hiring, curriculum, classroom ethos, etc. He does this so that he doesn't infringe on academic freedom; it is left to historians of diversity, then, to assess how the academy has inhabited these freedoms to address diversity in the thirty years since *Bakke*. In a curricular sense, for example, we could in any number of ways narrate the institution of "ethnic" programs in the late 1960s, followed by the rise of multiculturalism, identity-centric U.S.-style cultural studies, postcolonial studies, and the study of globalization throughout the 1980s and '90s. But our task here is to examine the specificity of music studies' response to the adequation processes on which Powell's *Bakke* decision rests. We proceed in that direction by examining the work of the Committee for Diversity, with special attention to the relation between the university and the social field implied by its work of the last ten years.

Founded in 1996, the Committee has held annual sessions at SMT national conferences since 1997, alone and in conjunction with sister societies (i.e., the AMS and Society for Ethnomusicology). The form and content of these sessions echo the trends in academic treatments of diversity listed above. Indeed, the Committee pursued a very ambitious agenda in a very compressed time period. The SMT, however, began such projects well after the fires of the Culture Wars—stoked in the 1980s by fights over multiculturalism—had subsided significantly both inside and outside the academy. It is as if the SMT subsisted in its own sphere within the humanities in general, where these trends motivated disciplinary debate and spurred methodological self-reflection. Music studies were, in a word, late to the table. This untimeliness partly

accounts for the unusual mixture of approaches to diversity the Committee has advanced to carry out its stated outreach mission.

At its founding in 1996, the Committee's first mission statement noted that "only five of the 126 faculty teaching theory at historically black institutions are members of SMT," and that "of the ten African-American theorists sent to us on a list by a colleague in the AMS, all of whom have doctorates and university positions, only four are members of SMT." The Committee's stated mission became active "[inclusion of] minorities in the SMT." This injunction, however, requires (at least implicitly) that the Committee ask what *means* would best accomplish this kind of inclusion? The answer, at least in this inaugural moment, emphasized analytical canon-expansion and inclusiveness, attending to "music theory and recent music from outside the art-music mainstream." "Expanding the Canon" became the title for five of its annual meetings, in 1997–2001.

But note two important aspects of this inaugural moment. First, the Committee offered only informal statistical data about African-American membership, although its goal is the inclusion of "minorities" in a more general sense. Second, the Committee clearly delineated music analysis as the discipline's main project; the musical texts meant for analysis may change, but analysis itself doesn't necessarily have to. The first aspect is understandable considering the persistent racial binary in the U.S., expressed in black/white terms. As Justice Powell's notion of "two-class theory" reminds us, the edge between the parts of this binary was the frontline of most disputes about racial division, societal marginalization, and institutional exclusion. Accordingly, it may have made sense to exemplify the need for diversification through its most visible and central dynamic.

The second aspect bears closer scrutiny. It was not clear whether by virtue of their ethno-cultural background, African-American theorists, or theorists from minority groups, might have diversified analytical practices, or if instead analytical practices might have remained stable while its practitioners became more ethno-racially diverse. Indeed, the Committee's mission statement does not address this problematic. More importantly, neither model would be without challenges. On the one hand, the first assumption would ascribe an originary difference to African-American theorists, redolent of Kofi Agawu's forceful critique of presumed African musico-epistemological difference in the disciplinary logic of much ethnomusicology.⁴⁹ On the other hand, it's possible that without substantive changes in analytical practices or a reconfiguration of analytical practice to musical practices—which perhaps partly account for why many African-American theorists were disinclined to join the SMT—these theorists might have no reason to join now.

Though aimed at “inclusion,” these two hypothetical scenarios racialize African-American theorists in very particular ways. Are less-fraught inclusion strategies possible? Perhaps a more inclusive approach to objects of study (repertoires produced by minority musicians, for instance) might improve the situation. We don't know, obviously. According to notions prevalent in ethnic studies, minorities tend to be responsive to the cultural production of their own. Likewise, incorporating speakers from previously marginalized ethno-racial groups might have offered what advocates call “models” for younger minority scholars, interested in the field but unable to find proper mentoring. But adequating the discipline to the social world vis-à-vis *Bakke* requires the Committee and the SMT to consider not only how that world becomes

⁴⁹ Kofi V. Agawu, *Representing African Music: Postcolonial Queries, Notes, Positions* (New York: Routledge, 2003).

intelligible in and through the discipline of music theory, but also how the discipline communicates with the social field to which it aims to become adequate. What we find here are two interlocking problems: one of *legibility* and another of *enunciation*. And yet, lurking behind the double challenge is one of the questions guiding this article: how much diversity is *enough*? We begin by elucidating some responses to these challenges in the Committee's programming from 1997 forward.

The Committee's sessions have alternated two basic kinds of programming.⁵⁰ One is cosmopolitan and highlights a particular world-geographical region paired with one salient musical dimension (Africa/rhythm, 1998; Java and Bali/melodic stratification, 1999; Middle East/scale and tonal-systems theory, 2005). On two occasions (1998 and 1999), issues of cross-cultural influence with the West are discussed, and there is significant collaboration with scholars in ethnomusicology, as well as with scholars based in other continents invited specially to the sessions.

The other kind of programming is more eclectic. Questions of cultural contact precipitate, in certain cases, experiments in analytic methods new to music theory, while ethnographic and hermeneutic approaches point to discourses of resistance—some immanent to the musical texts, others elaborated in discussion with composers and audiences. This said, however, the content of the sessions discussed below doesn't settle easily into clear categories, although we detect in this work a common concern with the analysis of cross-cultural signification. After setting off with a decidedly music-analytic agenda in 1997, session programs make a turn toward questions of cultural contact and conflict (Self–Other relations, 2000; cross-cultural symbolism, 2001; glob-

⁵⁰ No information for the 2003 and 2004 meetings is publicly available.

alization and postcolonialism, 2002). Music theorists, historical musicologists, and ethnomusicologists appear together in these sessions. In 2001 linguistic anthropologist Michael Silverstein's categories for cross-cultural textual symbolism analysis serves as a general frame for four different analytical methodologies (see Appendix 3). While textuality constitutes a common thread for the presenters, Rao and Wong invoke discourses of resistance, whereas Bruns and Bruhl do not. Wong invokes composer and audience ethnography in support of her claims on behalf of corporeality, while Rao locates signals of anti-colonial resistance, transnational experience, and diasporic position in Chen's scores.

But what about the first call, in 1996, to reach out to African-American scholars? Because diversity operates first and foremost within the political space of the nation, wouldn't it make sense to focus on African-American music making and thought? Wouldn't it also be feasible to investigate the immense musical repertoire and sonic knowledge of the Black Atlantic and the African diaspora the world over? Although the call then was to engage actively minority scholars in the U.S., the Committee showed a robust ecumenical interest in a wider geopolitical territory. The cosmopolitan spirit of the 1998, 1999, and 2005 sessions is in step with the concerns with Orientalism, globalization, and postcolonialism in the 2000, 2001, and 2002 meetings. The 2000 meeting, the largest ever in North American music studies, was suffused with discourse and symbolism of inclusiveness and multiple intersections across sub-disciplines. In the published list of abstracts of all meetings (1997–2007, except for 2003–04), a total of six papers out of thirty-two deal exclusively with African-American musicians and/or musical-cultural issues. The other papers that address U.S.-specific issues constellate around panethnicity (“the development of bridging organizations and solidarities among subgroups of ethnic collec-

tivities that are often seen as [racially] homogeneous by outsiders”), at times infused with feminism, gender, and sexuality studies.⁵¹ These sessions appear to conform more to a multicultural assembly similar to the Committee’s first session in 1997. But still, the initial focus on African-American membership of 1996 seems lost.

In the spirit of multiculturalism, the Committee’s inaugural 1997 session was an exuberant display of diverse approaches, with nine presenters and one respondent (see Appendix 4). The ten participants were evenly divided along gender lines. Two were African-American, three Asian or Asian-American, four white-American, and one white Hispanic. As a whole, the papers emphasized practical demonstration of various analytical objects and methodologies and musical repertoires. Largely comparative, this inaugural session collectively demonstrated how to introduce a variety of analytic objects into the undergraduate classroom. What is at stake, it seems, is the development of a pedagogy that widens students’ understanding of music–culture relations. If the 2000–02 sessions will implicitly broaden the musico-political phenomena *legible* through music theory’s epistemological grid, then the 1997 session implicitly asserted that the broadness of its critical purview was not only pedagogically valuable but *feasible*. Thus, one group of papers engaged comparative work, bringing musical examples from often juxtaposed non-canonic repertoires under a single theory or compositional technique. Of the more explicitly pedagogically oriented papers, one combined Javanese, Asante, and South Indian musics in a holistic aural skills demonstration, while another focused on African-American composers (Adolphus Hailstork and Alvin Singleton) but did not emphasize any particular analytical model.

⁵¹ As defined by David Lopez and Yen Le Espiritu (“Panethnicity in the United States: A Theoretical Framework,” *Ethnic and Racial Studies* 13 [1990], 219–20), cited in Michael Omi, “Racialization in the Post-Civil Rights Era,” in *Mapping Multiculturalism*, ed. Avery Gordon and Christopher Newfield (Minneapolis: University of Minnesota Press, 1996), 180. Five such panethnicities operate within the ethnoracial regime of U.S. society: Euro-American, African American, Native American, Asian American, and Latino.

One paper highlighted timbre as a marginal element in music theory and analysis, using the music of James Brown as a case study, and still another a paper explored the mnemonic potential of “unusual musical examples” (by The Beatles and Berio) to introduce selected twentieth-century musical concepts. Another addressed a classic U.S. cultural-studies issues—race and representation—advancing an analytic approach to intersubjectivity in popular and modern music drawn from the “ethics of care” of second-wave feminist theory and pedagogy.

In the main, the 1997 session did not replicate the political model of cultural identity informing academic discourse of diversity. But neither did it set forth a robust program defining how the discipline might resonate with the complex politics that made diversity an institutional and institutionalized imperative in the first place. What it unwittingly did, we think, was to demonstrate in its very practice how difficult it is to adequate the practice of analysis, at the core of music theory’s pedagogy, to the social field in general. One other thing was also certain: this session did what its title promised, and expanded the canon.

In general, canon expansion, particularly incorporating previously ignored or marginalized repertoires, was long a key strategy in the promotion of ethno-cultural pluralism in the academy. Canon expansion meant the incorporation of excluded histories and demanded coming to terms with their complex narratives and their ongoing effects on contemporary life. Further, the overall process entailed the articulation of particular identity formations to the historical record, taking the form of recuperative history in its initial stages. The move that accompanies this recuperation entails the development of hermeneutic strategies that probe the historical record for signs of the power struggles immanent to those histories. In a deconstructive perspective, a “canon” can only be defined by what it excludes; this essential yet excluded part

become what Henry Staten calls the canon's "constitutive outside."⁵² To argue, then, for the inclusion of a previously excluded text is not simply to advocate that something new be added to the canon; rather, it is to change the terms through which the canon itself is constituted. Under this logic, "canon expansion" becomes quite a contentious practice, and indeed it was hotly debated as such during the 1980s. And yet, little or no controversy accompanied this move within the SMT in the late 1990s. In the Committee's orientation toward canonicity, new objects of analysis did not displace the existing canon or necessarily challenge its values. Consequently, the 1997 session saw little debate about the possibility that music theory's corpus of great works might be compromised by their status as accomplices in white European or Anglo-American, masculine forms of power.

A similar neutrality arises in the case of analytical/methodological expansion. Consider the following case: in a well-known article, musicologist Robert Walser critiques the use of analytical approaches that compare jazz with western art music with the aim of elevating jazz to art music status.⁵³ Walser cites Gunther Schuller's motivic analyses of Sonny Rollins' improvisation as such an exercise. Rollins' creative accomplishment is largely measured by the degree to which his use of motivic development parallels similar practices in canonic composers such as Beethoven or Brahms. In sum, following a classical Foucauldian formulation, Walser implies that knowledge production is inseparable from the establishment and maintenance of power hierarchies; analytical tools developed by white, male theorists to understand mostly white male composers' works can be fitted for the analysis of jazz, but they carry problematic ideological consequences. By contrast, theorist Keith Waters simply juxtaposed Coltrane to Harbison in

⁵² Henry Staten, *Wittgenstein and Derrida* (Lincoln: University of Nebraska Press, 1984).

⁵³ Robert Walser, "Out of Notes: Signification, Interpretation, and the Problem of Miles Davis," *Musical Quarterly* 77/2 (1993): 343–65.

order to illustrate how a particular way of organizing intervallic content and conceptualizing its sonic organization (that is, by pc sets) could help explain some structural aspects of these musicians' work to undergraduate students. Whatever ideological outcomes might have been at play did not affect Waters' practical demonstration.

Issues of ideological neutrality with respect to canon formation as well as analytical/methodological expansion bring up two questions:

- (1) Whether or not the SMT's pragmatic concern with the production of music-analytical knowledge may be indifferent to the politics of knowledge production in general; and
- (2) Whether the function of this knowledge in realizing the Committee's plans for diversification serves purely academic interests or serves instead as a liaison between the academy and society in general—which, as we remember, was a decisive dimension in the judicial arguments about diversity.

In the early 1990s, Peter Erickson identifies a form of multiculturalism that he calls a “pluralism structured in dominance;”⁵⁴ that is, a promotion of diversity that doesn't upend, challenge, or critique major hierarchies or dominant values. A certain interpretation of *Bakke* might identify Powell's “genuine diversity” as an example of “pluralism structured in dominance,” insofar it retains a meritocratic individualism as its dominant value. Under this logic, although concerned with diversity in a sense, the Committee of 1997 simply went about its analytical business regardless of its potential complicity with preexisting orders. Was the absence of polemics about canon and methodology expansion a symptom of the lack of a true self-reflective exercise about disciplinary method?

⁵⁴ Peter Erickson, “What Multiculturalism Means,” *Transition* 55 (1992): 105–14.

A quick look at music studies' manifold disciplinary and methodological reorientations of the last thirty years makes the absence of such a polemic, well, just that much stranger. One thinks, for instance, of Joseph Kerman's 1985 call for a critical practice that might shake musicology from what he saw as its positivistic slumber and music theory from its formalist infatuation.⁵⁵ Consider also Susan McClary's controversially received work of 1991, which contextualized music in relation to gender and sexuality.⁵⁶ Because of these interventions, these fields and disciplines saw themselves as radically reconfiguring their predominant forms of knowledge production. McClary's work, for example, extended the domain of what is knowable about a musical work through a combination of formal analysis and hermeneutics.⁵⁷ Music studies see themselves as being placed consequently in their relation, as institutions, to cultural or social formations at various scales.

As globalization and postcoloniality become concerns for music studies, a similar self-reflexive upheaval in anthropology also becomes relevant. For anthropology, back in the 1980s, this amounted to no less than a rethinking of "West and the rest" as the structuring relation of cultural knowledge.⁵⁸ In their typically immanentist fashion, Michael Hardt and Antonio Negri update and characterize this change in the representation of cultural difference twenty years later

⁵⁵ Joseph Kerman, *Contemplating Music: Challenges to Musicology* (Cambridge, MA: Harvard University Press, 1985).

⁵⁶ Susan McClary, *Feminine Endings: Music, Gender and Sexuality* (Minneapolis: University of Minnesota Press, 1991).

⁵⁷ The SMT did engage these polemics in the panel at the 1995 joint meeting of the AMS and SMT, "Contemporary Theory and the New Musicology." Arguably the most polemical paper there, by V. Kofi Agawu (published as "Analyzing Music under the New Musicological Regime," *Music Theory Online* 2/4 (1996), <http://mto.societymusictheory.org/issues/mto.96.2.4/mto.96.2.4.agawu.html>), focused on refusing the potential encroachment of new musicology upon music theory.

⁵⁸ This crisis becomes relevant to the 2000 and 2002 sessions of the Committee, on Self/Other relations and Postcolonialism and Globalization, respectively. In anthropology, classic texts of this debate include James Clifford and George E. Marcus (eds.), *Writing Culture: The Poetics and Politics of Ethnography* (Berkeley: University of California Press, 1986); and James Clifford, *The Predicament of Culture: Twentieth-Century Ethnography, Literature, and Art* (Cambridge, MA: Harvard University Press, 1988).

as follows: “Cultural difference must be conceived in itself, as singularity, without any such foundation in the other.”⁵⁹ This imperative precipitates a serious and ongoing reconsideration of how to represent others ethically, not only in an ethnographic context but also in the general address musicology makes to “society.” Kerman’s critical musicology begins to account for music’s function in the wider social field while the New Musicology responds to its own imperative to reveal the inscription of constructions of gender and sexual difference in the production of knowledge about music.⁶⁰ In reconsidering ethics (anthropology), method (musicology), or subject matter (New Musicology), these fields and disciplines experienced radical change. In its 1997 session programming, the Committee *did* address each of these concerns: an ethical dimension of inclusion, a methodological dimension in its comparative analytical work, and an innovative dimension in its introduction of subjects similar to those of the New Musicology.

In this respect, then, the Committee seems very consistent with the styles of academic politicization deployed by its sister disciplines. And yet, a different, still more self-consciously “political” rhetoric appears in the programming at the turn of the century. Beginning in 2000, the program abstracts read as follows: “the four participants . . . offer work that challenges the hegemonic Western aesthetics of much current musicological and ethnographic writing.” The 2002 program abstract raises the stakes:

Over the past two decades there has been an on-going effort among music scholars to diversify their modes of address and modes of music analyses [*sic*], and to learn to speak more adequately *to* the constituencies they speak *for*. This has resulted in the gradual

⁵⁹ Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin, 2004), 125.

⁶⁰ New Musicology’s concerns extend beyond gender and sexuality, of course; here we take McClary’s work as an exemplar of a certain kind of perceived academic radicalism. The work of other scholars could equally serve—for instance, that of Lawrence Kramer, Ruth Subotnik, or Gary Tomlinson.

stretching of disciplinary boundaries to include hitherto submerged and occluded voices, as well as the challenging of certain hierarchies of knowledge and values. This special session aims to further these discussions. Careful examination of the dismembered past and the discursive present is necessary in order to make sense of the gaps and ruptures of the postcolonial condition. The voluminous flow of global capital has been accompanied by an unprecedented movement of peoples, technologies, and information across previously impermeable borders. Corollary to this phenomenon, music has become a particularly complex, unstable site of cross-cultural meanings and interactions.⁶¹

The discourse of academic activism here is unmistakable, reflecting a passionate commitment to some political dimension of music studies. Like diversity in *Bakke*, the Committee's politics here emerge through a process of adequation. The Committee conceives itself as doing double work: it shoulders an ethical responsibility to speak for others, while simultaneously seeking ethical ways to speak back to those spoken for. This adequation process is more airtight than the one implied by *Bakke*. *Bakke* mandates the diverse university to resemble the social field, but makes no explicit claim to *speak for* that field. If the diverse university *speaks to* the social field, it does so by producing citizens better prepared to live and work under the conditions of global capital; indeed, as we have pointed out, the university's relationship with the historical processes that produce diversity (and discrimination, its underside) is quite fraught.

The Committee implies that to analyze, discuss, and compare the musical practices of underrepresented minorities is tantamount to *speaking for* those groups. Music studies assume a representative function, in the political sense of "standing for constituencies they speak for." This move still further extends the logic of legibility expressed in the 1996 statement and the 1997 program; now, not only can music theory detect and explain manifestations of resistance in musical texts and practice, it can actively intervene in those struggles. The question of legibility

⁶¹ Nancy Rao, "Introduction" to the SMT Diversity Committee's Special Session, "Cultures Eliding, Cultures Colliding: Postcolonialism, Globalism, and the Analysis of Music" (Columbus, 2002), from the abstract at <http://societymusictheory.org/committees/diversity/2002> (accessed 15 July 2008), emphasis added.

now opens onto the question of *enunciation*: under whose sanction, or under whose legitimacy, can we claim to actually speak *for* somebody? Moreover, what is the destination of a politics in which those *spoken for* and those *spoken to* are the same? Under this logic, the communicative function and the representative function of music studies become concentric. Without specifying which, exactly, are the constituencies that music scholars speak *to*, let alone *for*, it is only by a stretch of the imagination that one can envisage audiences outside music scholarship's disciplinary confines actually listening to what most of us in music studies discuss.

The enclosure created by the *spoken-for/spoken-to* dyad is ethical in nature; it demands that scholarly modes of representation and communication be intelligible to others and the same time that it resonates with their concerns and needs. As we've discussed with respect to anthropology, these questions have animated very important disciplinary reorientations, but here we ask a different question: what is lost in such a heavy emphasis on ethics? For all its focus on ethical modes of address, the Committee seems unable to develop a mode of address that aims at the form of inclusion outlined in its earliest gestures toward self-definition. Despite the Committee's political and methodological development, neither the SMT nor the Committee has delineated a more robust means to "talk" with African-American scholars. This cannot be a case of mere negligence; the SMT has demonstrated genuine interest in diversifying itself. It may be perhaps necessary to contemplate that there is no corporate identity that identifies as the community of African-American music theorists. Most drastically, we would have to ask whether or not—and/or to what degree—music theory, as a discipline, might have failed to gain sufficient skills to make the social field legible from our place in the academy and thus talk to and listen to that world.

V. ADEQUATING DIVERSITY TO ITSELF

In *Bakke*, Powell claims that the university's mission is to provide "that atmosphere which is most conducive to speculation, experimentation and creation."⁶² Observing First Amendment rights, this triple "mission" can't specify exactly how the diversifying academy should manage its constitutive institutions: universities, departments, centers, disciplines, sub-disciplines, curricula, and hiring and tenure protocols. We have been using the dual processes of *legibility* and *enunciation* to explain how universities enfold diversification into their triple missions. The academy first has to find a way to *read* the social field to which its version of diversity is supposed to be relevant and adequate; the coordinates along which this process moves create conditions of *legibility*. The act of enunciation, then, transforms this vision of the social world into an action or intervention in that world.⁶³ For example, in the case of university admissions, *enunciation* would consist of developing policies that address the needs of the social field as the university sees it and, finally, of figuring those policies as a means for achieving its mission. By moving along these two axes, the university reads the social field while simultaneously reading itself into it.

The social and political terms through which legibility and enunciation can be expressed change substantially when Powell's *Bakke* decision comes under fire in 2003, as the Supreme Court hears two important challenges to the University of Michigan's affirmative action program. The first, Jennifer Gratz and Patrick Hamacher v. Lee Bollinger contests Michigan's undergraduate admissions program, which automatically awards minority applicants twenty

⁶² *Bakke*, 22.

⁶³ Cusset, *French Theory*, 156.

“points”; this policy is struck down as unconstitutional under the Fourteenth Amendment.⁶⁴ The second case, *Barbara Grutter v. Lee Bollinger*, is strikingly similar to *Bakke*, in the sense that both cases are brought against elite pre-professional institutions by white applicants who claim to have been rejected due to racial discrimination. In this case, the role of Allen Bakke is played by Barbara Grutter, a white applicant to the University of Michigan’s Law School. Justice O’Connor writes the decisive opinion, and while she upholds Powell’s *Bakke* decision in its entirety, she expands the scope of the state’s compelling interest in diversity in a few subtle yet important ways.

As we have noted, Powell rules that the state has compelling interest in diversity because of diversity’s educational benefits. O’Connor confirms this ruling, but also claims that diversity’s benefits extend beyond the university. First, leaning on an Amicus Brief from General Motors, she claims that “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.”⁶⁵ On one hand, O’Connor implies that diverse universities produce more employable graduates. Diversity’s benefits, in this case, are for the individual in the marketplace. On the other hand, those individuals, according to O’Connor, increase the efficiency of “the global marketplace.” In sum, academic diversity aids the corporations through which global capital circulates.

⁶⁴ In applying these extra twenty points, Michigan claims to be using, simply, a quantitative version of Harvard’s “race as a plus model.” The court, however, finds that this policy “automatically ensured [an individual’s] specific and identifiable contribution to diversity” (*Gratz, et al. v. Bollinger, et al.*, 539 U.S. 244 [2003], 9). The twenty-point system places a priori limits, then, on what counts as an applicant’s contribution to diversity, classifying some students as better able to contribute to campus diversity on the basis of ethno-racial identification alone. This policy fails at the level of the “equal footing” required by Powell in *Bakke*.

⁶⁵ *Grutter v. Bollinger, et. al.*, 539 U.S. 306 (2003), 7; cited hereafter as *Grutter*.

Her second claim obliquely but powerfully addresses the problem of adequation not from the perspective of the academy, as Powell does, but from the perspective of the social world to which the academic is, supposedly, responsible:

In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified members of every race and ethnicity. All members of our heterogeneous society must have confidence in the integrity of the institutions that provide this training.⁶⁶

O'Connor's passionate statement raises a snarl of difficult questions. How do universities cultivate the trust and confidence of a citizenry? If any group doubted the university's legitimacy, how would they register their dissatisfaction? How can an institution make visible its openness without tokenizing its minority participants?

Leaving these kinds of question unaddressed, O'Connor figures the diverse university as an axial point for progressive social change. The university produces citizens and workers who promote and understand diversity, while the university is itself allegedly accountable to the social world into which it sends those graduates. Through O'Connor's version of accountability, one could envision the "citizenry" somehow contesting the life of the university. What actions on the part of the university would the "citizenry" legitimate? Within *Bakke's* logic, *only* the university's fulfillment of its educational mandate (defined as "speculation, experimentation and creation") would be subject to such a discussion. When O'Connor extends the state's interest in educational diversity to the global marketplace, however, any discussion that produces citizens' legitimation would have to address the relationship of the university to the market. Under this

⁶⁶ Grutter, 8.

expanded logic, it becomes nearly impossible to imagine a structure of critique or legitimation that keeps pace with both the scale and force of global capital.

Unwilling, of course, to pose such questions, O'Connor implies that it's possible to graft what happens in a "partial academic sphere" onto the "social whole," authorizing the academy to see itself as that "social whole."⁶⁷ This, in turn, grants (or perhaps better, *affirms*) that academics have a privileged "enunciative position and intellectual visibility" in that world.⁶⁸ O'Connor's logic encourages academics to pronounce themselves, in charged languages, upon a social field that is not set up to listen. Academic disciplines "see" the social world through technologies of knowledge of their own making. Understanding the conditions of possibility for knowledge production requires that we examine forces that affect this production, namely, the movement of transnational capital. Capital cannot be said to operate *outside* the academy if, as O'Connor implies, it constitutes the conditions of possibility for academic knowledge production. As an instrument for its reproduction, academic knowledge may, in its way, recreate global capital's unequal distribution of wealth and resources. If this is true, then, it becomes very difficult to conceive of universities as laboratories for tolerance and social justice in the manner of Powell and O'Connor. Leaving behind Powell, and O'Connor's versions of the part/whole relation, we hold that the whole, in this particular form of late capitalism, is immanent to all spheres of society.

We want now to deepen the contradictions that emerge when academic discourse is mapped onto social totalities without remainder. Academic disciplines "see" the social world through technologies of knowledge of their own making. And yet, understanding the conditions

⁶⁷ Cusset, *French Theory*, 158.

⁶⁸ Cusset, *French Theory*, 158.

of possibility for knowledge production requires that we examine forces affecting this production—for instance the movement of transnational capital. These forces may at first glance appear to operate on different spheres from the academy. This may be so, but we can't claim that these forces operate *outside* the academy if they constitute the conditions of possibility for academic knowledge production. As an instrument for its reproduction, academic knowledge may, in its way, recreate global capital's unequal distribution of wealth and resources. If this is true, then, it becomes very difficult to conceive of universities as laboratories for tolerance and social justice in the manner of Powell and O'Connor. Instead of trying to recuperate Cusset's, Powell's, or O'Connor's version of the part/whole relation, we hold that the whole, in this particular form of late capitalism, is immanent to all spheres of society.

Late capitalism has been much analyzed by academics in the humanities and the social sciences. Its totalizing context—which really is no context, for it is all there is, in an unprecedented form of universalism—transforms the political economy of culture. As we've discussed, the articulation of culture to political capital began with the major economic shifts of the early 1970s, tiling the terrain over which the free-market economy would grow. It then became possible to both “manage” and instrumentalize expressions of cultural difference, fraying the path for a frightening homogenization of culture. This does not mean that all cultures become the same. Rather, it means that no “culture” is excluded from the rules of the free-market economy: cultures count and are recognized to the extent that they potentially contribute to this system with which they are coterminous.⁶⁹

⁶⁹ This is similar but not exact to what Bill Readings called “omniculture” in his widely read *The University in Ruins* (Cambridge, MA: Harvard University Press, 1996). For Readings, culture has come to an end as a [Kantian] “regulative ideal” for the contemporary university. In its place, there is an omniculture out of which no culture is excluded and inside of which there is “no exteriority—real or fantastical—to serve as a battle line” (*The University in Ruins*, 203).

Perhaps the most immediate consequence of this development is that the university enters a new relation to capital, becoming more and more “entrepreneurial.”⁷⁰ Traditional academic enterprises (teaching, learning, and research) exist now under the condition that they attract capital—both private and public. The ability to attract capital becomes an enterprise’s fundamental value, placing those unable to do so under the risk of cuts. As a faculty-administrator put it to us, in such “culture,” if you are not growing (i.e., making new faculty hires, improving the quantitatively measured quality of your incoming graduate classes), you are shrinking.

This moment matches the ideals of liberalism to a degree unprecedented in contemporary politics. In the entrepreneurial, neoliberal university, economic competition trumps adversarial politics. Heavily “politicized” humanities departments compete and lose out to well-funded science programs. Perennially perched at the boundary between humanities and sciences, the social sciences reap the benefits of dealing with “the real world” and are handsomely supported by societies and foundations of all kinds. At the faculty level things are particularly intense. Competition fosters productivity, which in turn fosters the common good, or so the story goes. As competitors within an elite group of individualists, the legal framework in which we operate is one of “freely negotiated contractual obligations between juridical individuals in the marketplace” in which “individual property rights, the rule of law, and institutions of freely functioning markets and free trade” are favored and ultimately protected by the neoliberal state.⁷¹ This “juridical individual in the marketplace” adds to the predicament of the individual of juridical diversity, caught as she is between economic and ethical imperatives.

⁷⁰ For a discussion of related issues, see Korsyn, *Decentering Music*, 176ff.

⁷¹ David Harvey, *A Brief History of Neoliberalism* (New York: Oxford University Press, 2005), 64–65.

However, humanities professors' ability to negotiate this predicament should come as no surprise. It is a domain where individuality, single-author work, personal interpretive contributions, and so on constitute academic remuneration. And among those committed to a politics of cultural identity, this individuality exists in a contradiction that unfolds yet again along the ethical/economic axis we have been exploring. That is, despite the quasi-economic compunction to distinguish oneself in competition with others, the hope nonetheless remains that a principled commitment to cultural identity may yet effect the transformation of a social field marked by discrimination and increasing material inequality. As we describe, however, this hope runs aground when the academic production of difference does not always lead to the mobilization of those differences against forces of transnational capital.

In the academic context, individuals are snared by the same ethical/economic contradiction that troubles groups in other contexts. In the most basic sense, what is happening here is a splitting of individual and corporate identity—recall the limits that *Bakke* sets upon corporate bids for access to higher education. This raises the stakes for the humanities professor: the gap between corporate identity and individual increases within the *ethical* calculus of institutional diversification, as the demand for increasing affirmation of cultural identity within the *economic* calculations of the neoliberal university also increases. The ethical and the economical dimensions of diversity fold into one another. The individual professor now has to do the ethical/economical work of the corporate entity without having had the experience of *becoming* that corporate entity. At the same time, the neo-liberal university demands the production of still newer, still more diverse sites for the production of knowledge. Given this aporia, critical analysis of diversity in the academy ought to ask: what happens to cross-cultural understanding (which, according to O'Connor is supposed to help us build a more just nation) when the

mandate to diversity becomes inseparable from the mandate to compete? What happens when critical work in the humanities can't intervene in the inequality whose potential amelioration made a social imperative of diversity?

Now, this is not to say that the social imperative to diversify is therefore mistaken or unnecessary. On the contrary, it is too important to let academic cultural-identity politics alone dictate its potential political trajectory. It is now more urgent than ever to insist on diversity, but also to remove the ethical carapace with which it has been saddled by the academic cultural-identity industry. In this regard, the SMT's Committee on Diversity's 2007 abstract, in its first paragraph, went a long way in detailing the current stakes for the idea of diversity in the discipline and the academy at large:

The problem of ethnic diversity in the academy of the present is one that exhibits a bifurcated trend. On the one hand, university administrations are greatly encouraging their departments and programs to think broadly and interdisciplinarily, in ways that would appeal to constituencies with diverse ethnic backgrounds. Academic recruitment offices are also engaged, to varying degrees, in fierce competition over middle- and upper-class minority students in an effort to diversify the appearance of their populations. On the other hand, the rising cost of tuition and fees at universities all over the country are hindering working and, increasingly, middle-class students from attending college at all or are forcing these students to incur extensive debts that, in the present economy, are becoming unmanageable. This latter trend is negatively affecting racial and ethnic diversity in universities, particularly regarding members of underrepresented and underprivileged minorities. [See Appendix 2 for the full text.]

Among the many issues this statement addresses, three stand out for our analysis. First, it presents diversity as being "ethnic diversity." Second, it identifies in no uncertain terms the issue of class disparity and of economic distribution as the fundamental challenge for a wider distribution of access to higher education. Third, it offers an analysis of an important contradiction, here called a "bifurcation." However construed, the Committee here clearly opposes the management of diverse knowledge production and the administration of access to knowledge acquisition, on

the one hand, to the administration of economic distribution occurring in the broader field, on the other.

The statement's focus on ethno-racial diversity reveals the depth of influence of the initial impulse of the Committee in 1996, to single out African-American scholars. This initial call is now diversified into a broader but perhaps more complicated category of "ethnic diversity," more redolent of the influence of multiculturalism and panethnicity than of the earlier, overtly racial categories. The power of the category "ethnic diversity" is evident in the invitation to "visible minorities" to publicly share their experience in the field (this appears later in the abstract)—that is, minorities to which I (Jairo Moreno) belong. The problem is that my own mark of difference, as discussed in the second section of this paper, is not reducible to what people see me as. I "pass," as the saying goes. It is my speech accent (and apparently some social mores) that betrays my "ethnicity" to the unknown hearer. Among other things, the bias of "visibility" strikes us as paradoxical, given the discipline's practiced care for the aural. But beyond the individual contingencies of a panelist, it is the deeply racialized logic of diversity that is most troubling.

Walter Benn Michaels, one of diversity's most acute, though perhaps too boisterous critics, claims that the category of "culture" simply replaces "race" once it became socially and politically unacceptable to attribute racial identity to biological difference.⁷² Culture, according to Michaels, consequently emerged as race's surrogate. Once culture is established as a proxy for race, however, any resistance to cultural diversity becomes tantamount to racism. Diversity, then,

⁷² Walter Benn Michaels, *The Trouble with Diversity: How We Learned to Love Identity and Ignore Inequality* (New York: Metropolitan Books, 2006). For an earlier, robustly researched critique of economic inequality and the powerlessness of multiculturalism to address it, see Brian M. Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge, MA: Harvard University Press, 2001).

still racializes the social field. That is to say, a person's *cultural* identification in and through a community of hypo-descent would be considered as concrete and immutable as her *racial* identification under the "one-drop rule." Let's look at what this racialization looks like in *Bakke*. Under what we have called the "color-blind" option of "genuine diversity," Powell claims that, "a file of a particular black applicant may be examined for his potential contribution without the factor of race being decisive."⁷³ But consider what happens in a more "race-conscious" admissions scenario. The following extract, often wrongly attributed to Powell, comes from the Harvard admissions guidelines Powell attached to his opinion. Here, we consider the hypothetical admission to Harvard of the following applicant: "a black who grew up in an inner-city ghetto of semi-literate parents whose academic achievement was lower but who had demonstrated energy and leadership as well as an apparently-abiding interest in black power."⁷⁴ It would seem that in order to justify this hypothetical applicant's race being decisive in her admission to college, Harvard leans on not only a very particular figuration of the experience of blackness, but also designates certain domains of knowledge as proper to that experience. Even the juridical category of diversity, then, resignifies biological quantification of race with a *racializing* qualitative distribution of ideas and mores, to paraphrase Justice Powell.

Culture *seems* to trump race here, but it does so without displacing the quasi-scientific logic of identification and classification that underpins biological racism. The biological model deploys the "one-drop rule" as its determining rubric. When culture replaces race, history (as a way of thinking of the community of hypo-descent) slides into the position that "blood" once occupied. History's centrality, here, squares uncomfortably with the near-disavowal of historical

⁷³ *Bakke*, 24.

⁷⁴ *Bakke*, 27.

specificity we noted in *Bakke*. Recall Powell's refusal to tailor his decision in *Bakke* to the minority/majority relations immanent to his historical moment. When Powell places diversity in an indefinite future, he posits it as a goal or aspiration. The ahistorical orientation of this goal yields few tools for understanding, critiquing, and analyzing *current* social conditions that this futural diversity is supposed to change. Powell expects that ethno-racial identity of minority or majority groups may change, but he doesn't indicate how such changes might make legible larger and more complex shifts in the social and historical grids against which a "diversity" of the future should be calibrated. How can the diversity to which we aspire be tailored to the discriminatory social conditions that require this goal in the first place? Unable to answer this question, Powell divorces social justice from history. And yet, by 2003, we find diversity yoked not only to the nation's educational mission, but also to both the market and to national security, making U.S. diversity valuable and useful in a global scale. The briefs, on which O'Connor leans, report diversity's benefits as proven through past experience. But because her decision controls the *future* of affirmative action, she must make their testimony guarantee diversity's future utility. Although diversity's relationship to social justice and its history is unclear, at best, diversity's *utility* is absolutely clear. This unbalanced relation between justice and utility, which now stands on the shoulders of national legislation, will have significant implications, as we discuss shortly.

Here we come to the second point we highlight from the 2007 abstract. Indeed, with the sharp rise in costs across colleges and universities in recent years, access to higher education has been confirmed as an elite affair. According to The College Board's *Annual Survey of Colleges*, in 2005–06 the tuition cost for private four-year programs increased by 5.9%, while the total cost (tuition, room, board, and fees) increased by 5.65%. Public institutions' figures were not terribly

different for the same period: tuition went up by 6.29%, and total costs went up by 5.62%. Combined with these increases, the logic of entitlements implied by university admissions' "point systems" can be seen to radically affect access for applicants from the lower rungs of the economic ladder. In research conducted in 2003, a group of nineteen elite universities, including Harvard, was shown to award no points for low-income students, whereas race was given 28 points, or athletic ability thirty points.⁷⁵ A poor Chicana applicant, for example, would not be given preference over the child of Chicano medical doctors. Sometimes economic disadvantage will seem to be indissociable from ethno-racial status, as in the case of Harvard's hypothetical applicant from the "inner-city ghetto," and sometimes it will not appear at all, as in the scenario we mention above. In both cases, however, economic disadvantage will not appear as a term independent of ethno-racial categories. In this sense, Harvard's Supreme Court-endorsed 1970s undergraduate admissions formula for counting race has perhaps worked too well, except not in the way that may benefit most students. Today, there are more black students at Harvard than poor students, Michaels reminds us.⁷⁶ A quick look at the makeup of other universities in the U.S. shows that the trend has not changed.

At New York University, in statistics given by the IPEDS-EF,⁷⁷ the percentage of Black non-Hispanic students from 2005–07 declined from 5% to 4.02%, and for Hispanic students

⁷⁵ William G. Bowen, Martin A. Kurzweil, Eugene M. Tobin, and Susanne C. Pichler, *Equity and Excellence in American Higher Education* (Charlottesville: University of Virginia Press, 2005).

⁷⁶ Stephen L. Carter reports that "In the past decade alone, according to the Census Bureau, the number of black adults with advanced degrees has nearly doubled. More than half a million more black students are in college today than in the early 1990s. Since 1989, the median income of black families has increased more than 16 percent in constant dollars. In the years since the passage of the No Child Left Behind Act, the black-white gap in test scores has narrowed, and is now smaller than it has ever been. The black middle class has never been larger" (Carter, "Affirmative Distraction," Op-Ed contribution, *New York Times* [6 July 2008], <http://www.nytimes.com/2008/07/06/opinion/06carter.html?scp=3&sq=Affirmative+Distraction+Carter&st=nyt> [accessed 20 July 2008]).

⁷⁷ The Integrated Postsecondary Education Data System (IPEDS) is the data collection program of the U.S. government's National Center for Education Statistics. The designation "EF" is for fall enrollment.

from 7.9% to 7.4%. These changes occurred while the tuition and standard admissions' scores increased. For a university whose motto is "A private university in the public service," located in arguably one of the country's most ethnically diverse cities (along with Los Angeles), which prides itself as uniquely open to this ethnic diversity, this drop in percentages points toward broader issues of economic inequality. Indeed, as the university's applicant pool has become more "competitive" (i.e., high schools graduates with more impressive application packages, higher test scores, and so on) so it has become less ethno-racially and economically diverse. It also happens to be one of the most proactive universities anywhere in the states in establishing satellite campuses abroad, including a full program of studies at Abu-Dhabi (United Arab Emirates) that will feature, of course, a music program within its liberal arts curriculum.⁷⁸ This is globalized diversity, to be sure, except that Abu-Dhabi foots the bill, and that—being beyond the reach of U.S. legislation—the ideals of diversity in effect stateside might be subordinate to very different interests there. And as recruitment officers at elite four-year colleges and universities scramble to find the prized minority candidates from the middle class, applicants to two-year programs at junior and community colleges—a traditional source of higher education for economically disadvantaged sectors—increasingly no longer qualify for financial assistance due to major shifts in the system of loans for higher education.⁷⁹

⁷⁸ Not coincidentally, from 2005–07, international student enrollment at NYU went from 4% to 5.5%, the largest increase for any single "demographic."

⁷⁹ Jonathan D. Glater reports that on the wake of the financial credit crisis, "Some of the nation's biggest banks have closed their doors to students at community colleges, for-profit universities and other less competitive institutions, even as they continue to extend federally backed loans to students at the nation's top universities." According to the College Board, "more than 6.2 million of the nation's 14.8 million undergraduates—over 40 percent—attend community colleges" and roughly one third, writes Glater, depend on federally backed loans (Glater, "Student Loans Start to Bypass 2-year Colleges," *New York Times* (2 June 2008), <http://www.nytimes.com/2008/06/02/business/02loans.html> (accessed 26 July 2008).

As the diversity cause increasingly encompasses the question of economic disparity, we are consequently dealing more and more frequently with economic issues that the humanities have historically considered themselves unable address. As the diversity cause looks lower in the education system, we find equally intractable problems. We could address this issue from many perspectives, and here we do so by noting the state of music education in New York City, the U.S. city that is home to the most orchestras and probably the greatest number of musical employment opportunities. As of 2008, New York City's public school system has 958 teachers serving 1.1 million students. One in five schools has no music teacher.

The argument is repeatedly made that to ask questions about diversity at the level of higher education is to start both far too late and in the wrong place. By the time a student is, say, eighteen years old, whatever access she would have had from K–12 determines her potential admittance to campuses clamoring for greater diversity. Michaels makes this point particularly powerfully when he critiques Harvard's 2004-to-present tuition remission policy. In 2004, the policy states that Harvard will not ask families with an income less than \$40,000/year to contribute to tuition; in 2006, Harvard raises the income cap to \$60,000/year.

Many students that fall within this income bracket, Michaels reminds us, wouldn't be viable candidates for admission to Harvard in the first place; this policy bring too little and acts too late with respect to educational disparities that follow from economic disadvantage. The notion that diversity is politically viable without requiring a redistribution of resources gives new meaning to Stephen L. Carter's notion of practicing "racial justice *on the cheap*."⁸⁰ It's hard to ignore what has happened, what is happening, and what might happen when cultural recognition

⁸⁰ Carter, "Affirmative Distraction."

and anti-discrimination are folded together in either the juridico-political realm, or in the cultural-identitarian orientation of academic politics.

And so we get to our third and concluding point, what the Committee calls the problematic “bifurcation” between diverse knowledge production and unequal access to institutions where this knowledge is produced. The bifurcation the Committee abstract describes is indeed real. But it is neither unique to the contemporary American crucible of a racially and ethnically heterogeneous social field nor alien to the constitution of the politics of democracy (and not just liberal democracy) that organize social life today. With this, we return to our point of departure: the relation of diversity to universality. To understand this, we must take a look at the distribution of political orders we call democracy, and to this institution’s judicial order.⁸¹

The telos of a common good drives the universal appeal of diversity. The vision of a common good inspires the Supreme Court’s legislation to achieve a national society embodying its heterogeneity through all its civil institutions. It also informs a high-profile academic’s call to her peers to “treating society as the *sum* of several equally valuable but distinct racial and ethnic groups.”⁸² Diversity is just and good for all, and useful and good for all of society: it is universal. Indeed, in matters of equality in social distribution, as Jacques Rancière puts it, “it seems hard to draw a line here between the community of Good and the utilitarian social contract.”⁸³ But a line must be drawn, for it is precisely the naturalization of the relation between the just and the useful that has made it impossible, historically, for the Supreme Court and the academy to articulate the universality of diversity to the particularity of the U.S. social field.

⁸¹ Our discussion of Athenian democracy follows the analysis of Jacques Rancière, *Disagreement: Politics and Philosophy*, trans. Julie Rose (Minneapolis: University of Minnesota Press, 1999 [1995]).

⁸² Catharine R. Stimpson, “On Differences,” Modern Language Association Presidential Address, 1990, *Publications of the Modern Language Association* 106 (1991): 402–11; emphasis added. Stimpson, a noted feminist scholar in English studies, serves as Dean of the Graduate School at NYU, Faculty of Arts and Sciences.

Consider for a moment that much of the discourse on diversity mobilizes the ethical imperative to distribute access and resources justly. We have seen how this ethical dimension clashes with the economic dimension installed when groups and individuals compete for those resources. *Bakke* precisely embodied efforts to maximize what is useful for most (the continuing inclusion of minorities) and minimize what is harmful for many (the creation of a system of exclusion and uneven privilege on the basis of racial difference). These efforts revealed that the merely useful is not necessarily just. The Michigan cases of 2003, for instance, and the recent situation at Harvard, where there are more black students than poor ones, indicate a persistent tension between the useful and the just. Perhaps for this reason, historically the useful has been folded into the just. We are talking, then, about a particular notion of justice, and ultimately of the constitution of a democratic society on the basis of such a notion.

But what organizes such a notion of justice? First, justice cannot be achieved by quantifying what is gained and/or lost in a particular instance of wrongdoing and compensating individuals and groups accordingly. For instance, when Powell determines that no single institution of higher education can be held liable for the legacy of social discrimination that minorities have experienced, he refuses to make of justice a matter of historical reparation or to make of legislation simply a means to adjudicate on the basis of individual (and group) losses and profits.

Another model of justice is distributive: “each party takes only what is its due.”⁸⁴ We catch glimpses of this model in Harvard’s elaborate point system adopted by Powell, where the various “parties” making an individual applicant are given their due count. But we also know that this diversity initiative falters precisely when this individual party becomes a collectivity.

⁸³ Rancière, *Disagreement*, 3.

⁸⁴ Rancière, *Disagreement*, 5.

This notion of distributive justice (or just distribution) thus pivots on the double determination of “what is properly due to whom.” On this vexing double determination stands not only justice, but also the very distribution of entitlements of the body politic. Based in classical Athenian politics, this is a foundational problem for the definition of democratic politics in the West.

The first question is whether justice can be deduced from what is due to individuals, or instead must be deduced from a communitarian principle. In an early formulation, Aristotle proposed a determination of what is “due” at the level of the individual: no one takes more or less of the advantageous (useful) than of the disadvantageous (harmful). This common-sense approach amounts to little more than an economy in which the individual exchanges goods (i.e., the useful for the harmful and vice-versa) in order to reach that magic balancing point of having taken her “due.” Whatever social collectivity might follow from this economy would be hardly more than an aggregation—or “sum,” to use Stimpson’s arithmetic formula—of individuals. On the contrary, a more robust collectivity, indeed, a political community, must be founded on a common being. This ethos answers to the first question: whatever is properly due is due to the community as a whole.

The communitarian solution introduces a new problematic for defining justice, for “what is at issue is what citizens have *in common* and the main concern is with the way the forms of exercising and of controlling the exercising of this common capacity are divided up.”⁸⁵ If what all citizens have in common is their being equally citizens of a political body, and if individuals cannot serve as the basis for just distribution, then it is groups that need to be shown that their share is proportional to what they bring to the common good. Distribution abandons the arith-

⁸⁵ Rancière, *Disagreement*, 5; emphasis original.

metrical logic of equality in exchanges and balances for a geometrical logic of proportions. How is this done?

In the language we borrowed from Daniel Bell, in the late 1960s and early 1970s, the articulation of cultural identity to a political project was realized through and made possible a set of entitlements. We suggest here a correlation between the relative effectiveness of entitlements as a political expedient in the U.S. and their inception at the very foundation of democracy in the West. Athenian democracy organized the citizenry according to a set of three entitlements (*axiai*): wealth (oligarchs), excellence (aristocrats), and freedom (demos). From this perspective, the common good constitutes the harmonious ordering of these entitlements. However, this harmony harbors a secret disproportion.⁸⁶ One entitlement weighs more than the others: the objectively given and quantifiable wealth of the oligarchy. Such wealth would be ordered by the arithmetical logic that the geometry of harmoniousness is supposed to overcome.

Compared with this entitlement to wealth, what, then, is an entitlement to freedom? Rancière notes that, in the Athenian context, “freedom” is defined negatively—as the condition of *not* being a slave. Or, more specifically this means doing the same work slaves do, without being a slave oneself. Under this negative definition, the people are “free” in the same way that the oligarchy and the aristocracy are free, although the latter two groups enjoy two additional freedoms: the freedom to accumulate wealth and the freedom to pursue artistic and intellectual excellence. The people, on the other hand, possess no share that is properly or uniquely theirs; in Rancière’s words “the people are simply free *like* the rest.”⁸⁷ The people furnish a labor force that slaves once provided, and it is precisely their “freedom” to labor in this way that constitutes

⁸⁶ Rancière, *Disagreement*, 6.

⁸⁷ Rancière, *Disagreement*, 8; emphasis original.

their contribution to the good of the community. That the people are free is good for the entire community. Freedom is not merely good, it embodies justice and usefulness; small wonder it is universal.

One has to marvel at the creativity of this political order. All citizens are free, but not all are free in the same way. We know that it will take centuries before the possibility of a democracy in which freedom to accumulate wealth or achieve excellence would become available to all, at least in theory or as an ideal.⁸⁸ But we also have suggested how this particular configuration of democracy (i.e., liberal democracy) cannot contain its internal contradiction between economic individualism and ethical communitarianism. It is precisely because of this contradiction that freedom, now transformed into the ever more powerful duplet “equality and liberty,” comes to embody the ethical dimension of the political. That is, freedom becomes the universal abstraction in whose name all political projects are consolidated, diversity included.

Freedom does not—cannot—displace the entitlement of wealth of the oligarchy from the political order. Freedom depends on its continued existence. On the one hand, the entitlement of wealth constitutes the horizon of freedom’s aspiration. On the other hand, freedom aims to subsume within itself the entitlement of wealth, under the logic of equal material distribution. The paradox should be obvious. But it is perhaps on the very existence of this paradox that diversity initiatives might focus in order to begin moving past the impasse they encounter in a social and political system driven by the logic of the free-market—the powerful logic that, without irony, creates a hybrid out of two incompatible entitlements.

⁸⁸ For a discussion of how freedom of speech, one of the key expressions of freedom in Athenian democracy becomes a problem for democracy, in the well-known form of tyranny of the majority, see Michel Foucault, *Fearless Speech*, ed. Joseph Pearson (Los Angeles: Semiotext(e). 2001), 77ff.

In the U.S., recent public and scattered academic commentaries have begun to pay greater attention to diversity's material dimension—a move that this paper contextualizes in historical, philosophical and juridical perspectives. Indeed, one of our goals here has been to offer a detailed exposition of what diversity initiatives stand to gain when re-orientated around economic inequality. By foregrounding economic disadvantage, the 2007 Committee proposes an alternative inquiry into diversity, although it retains the sediment of a cultural-identity approach. In precisely this historical moment, however, we see the Supreme Court strike down integration models simultaneously in two school districts in Seattle (Washington) and Louisville (Kentucky): *Meredith v. Jefferson County School Board*, and *Parents Involved in Community Schools v. Seattle School District No. 1*.⁸⁹ The polemical and conservative Roberts' Court affirms both *Bakke* and *Grutter*, but severely limit both cases; Roberts' majority opinion implies that the categories that define "genuine diversity" cannot function at the level of elementary and secondary education, while also asserting that diversity's educational benefits at the post-secondary level are not legible in elementary education where achievement is measured by test-scores⁹⁰ and not by "classroom discussion [that is] livelier, more spirited and more enlightening."⁹¹ *Bakke*'s irrevocable tie to post-secondary education emerges as its fatal weakness, in this case. Roberts' Court ultimately concludes that the Jefferson County and Seattle School Boards are practicing racial balancing for its own sake.

⁸⁹ *Crystal D. Meredith v. Jefferson County Board of Education*, 551 U.S. 05-915 (2007).

⁹⁰ *Parents Involved in Community School v. Seattle School District et al.*, 551 U.S. 05-908 (2007), 17; cited hereafter as *Meredith and Parents Involved*.

⁹¹ *Grutter*, 7.

Ironically enough, however, Jefferson County maintains that its use of race was intended not only to match the racial composition of its high school to the racial demographics of the surrounding community, but also to combat changes in the Louisville housing market that threaten to segregate schools both racially and economically. In light of this concatenation of race and class, Emily Bazelon, reporting the case for *The New York Times*, asks, “Is the purpose of integration simply to mix students of different colors for the sake of equity or to foster greater familiarity and comfort among the races? Should integration necessarily translate into concrete gains like greater achievement for all students? If so, is mixing students by race the most effective mechanism for attaining it?”⁹² As a result of Roberts’ ruling, Louisville is focusing on barriers of class, of socio-economic advantage and disadvantage in pursuit of greater integration, considering assets, income, and the level of parental education as central criteria for school distribution; this move toward class-conscious admissions is compliant with *Brown v. Board of Education*, which mandates “a system of determining admission to the public schools on a non-racial basis.”⁹³ Race-consciousness now takes a different form, responsive to the social field in a way that is unprecedented in both *Bakke* and *Grutter*. To this end, writing for the majority, Justice Kennedy maintains that “Districts could also be ‘race conscious’ . . . when they draw school boundaries, choose sites for new schools and direct money to particular programs. But in these situations, they would usually be limited to taking into account the racial composition of a neighborhood rather than the race of an individual student.”⁹⁴ One has to wonder why it took so long to articulate the intrinsic inequality of this democratic society to issues of race-

⁹² Emily Bazelon, “The Next Kind of Integration,” *New York Times* (20 July 2008), <http://www.nytimes.com/2008/07/20/magazine/20integration-t.html?pagewanted=all> (accessed 21 July 2008).

⁹³ Cited in *Meredith and Parents Involved*, 40.

⁹⁴ Bazelon, “The Next Kind of Integration.”

consciousness, or, in the terms we have outlined in this article, to disarticulate diversity from cultural-identity issues.

There are no conclusive answers to this query. As it turns out, since the mid-1960s, researchers have carried out work on the correlation between class and educational achievement.⁹⁵ A great majority of these studies identified patterns that positively link class integration with academic achievement. To be sure, there have been detractors⁹⁶ and research conclusions can never be said to constitute absolute or foolproof solutions to social problems. But in the academy, this parallel “history” of diversity has remained hidden by a thick blanket of liberal humanist discourse that seeks to keep warm the corpse of a utopian equality of representation exclusively at the level of cultural identity. Bazelon’s question—“are we talking about equity or greater social integration and familiarity?”—separates the economical from the ethical. As we’ve suggested, the “separation” does not mark the bifurcation of a previously unitary cultural-political field; rather, we maintain that this field is intrinsically binary. Bazelon’s move helps resignify the ethical as a dimension in which people might share a common being (economic similarity) in order to confront an uncommon being (the persistence of ethnic and racial categories and inequality in this economic society). We believe that it is precisely by

⁹⁵ James S. Coleman, et al., *Equality of Educational Opportunity* (Washington, D.C.: U.S. Department of Health, Education and Welfare, 1966); Christopher Jencks, *Inequality: A Reassessment of the Effect of Family and Schooling in America* (New York: Basic Books, 1972); Gary Orfield and Susan E. Eaton, *Dismantling Segregation: The Quiet Reversal of Brown v. Board of Education* (New York: New Press, 1996); Amy Stuart Wells and Robert L. Crain, *Stepping Over the Color Line: African-American Students in White Suburban Schools* (New Haven: Yale University Press, 1997); Richard D. Kahlenberg, *All Together Now: Creating Middle-Class Schools through Public School Choice* (Washington, D.C.: Brookings Institution Press, 2001); and Douglas N. Harris, *Lost Learning, Forgotten Promises: A National Analysis of School Racial Segregation, Student Achievement, and “Controlled Choice” Plans* (Washington, D.C.: Center for American Progress, 2006).

⁹⁶ Ronald Ferguson, *Towards Excellence with Equity: An Emerging Vision for Closing the Achievement Gap* (Cambridge, MA: Harvard Education Press, 2007).

engaging the economic and the material that the potentially problematic metaphysics of cultural identity can be both neutralized and maintained.

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In conclusion, we wish to turn back over a decade and return, yet again, to the Committee's call to reach out actively to African-American music theorists. We hope to have shown with historical and theoretical clarity how such a "reaching-out" might have to contend with juridical and academic institutions that are themselves subject to the complex, shifting distribution of the economical and the ethical as detailed here. The same goes for the category of the individual. Whether such an effort reproduces or contests the neoliberal orientation of the academic humanities remains an open question. Attention to the complex network of legislative, economic, and social forces mobilized by "diversity" is central to this reflection, as is a greater awareness and knowledge of the many registers at which this network operates. This awareness, as shown for example in *Grutter*, must be global in scale. How might the Committee marry its mandate to "include minorities" with this recent move toward class-based integration? How might greater attention to diversity's economic dimension precipitate change in the way in which "difference" has been thought from a music theoretical perspective? It is perhaps sustained engagement with questions like these that a project like this one should next attempt. And if it seems unfair that a small professional academic society such as the SMT may be subject to such intense and comprehensive scrutiny, we maintain quite the opposite. That is, it is precisely because of the complexity and enormity of this most persistent of social challenges that we need to—must—engage other fields, other specialists, other modes of thinking about "diversity" and "difference." We are linked, fundamentally, to the whole range of institutions, political practices, and economic forces we have explored here. We risk a lot more by refusing to extend a call to them

than by remaining caught in modes of thinking about diversity that can no longer diversify. Whatever well-intentioned forces tie us to a “we” that pre-exists the question of “how to become more diverse” need to be displaced. The question itself, eloquently raised by the Committee in its 2007 abstract, makes necessary a future formation that cannot be anticipated, a “we” that perhaps will not be immediately legible because the actually existing “we” would have diverged from itself. But then, if and when this formation becomes legible, it will be high time again, as it is today, to insist in asking: “How to become diverse.”

APPENDIX 1

SMT COMMITTEE ON DIVERSITY, 1996 STATEMENT⁹⁷

The Committee on Diversity organized two sessions for the Baton Rouge conference. One was an informal breakfast session, “Diversifying Theory and the SMT,” and the other was a paper session, “Expanding the Analytical Canon—Music Theory and Recent Music from Outside the Art-Music Mainstream.” The attendance by conference participants at both sessions was heartening to the committee, and the response indicated a real interest on the part of SMT members in addressing issues of diversity.

As a starting point for diversifying the attendees at the annual meeting, the committee had invited to the Baton Rouge conference theory faculty at historically black colleges and universities and some African-American professors teaching at other institutions. In writing to these people, we found that only five of the 126 faculty teaching theory at historically black institutions are members of SMT. In addition, of the ten African-American theorists sent to us on a list by a colleague in the AMS, all of whom have doctorates and university positions, only four are members of SMT. Clearly, there is more work to be done to include minorities in the SMT.

Anne Hall, who initiated the work of this new committee as the first chair, relinquished her chair position and seat on the committee at the Baton Rouge conference. Two new members, Vincent Benitez and Kristin Taavola, were appointed to the committee. We agreed to work on several projects for this coming year, including a Web page, submitting a proposal for a formal session at Phoenix, working with the AMS Committee on Cultural Diversity on an informal session for students and faculty at Phoenix, participating in the SMT mentoring project, and

⁹⁷ From <http://societymusictheory.org/committees/diversity/1996> (accessed 4 August 2008).

exploring the possibility of running a summer workshop for theory faculty on incorporating music from outside the standard analytical canon into theory courses.

APPENDIX 2

SMT COMMITTEE ON DIVERSITY, 2007 STATEMENT⁹⁸

SMT Diversity Committee's Special Session
"Ethnic Diversity in Music Theory: Voices from the Field"

Panel Moderator: Jeannie Ma. Guerrero (Eastman School of Music)

Panelists: YouYoung Kang (Scripps College), Suminth Gopinath (University of Minnesota), Jairo Moreno (New York University), Horace Maxile (University of North Carolina, Asheville)

ABSTRACT

The problem of ethnic diversity in the academy of the present is one that exhibits a bifurcated trend. On the one hand, university administrations are greatly encouraging their departments and programs to think broadly and interdisciplinarily, in ways that would appeal to constituencies with diverse ethnic backgrounds. Academic recruitment offices are also engaged, to varying degrees, in fierce competition over middle- and upper-class minority students in an effort to diversify the appearance of their populations. On the other hand, the rising cost of tuition and fees at universities all over the country are hindering working and, increasingly, middle-class students from attending college at all or are forcing these students to incur extensive debts that, in the present economy, are becoming unmanageable. This latter trend is negatively affecting racial and ethnic diversity in universities, particularly regarding members of underrepresented and underprivileged minorities.

The Society for Music Theory faces substantial challenges on both fronts. Regarding the first challenge, the Society is at a crossroads of sorts—and has been for several years—in which

⁹⁸ From <http://societymusictheory.org/committees/diversity/2007> (accessed 4 August 2008).

the conceptual and scholarly broadening of the field has begun to attract an increasingly diverse cohort of future scholars. And yet, this very broadening of the field has led it, and these scholars, to imagine themselves increasingly as scholars within “music studies” (Krimms) who participate in historical-musicological, ethnomusicological, and music-theoretical conversations within their work. American music theory’s identity crisis has unsurprisingly elicited a retrenchment of sorts, and the resulting *détente*—which has lasted for over a decade—has facilitated the *de facto* marginalization of non-traditional subject matter, which is relegated to evening sessions, the “back pages” of journals, or venues for publication not typically associated with music theory.

The second challenge is of even greater import, given that the present condition in the US of increasing economic scarcity and elite wealth concentration is precipitously returning the academy to its pre-WWII role as a site for cultivating upper-class privilege. Even if the SMT is able to overcome its short-term diversity problems, what are the long-term prospects for the ethnic diversity of American music theory in an academy increasingly inaccessible to the vast majority of the populace?

The idea of margins and reading them could apply to identifying potential scholars from underrepresented groups. While some contend that “You got tuh go there tuh know there” (Zora Neal Hurston), we do not necessarily have to entrust non-traditional material to insiders alone. What constitutes “the academy” today might need redefinition. Numbers may be increasing at community colleges, smaller state colleges, Historically Black Colleges, and other minority-serving institutions. Thus the question of ethnic diversity in American music theory may have to be expanded to consider institutions where most SMT members do not teach—and the ramifications of that additional layer of marginalization to the Society.

The Diversity Committee's panel will present four scholars within the field who identify as "visible minorities" and seek to foster a discussion on the wider problems of diversity within the Society of Music Theory. The panelists' presentations will include biographical discussions of navigating through the academy as minorities, experiences with university-administrative policies on ethnic diversity, and proposals for improving diversity within the field (including ideas such as the hiring of a full-time staff position devoted to recruiting minority scholars).

APPENDIX 3

SMT COMMITTEE ON DIVERSITY, 2001 SESSION LIST OF PAPERS AND PRESENTERS⁹⁹

SMT Diversity Committee's Special Session

“Expanding the Canon V: Musical Symbolism across Cultures”

Committee and Session Chair: Yayoi Uno Everett (Emory University)

Panelists: Steven Bruns (University of Colorado at Boulder), Siglind Bruhn (University of Michigan), Nancy Rao (Rutgers University), Deborah Wong (University of California at Riverside)

Respondent: Robert Hatten (Indiana University)

[PAPERS]

[i] “Symbolism in the Music of George Crumb,” Steven Bruns (University of Colorado at Boulder)

[ii] “Three Representations of God’s Voice in Twentieth-Century Music,” Siglind Bruhn (University of Michigan)

[iii] “Boundary Crossing in *Poème Lyrique II*,” Nancy Rao (Rutgers University)

[iv] “Jazz Incarcerated: Asian American Memory, Redress, and (Re)Constitution,” Deborah Wong (University of California at Riverside)

⁹⁹ Excerpted from <http://societymusictheory.org/committees/diversity/2001> (accessed 4 August 2008). See link for paper abstracts.

APPENDIX 4

SMT COMMITTEE ON DIVERSITY, 1997 SESSION LIST OF PAPERS AND PRESENTERS¹⁰⁰

Expanding the Analytical Canon: A Practicum

Participants:

Keith Waters, University of Colorado, Boulder, "Introduction to Pitch-Class Set Theory: Harbison and Coltrane"

Vincent Benitez, Bowling Green University, "Twentieth-Century Musical Concepts and the Music of the Beatles"

Eric Lai, Baylor University, "Aggregate Unfolding: A 'Yijung' Perspective"

Kristin Taavola, Sarah Lawrence College, "Zen and the Art of Twelve-Tone Composition"

Kristin Wendland, Morris Brown College, "Orchestration in Works by Adolphus Hailstork and Alvin Singleton"

Dave Headlam, Eastman School of Music, "'Whole Lotta Sound': Timbre in Rock"

Yayoi Uno, University of Colorado, Boulder, "Aural Skills Pedagogy Involving Non-Western Musics: Strategies for Engendering a Holistic Musical Experience"

Ellie M. Hisama, Ohio State University, "Race, Representation, and Analysis"

Ann Hawkins, University of South Florida, "Toward a Model for Comparative Analysis"

Dwight Andrews (Emory University), Session Respondent

1997 SESSION DEMOGRAPHICS

<u>By gender</u>	<u>By race/ethnicity</u>
Men: 5	African-American: 2
Women: 5	Asian and Asian-American: 3
	Hispanic: 1
	White American: 4

¹⁰⁰ Excerpted from <http://societymusictheory.org/committees/diversity/1997> (accessed 4 August 2008). See link for paper abstracts.

WORKS CITED

- Agawu, Kofi V. *Representing African Music: Postcolonial Queries, Notes, Positions*. New York: Routledge, 2003.
- . “Analyzing Music under the New Musicological Regime.” *Music Theory Online* 2/4 (1996). <http://mto.societymusictheory.org/issues/mto.96.2.4/mto.96.2.4.agawu.html>.
- Balibar, Étienne. “Ambiguous Universality.” *Differences: A Journal of Feminist Cultural Studies* 7/1 (1995): 48–74.
- Barry, Brian M. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge, MA: Harvard University Press, 2001.
- Bazon, Emily. “The Next Kind of Integration.” *New York Times* (20 July 2008). <http://www.nytimes.com/2008/07/20/magazine/20integration-t.html?pagewanted=all>.
- Beasley-Murray, John. “Subaltern Politics: Solidarity and Critique (Or, Four Theses on Posthegemony).” Paper presented at the Latin American Studies Association (LASA) Congress, Washington, D.C., 2001.
- Bell, Daniel. *The Cultural Contradictions of Capitalism*. New York: Basic Books, 1978.
- Benhabib, Seyla. “Civil Society and the Politics of Identity and Difference in a Global Context.” In *Diversity and Its Discontents: Cultural Conflict and Common Ground in Contemporary American Society*, edited by Neil J. Smelser and Jeffrey C. Alexander, 293–312. Princeton: Princeton University Press, 1999.
- Black, Henry Campbell and Bryan A. Garner. *Black’s Law Dictionary*. 8th edn. New York: Thomson/West, 2004.
- Bowen, William G., Martin A. Kurzweil, Eugene M. Tobin, and Susanne C. Pichler. *Equity and Excellence in American Higher Education*. Charlottesville: University of Virginia Press, 2005.
- Brennan, Timothy. “Cosmopolitanism and Internationalism.” In *Debating Cosmopolitics*, edited by Daniele Archibugi, 40–50. New York: Verso, 2003.
- Butler, Judith. “An Affirmative View.” *Representations* 55 (1996): 74–83.
- Carter, Stephen L. “Affirmative Distraction.” Op-Ed contribution. *New York Times* (6 July 2008). <http://www.nytimes.com/2008/07/06/opinion/06carter.html?scp=3&sq=Affirmative+Distraction+Carter&st=nyt>.
- Clifford, James. *The Predicament of Culture: Twentieth-Century Ethnography, Literature, and Art*. Cambridge, MA: Harvard University Press, 1988.

- Clifford, James and George E. Marcus, editors. *Writing Culture: The Poetics and Politics of Ethnography*. Berkeley: University of California Press, 1986.
- Coleman, James S., et al. *Equality of Educational Opportunity*. Washington, D.C.: U.S. Department of Health, Education and Welfare, 1966.
- Cusset, François. *French Theory: How Foucault, Derrida, Deleuze & Co. Transformed the Intellectual Life of the United States*. Translated by Jeff Fort. Minneapolis: University of Minnesota Press, 2008.
- Erickson, Peter. "What Multiculturalism Means." *Transition* 55 (1992): 105–14.
- Ferguson, Ronald. *Towards Excellence with Equity: An Emerging Vision for Closing the Achievement Gap*. Cambridge, MA: Harvard Education Press, 2007.
- Foucault, Michel. *Fearless Speech*. Edited by Joseph Pearson. Los Angeles: Semiotext(e), 2001.
- Gates, Henry Louis. "Whose Canon Is It, Anyway?" *New York Times Book Review* (26 February 1989): 1, 44–45.
- Glater, Jonathan D. "Student Loans Start to Bypass 2-year Colleges." *New York Times* (2 June 2008). <http://www.nytimes.com/2008/06/02/business/02loans.html>.
- Gordon, Avery and Christopher Newfield. "White Philosophy." In *Identities*, edited by Kwame Anthony Appiah and Henry Louis Gates, Jr., 380–400. Chicago: University of Chicago Press, 1995.
- Hardt, Michael and Antonio Negri. *Multitude: War and Democracy in the Age of Empire*. New York: Penguin, 2004.
- Harris, Douglas N. *Lost Learning, Forgotten Promises: A National Analysis of School Racial Segregation, Student Achievement, and "Controlled Choice" Plans*. Washington, D.C.: Center for American Progress, 2006.
- Harvey, David. *A Brief History of Neoliberalism*. New York: Oxford University Press, 2005.
- Jencks, Christopher. *Inequality: A Reassessment of the Effect of Family and Schooling in America*. New York: Basic Books, 1972.
- Kahlenberg, Richard D. *All Together Now: Creating Middle-Class Schools through Public School Choice*. Washington, D.C.: Brookings Institution Press, 2001.
- Kallen, Horace. *Cultural Pluralism and the American Idea: An Essay in Social Philosophy*. Philadelphia: University of Pennsylvania Press, 1956.
- Kerman, Joseph. *Contemplating Music: Challenges to Musicology*. Cambridge, MA: Harvard University Press, 1985.

- Klor de Alva, Jorge. "Is Affirmative Action a Christian Heresy?" *Representations* 55 (1996): 59–73.
- Korsyn, Kevin. *Decentering Music: A Critique of Contemporary Musical Research*. New York: Oxford University Press, 2003.
- Lopez, David and Yen Le Espiritu. "Panethnicity in the United States: A Theoretical Framework." *Ethnic and Racial Studies* 13 (1990): 198–224.
- McClary, Susan. *Feminine Endings: Music, Gender and Sexuality*. Minneapolis: University of Minnesota Press, 1991.
- Michaels, Walter Benn. *The Trouble with Diversity: How We Learned to Love Identity and Ignore Inequality*. New York: Metropolitan Books, 2006.
- Mouffe, Chantal. *On the Political*. New York: Routledge, 2005.
- , editor. *Dimensions of Radical Democracy: Pluralism, Citizenship, Community*. New York: Verso, 1992.
- Oboler, Suzanne. *Ethnic Labels, Latino Lives: Identity and the Politics of (Re)Presentation in the United States*. Minneapolis: University of Minnesota Press, 1995.
- Omi, Michael. "Racialization in the Post-Civil Rights Era," in *Mapping Multiculturalism*, edited by Avery Gordon and Christopher Newfield, 178–186. Minneapolis: University of Minnesota Press, 1996.
- Orfield, Gary and Susan E. Eaton. *Dismantling Segregation: The Quiet Reversal of Brown v. Board of Education*. New York: New Press, 1996.
- Post, Robert. "Introduction: After Bakke." *Representations* 55 (1996): 1–12.
- Rancière, Jacques. *Disagreement: Politics and Philosophy*. Translated by Julie Rose. Minneapolis: University of Minnesota Press, 1999 [1995].
- Rao, Nancy. "Introduction [Abstract]," to the SMT Diversity Committee's Special Session, "Cultures Eliding, Cultures Colliding: Postcolonialism, Globalism, and the Analysis of Music" (Columbus, 2002). <http://societymusictheory.org/committees/diversity/2002>.
- Readings, Bill. *The University in Ruins*. Cambridge, MA: Harvard University Press, 1996.
- Saslaw, Janna. "Committee on the Status of Women." *SMT Newsletter* 28/1 (2005): 7–8
- Staten, Henry. *Wittgenstein and Derrida*. Lincoln: University of Nebraska Press, 1984.
- Stimpson, Catharine R. "On Differences," Modern Language Association Presidential Address, 1990. *Publications of the Modern Language Association* 106 (1991): 402–11.

- Walser, Robert. "Out of Notes: Signification, Interpretation, and the Problem of Miles Davis." *Musical Quarterly* 77/2 (1993): 343–65.
- Wells, Amy Stuart, and Robert L. Crain. *Stepping Over the Color Line: African-American Students in White Suburban Schools*. New Haven: Yale University Press, 1997.
- Williams, Patricia. *The Alchemy of Race and Rights*. Cambridge, MA: Harvard University Press, 1991.
- Yúdice, George. *The Expediency of Culture: Uses of Culture in the Global Era*. Durham, NC: Duke University Press, 2003.

INDEX OF SUPREME COURT CASES (BY DATE)

- Parents Involved in Community School v. Seattle School District et al., 551 U.S. 05-908 (2007).
- Crystal D. Meredith v. Jefferson County Board of Education, 551 U.S. 05-915 (2007).
- Grutter v. Bollinger, et. al., 539 U.S. 306 (2003).
- Gratz, et al. v. Bollinger, et al., 539 U.S. 244 (2003).
- University of California Regents v. Bakke, 438 U.S. 265 (1978).
- Sweezy v. New Hampshire, 354 U.S. 234 (1957).
- Toyosaburo Korematsu v. United States, 323 U.S. 214 (1944).
- Hirabayashi v. United States, 320 U.S. 81 (1943).

ABSTRACT

This article is part of a special forum titled "Ethnic Diversity in Music Theory: Voices from the Field." Diversity has a relatively short but complex history inseparable from a vexing politics of cultural recognition in, and economic access to, American higher-education institutions. The authors consider this history along three interrelated axes—juridical, socio-political, and subjective—in order to discern the relation of cultural recognition and economic access to the ethos of the neoliberal university and to the structure of democratic institutions in late capitalism. The programmatic labor of the Society for Music Theory's Committee on Diversity (1996–2007) provides the empirical backdrop for their discussion.

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Amy Cimini is a Ph.D. candidate in musicology at New York University, Department of Music. She is currently working on a dissertation about music, ethics, and politics as theorized through the immanentist philosophy of Baruch Spinoza and his interpreters. The dissertation focuses on the ways in which the persistence of Spinozist philosophy in musical thought constitutes a powerful, though often-overlooked, contestation of Cartesian dualism and culminates with a detailed discussion of the relation of ethics to politics in contemporary musical practice and thought, based in large part on the discussion of these topics in this article. She is also preparing a chapter for the book *Gilles Deleuze and the Theory and Philosophy of Music* (Ashgate Press, forthcoming). Cimini holds a degree in viola performance from Oberlin Conservatory, and currently plays in a number of Brooklyn-based rock, noise, improv and contemporary classical projects.

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