

Affirmative action and the right to education: a socialist response

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Conflicting rulings by two federal district court judges on lawsuits against the affirmative action policies of the University of Michigan may well provide the vehicle for a major ruling by the US Supreme Court on the subject, for the first time in 23 years.

Federal District Court Judge Bernard Friedman ruled March 27 that the affirmative action admissions policy of the U-M Law School is unconstitutional. He declared that promoting racial diversity in the student body is not a “compelling state interest,” and that admission procedures that give preference to particular racial or ethnic groups in order to achieve such diversity violate the 14th Amendment to the Constitution and the 1964 Civil Rights Act.

Three months earlier, Federal District Court Judge Patrick Duggan upheld the constitutionality of the affirmative action policy for undergraduate admissions at the same university. Duggan, like Friedman, was appointed to the bench by Ronald Reagan, but he gave a diametrically opposed reading of the Constitution, finding that diversity was precisely “a compelling state interest.”

The conflict in the rulings is even sharper because the U-M’s affirmative action program for undergraduates goes much further in using the criterion of race to determine admissions than the program in the Law School. Yet the first program has been found permissible while the second has been struck down as too race-based. Both decisions will be appealed to the US Sixth Circuit Court of Appeals and ultimately to the Supreme Court.

The legal challenges to affirmative action raise a fundamental question: on what basis can a struggle to defend the right to a quality college education and against racial discrimination be waged? As framed by the media, Democratic and Republican politicians and many campus organizations, the question is reduced to the choice: for or against affirmative action. Maintaining the existing policy of racial preferences is generally portrayed as the only way to oppose the attack on educational access for minority students that is being waged by right-wing politicians and organizations such as the Center for Individual Rights (CIR), which sponsored the two University of Michigan cases.

In this way, the debate is entirely restricted to the issue of race. This approach is consistent with the usual treatment of social issues in the United States, where race is presented as the primary division in society, and the more fundamental conflict between classes and the staggering levels of economic inequality that cut across race and ethnicity are obscured.

Racism and other forms of discrimination certainly do exist in American society, and play an extremely regressive role. The struggle against racism requires, however, a program for doing away with the root causes of social inequality, which lie in the social structure of American capitalism, not in prejudices supposedly existing from time immemorial in the minds of men.

The attack on the right to a quality education is aimed not simply at minority students, moreover, but at working class youth as a whole. Right-

wing groups like the CIR aim to revert to the educational system of the pre-World War II era, when the college campus was a preserve for the sons and daughters of the rich, when working class and minority youth had virtually no access to higher education. A movement that aims to oppose this attack and assert the right of all to a good education must take as its starting point the basic class divisions in society and make a critical evaluation of the race-based policies associated with affirmative action.

Over the past several decades, the barriers preventing access of the broad masses to the best educational facilities have steadily risen. The cost of attending private and public universities has increased over the past two decades at double the rate of inflation. Over the past 10 years, the cost of attending a public university has increased by 79 percent, while over the same period the median family income increased by only 38 percent.

The average tuition (not including living and other expenses) for a public university is \$3,500. For a private school it is over \$15,000. Expenses for elite schools can cost much more. The University of Michigan is one of the most expensive public universities in the country, with tuition for in-state residents double the national average. For out-of-state students, tuition is over \$20,000 a year, comparable to that of elite private schools. For such schools, the total cost of attending college can reach astronomical heights—as much as \$30,000 or \$40,000 annually.

These costs fall out of the affordable range for the vast majority of working class families, even when financial aid is taken into account. Those who do attend expensive schools are generally burdened with enormous debt by the time of graduation. While costs have skyrocketed, the percentage of assistance available in the form of grants to low-income students has steadily decreased. Last year, total aid available from all sources increased by 6 percent, but most of this came in the form of loans—federal, state or private.

As a consequence, only a relatively privileged elite and sections of the middle class generally attend the more prestigious universities. A study issued by the Department of Education found that poor students were less likely to attend college than rich students, even when they had high test scores that allowed them to qualify for admission. Among high-scoring, low-income students who decided not to attend college, 57 percent said it was because they could not afford it. In general, youth from high-income families are much more likely to pursue their education beyond high school.

High costs are not the only means of ensuring that higher education is reserved primarily for the elite. Primary education in poor urban and rural areas has undergone a protracted deterioration, making it extremely difficult for most working youth even to qualify for admittance at the more highly rated secondary schools. Advanced courses are generally not available, and the quality of teaching is low, given that good instructors are difficult to find and salaries are so meager.

The general decay of the inner cities, where most of these schools are located, is another factor, as are the economic problems that youth from working class families generally face. Both the Republicans and the

Democrats have contributed to this decline. Rather than supporting renovation of the nation's school system, they talk of the necessity of increasing "responsibility" and "accountability" through more testing and threats of school closings, or they propose policies such as school vouchers or school privatization that will only exacerbate the crisis.

The institution of higher education as it exists in American society today is a principal means of maintaining social stratification, that is, in perpetuating class divisions from generation to generation. While the majority is denied access to higher education, such education is a crucial factor in determining future employment. Elite universities are in part a training ground for the upper class and the most privileged sections of the middle class, a fact that is reflected in earnings disparities. In 1998, adults with college degrees earned on average \$43,750 a year compared with \$23,600 for those with only high school degrees. Those with post-graduate degrees (for example, law or medical degrees) earned an average of \$63,000.

A genuine improvement of the state of education in the United States requires massive public investment in primary, secondary and tertiary education. Grade schools must be supplied with the funds necessary to provide a quality education to all. Teachers must be paid more, class sizes reduced, school buildings improved, and their surrounding neighborhoods renovated. Remedial college classes must be made available to all who have suffered from the decay of primary schooling. Quality education at all levels should be provided, free of cost and as a basic democratic right, to anyone who wants it, regardless of race or gender. In relation to higher education, this approach involves a policy of open admissions.

Those who defend affirmative action and race-based politics, however sincere may be their desire to defend the rights of oppressed minority workers and youth, accept the framework of capitalist society and the domination of the vast majority of working people by a tiny privileged elite. They inevitably adapt themselves to the politics produced by this system, which is based on splitting working people along racial, ethnic, religious and other lines to cover up the fundamental class divisions of society.

One of the principal claims made by Jesse Jackson and the various radical groups that have rallied to his side is that affirmative action was a conquest made by the civil rights movement of the 1960s. In fact, policies based on racial preference—for example, setting aside federal contracts for minority businesses—were first initiated by the Nixon administration in 1969. They represented a conscious attempt, in response to the urban riots and social upheavals of the 1960s, to cultivate a section of the black population that would support the status quo and help quell social unrest.

Whereas the basic demand of the civil rights movement was for greater social equality, implicitly posing issues that went beyond race and leading to demands for action against economic inequality as well, affirmative action policies were intended to be purely racial. The Nixon administration even advanced the slogan "black capitalism" to spell out its goal of promoting a conservative upper crust in the black population.

Since that time, affirmative action measures have benefited primarily a small section of middle and upper class minorities. Over the past two decades, real wages for the average worker have declined by over 10 percent, while the social position of minorities living in the inner cities has continued to deteriorate. In contrast, incomes of black professionals, managers and administrators have increased over 50 percent. These figures point to significant divisions within the minority population, between a privileged section that constitutes the most ardent defenders of affirmative action, and the vast majority that suffer from exploitation and social decay.

The Democratic Party's promotion of affirmative action has proceeded in pace with its abandonment of the liberal reformist policies that were associated with the New Deal of the 1930s and the Great Society of the 1960s. During the Clinton years the Democrats joined the Republicans in

eliminating welfare, demolishing public housing, building up the powers of the police and carrying out other policies detrimental to minorities and the poor. These policies went hand in hand with cultivating a layer of black entrepreneurs, academics and officials to preside over the ever-worsening conditions in America's minority neighborhoods.

When the U-M Law School suit was first filed, one defender of affirmative action, Professor Bunyan Bryant, stated explicitly that he did not support social equality, but sought to ensure that minorities get an equal share of the privileges enjoyed by the economic elite. Such proponents of racial policies want to improve the position of minority businesses, professionals and academics, not the broad masses.

The same basic idea was expressed by one of the witnesses in the case for the intervening students, Professor Gary Orfield of Harvard University, who pointed out that elite universities "train the leaders of our society and our professions." What does this mean? Simply that schools such as the University of Michigan serve as the training ground for managers, corporate leaders and elite professionals, and that a section of minorities should be part in this group.

Such comments underscore the chasm between the response of liberals and of socialists to social inequality. Liberals claim to defend "equality of opportunity"—a chance for minorities and working class youth to rise within the hierarchies of capitalist society (corporate management, the political structure, the military, etc.)

Socialists seek a genuine equality of conditions of life. Our goal is not to create "diversity" within the hierarchies of capitalist society, but ultimately to do away with them and create a society free of class domination. It is not to integrate the ruling class, but to abolish it.

From a socialist standpoint, education has a fundamental democratic significance. It is not merely a means of access to wealth and status, but a goal in itself, a necessary part of the development of a fully human personality. Every human being should be educated to the level required for life in a modern, technologically advanced society, which means college-level or advanced technical training for nearly everyone.

We therefore reject affirmative action, which is based on the premise that *some* sections of the population must be denied access to higher education, and simply argues that this deprivation should be rationed out differently than at present. Excluding some white youth from a college, in order to include more minority youth, has nothing to do with "fairness." One might as well argue for an election law depriving a certain percentage of whites of the right to vote in order to offset the lower participation rate among minorities, due to poverty, illiteracy, inability to get time off work, lack of transportation or outright discrimination.

Affirmative action not only fails to overcome the problem of racism, its discriminatory character inevitably exacerbates racial divisions and pits white and minority workers and youth against each other in the struggle for a completely inadequate number of jobs or educational opportunities.

This can only play into the hands of the right wing, which seeks to forestall a movement from below by fomenting racism and promoting a reactionary, anti-democratic agenda among confused layers of white workers and middle class people. Right-wing demagoguery about the "special privileges" supposedly provided to minorities has played an important role over the past quarter century in masking the staggering growth of economic inequality and disarming popular opposition to the enormous privileges enjoyed by a tiny and unbelievably wealthy elite.

Affirmative action is the policy of one faction of the American ruling class, which regards token integration of its principal institutions as a stabilizing factor, giving these institutions greater credibility against any challenge from below. It in no way expresses the interests of working people.

Young people, if they want to build a movement that can create genuine change and equality for all, if they seek to defend and advance the basic democratic right that all should have access to quality education, must

break with a program based upon racial preference politics. They must advance an alternative founded upon the common class interests of all workers in the struggle for socialism and genuine equality.



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