

Pedagogy against the state: The ban on ethnic studies in Arizona

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Abstract: Drawing on the traditions of critical pedagogy from Paulo Freire and Henry Giroux to recent critical research developed in the *Journal of Pedagogy*, this study explores how a particular case of curriculum reform in the US is entangled with racial neoliberalism and paranoia.

Key words: critical pedagogy, racial neoliberalism, neoliberal pedagogy, ethnic studies, historical amnesia, color-blind racism, racial paranoia, curriculum reform, Mexican-American Studies (MAS), Tucson Unified School District (TUSD), HB 2281

At the beginning of 2012 in Arizona, the Tucson Unified School District banned Freire's *Pedagogy of the Oppressed* from its schools as part of a state-wide proscription of ethnic studies. This is the most recent outcome of the 2010 state law, HB 2281, which made it illegal to teach classes designed for students of particular ethnicities or that promote ethnic solidarity over individuality. The effect of these bans across Arizona school districts, which also conspicuously includes Shakespeare's *The Tempest*, is to reign in pedagogical practices designed to raise social consciousness of alterity within a state that has recently taken strident measures against social justice for certain groups and individuals. Examining this trend in Arizona as a special case of the style of neoliberal pedagogy, my paper places special emphasis on forms of resistance to the whitewashing of critical education and its curriculum.

In January 2012, the Tucson Unified School District (hereafter TUSD) removed Paulo Freire's *Pedagogy of the Oppressed* from its classrooms as part of a state-wide proscription of ethnic studies. This was the result of a determination that the curriculum of Mexican-American/La Raza studies

violated the 2010 Arizona state law, HB 2281, which effectively outlawed courses designed for students of particular ethnicities and the promotion of ethnic solidarity over individuality.

Books that had been taught in the Mexican-American Studies program (hereafter MAS) were taken out of classrooms while students were in class, boxed up, and carted off, an action that helps explain the description of what took place as the “banning” of certain books (Carrasquillo, 2012). This action provoked a powerful emotional response from students and teachers alike, setting off a highly charged debate about the freedom of education and its limits. Yet perhaps what is most striking about these curriculum reforms is not the rhetoric it produced about the banning of books, but about race in the classroom. Exploring contradictions reflected both in neoliberal pedagogy and the TUSD curriculum reforms, this study focuses on what they reveal about pedagogical approaches to race.

Neoliberal reforms to pedagogy represent a critical shift in the operation of neoliberalism towards practices of governmentality that control access to forms of knowledge in the classroom. They operate by promoting neutrality on the basis of a color-blind society, supposedly impervious to differences of race, gender, class, and sexuality. Critical approaches to the growing influence of neoliberalism on pedagogy have focused on the economization of discourses of and approaches to education reforms (see Kascak et.al., 2011; Giroux, 2008). Rather than examining the overall progress of neoliberal pedagogy in American schools, this study offers a close reading of the way race is increasingly treated under neoliberal reforms to education, and the way it excites the use of certain forms of rhetoric. The campaign leading to the elimination of MAS alternated between depicting pedagogies of race in an excessively inflammatory way and treating ethnicity in a reductive manner. From its very beginnings, neoliberalism required an unreserved antagonism that would justify the unfettered liberties of the market. Hence, while unrestrained rhetoric is instrumentalized both in the campaign against MAS as well as in responses to it, the use of excessive language to talk about race and pedagogy can be interpreted in the context of the history of neoliberalism.

The significance of this campaign, including policing and dissolving critical discourses of race, is decipherable in the context of the way ‘post-racial’ policies are promoted in the absence of actual racial equity or justice. American neoliberalism’s support for color-blind politics does not increase social equality but rather makes current inequalities less discernable. Nevertheless, race continues to haunt social organizations, such as schools, that are increasingly rooted in the so-called rationality of the market (Fox, 2011). In

this context, ethnic solidarity or diversity are unassimilable to neoliberal pedagogy, which is devoted instead to the production of the entrepreneurial individual (Giroux, 2010).

The curriculum reforms that have recently taken place in TUSD are not isolated effects of neoliberal policy. Rather, SB 2281 threatens the continuation of other cultural and ethnic studies programs, not only in other districts and in charter schools within Arizona, but also in other states where similar measures may yet be proposed. In this sense, what is happening there seems to represent an experiment in neoliberal reform to education with vast ramifications. Significantly, the broad rubrics of ethnic and cultural studies in the United States – including fields like African-American Studies, Asian-American Studies, and Native American Studies – tend to promote critical awareness of diversity and teach history as ideologically divergent and conjunctural. These disciplines face widespread cuts in funding, being some of the first programs on the chopping block (see for example the distribution of budget cuts to ethnic studies programs at the University of California, Irvine). In this light, it is important to ask what such transformations, and the aggressive campaign to suspend these lines of critical inquiry, mean to the changing face of pedagogy in the US.

The removal of the MAS curriculum may be seen as a victory for neoliberal pedagogy over and against “critical pedagogy”. The debasement of critical pedagogy, and the ideas of its founder, Paulo Freire, played a central role in attacks on MAS by Arizona school superintendents. This study considers the arguments of critical pedagogy and considers how its practice may be considered in violation of Arizona law. In doing so, I explore the difficulties neoliberal pedagogy seems to have in articulating its own measures for success and the interests underlying them, by analyzing elements of discourse deployed by the two superintendents spearheading the campaign against MAS, Tom Horne and John Huppenthal. Finally, I examine the events that have resulted from the dissolution of MAS, from student and teacher resistance to a major legal decision that defines the very property of words in the educational workplace, making schools the rightful owner of a teacher’s speech. Critically evaluating the contingency of neoliberal reforms to pedagogy, this study considers overall what the TUSD’s actions reveal about the effect of legislative, juridical, and pedagogical systems of power working in confluence with forms of discourse that saturate these institutions, wrapping up neoliberal reform with the veneer of necessity.

The curriculum reforms that took place with the removal of MAS demonstrate how the interests in neoliberal pedagogy are not always consistent. The politics of neoliberalism tend to multiply and differentiate enterprise, while minimizing restraint and protection (Foucault, 2008). Providing

a highly limited view of social justice aimed at maintaining the unimpeded activity of market relations, neoliberalism has never been without social effects. Yet the neoliberal pedagogical reforms in Tucson reflect more than a push to cultivate consumer-citizens of the marketplace. Rather, they also reflect the role of boundaries and limitations within the market, regulating social, ethnic, and class opportunities for mobility.

Neoliberalism is not at all incompatible with reactionary, neoconservative social politics. In the US, these traditions have a history of collusion (Brown, 2006). Because this marriage excludes both concerns about the law (except to recognize and react to their own transgressions that threaten profitability) and concerns about national sovereignty (insofar as the boundaries and borders of the state do not circumscribe the activities of the market), it represents a form of sovereignty that is at once fluid and volatile. In the campaign against ethnic studies in Arizona, concerns about economic prosperity are complicated by the linguistic and ethnic differences that threaten the imaginary homogeneity of the nation. Strangely, it seems as if the confluence of these two overlapping perspectives has resulted in a policy that divests students of a program with established success in terms of neoliberal market analysis. As I discuss below, statistics measuring student achievement were discounted and set aside by politicians lobbying to dismantle the program.

Research on neoliberal pedagogy tends to focus on trends within educational institutions favoring economic models and standardized curricula that emphasize achievement (narrowly-defined) and competition. But the campaign against ethnic studies in Arizona raises a different, albeit not unrelated, set of problems. One of the core values of neoliberalism is competition. Yet such competition, while theoretically unlimited, is nevertheless conditioned by the market value of the constituents of any neoliberal marketplace. Neoliberalism, with its exclusive focus on fiscal liberties, obscures civil inequities. Ahistorical claims that we live in a 'color-blind,' or 'post-racial' society have the effect of concealing situations of social injustice and turning the formal provisions for cases of discrimination on their heads. Neoliberal reforms in education tend to favor 'neutrality' when it comes to questions of race and discriminatory practices. The veneer of neutrality jeopardizes democratic efforts to diversify the curriculum and to adjust the system for demonstrable historical and structural forms of ethnic discrimination.

Neoliberalism and Pedagogy

Neoliberalism describes a complex restructuring of early 20th century systems of exchange, strategies of governance, and political-economic thought. This term proves difficult to define because it describes shifting orders of

relation rather than a single policy or ideology. These changes result in systems whose effectiveness is not measured in terms of direct social benefits, but on the basis of 'interests' determined in the marketplace. The underlying ideology of this turn insinuates that market interests are consonant with the interests of 'the people.' Hence, neoliberalism refers to both a particular historical formation and its organizing mythology of the market's fundamental beneficence.

In the latter half of the 20th century, neoliberalism has been increasingly institutionalized through policies in post-industrial nations. The concurrent expansion of the frontiers of the marketplace since the 1970's marks a shift away from discreet national markets towards a globalism of commerce. To borrow a metaphor from phenomenology, being-in-the-world increasingly becomes indistinguishable from being-in-the-market. In Wendy Brown's words, the neoliberal turn amounts to the

extension of economic rationality to all aspects of thought and activity, the placement of the state in forthright and direct service to the economy, the rendering of the state *tout court* as an enterprise organized by market rationality, the production of the moral subject as an entrepreneurial subject, and the construction of social policy according to these criteria. (Brown, 2005, p. 44)

Rather than being sustained by government, the market becomes the foundation of the art of governmentality, maintaining the rule of law through economic legislation and non-interference with 'free market' principles (Foucault, 2008). For example, Harvey describes the supposedly beneficial effect of "liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property right, free markets, and free trade" (2005, p. 2). The turn towards neoliberalism makes the mechanisms of government contingent upon these principles, rather than the other way around. Thus, the repudiation of Keynesian forms of state-craft (which set up minimal mechanisms of economic intervention), the dismantling of the welfare state, and the recent bank bailouts are consistent with neoliberal aims. As Michel Foucault argues, the discourse of neoliberalism focuses governmental efforts away from the problem of full employment and instead directs it towards the security of enterprise (2008, p. 207).

Liberating enterprise from governmental restraints while ensuring the conditions for its efficient and unlimited expansion requires anchoring enterprise in a subject formation (occupying forms of subjectivity conditioned by institutions and their discourses). Hence, the entrepreneurial individual is central to neoliberal reforms (Brown, 2005). As a model for educational

institutions, neoliberalism promotes the formation of isolated and nomadic individuals in order to promote competition in their search for personal success and prosperity.

The expansion of economic rationality to all parts of life prominently affects education. Pedagogy is increasingly instrumentalized as a form of enterprise with the power to produce certain kinds of subjects. The increased privatization of schools, the formalization of measures for “success” through testing, and the very discourse of pedagogy all reflect this influence (Kašćák & Pupala, 2011). For example, in the United States, public and charter schools are rewarded through a “Race to the Top” Fund, which provides financial motivation to conform to the measures for success that is the basis of the fund’s scoring system (US Department of Education, 2012).

Such efforts encourage the standardization of pedagogical strategies and materials, with a clear emphasis on more quantitative fields of learning, since success in these areas is generally considered easier to test. In addition to the practical reforms taking place within systems of education, neoliberalism generates radical changes in the discourse of educators and pedagogical theorists adapting to these reforms (See Kašćák et.al., 2011). For Giroux, neoliberalism’s exclusive focus on the individual is an assault on public culture, effectively knocking over the traces of ambiguity in the public sphere and depoliticizing the subject’s relation to, and position within, it (Giroux, 2011, p. 134).

Complex systems, including the media, schools, and economic principles, elect to create preformed patterns of thinking about the way things are, rather than allow for a critical perspective of their contingency that could consider how they might be otherwise structured. Enzensberger calls these systems of production the “mind” (or “consciousness”) industry (Enzensberger, 1974). Neoliberal pedagogy seems a particularly successful way of arranging the consciousness industry since it produces a disinclination to question its means of operation or its continuance. In essence, neoliberalism in education has the effect of discouraging the individual’s critical thinking and responsiveness, by fostering not reading but consumption.

A Campaign against Race?

The general restrictions set forth in HB 2281 include the following:

- A. A school district or charter school in this state shall not include in its program of instruction any courses or classes that include any of the following:
 1. Promote the overthrow of the United States Government.
 2. Promote resentment toward a race or class of people.

3. Are designed primarily for pupils of a particular ethnic group.
4. Advocate ethnic solidarity instead of the treatment of pupils as individuals (HB 2281, p. 15-112).

This law directly attacks ethnic studies by requiring that classes induct students and treat ethnicity with neutrality. On the one hand, these restrictions reflect legislators' awareness of the important role that pedagogy plays in disciplining and cultivating students of a certain kind. On the other hand, the law reflects a kind of unlimited capacity for generating indictments.

The Arizona campaign against MAS involves efforts to draft and implement this legislation, the state's finding MAS in noncompliance with the law, its threat of defunding, and TUSD's decision to dismantle the program. American schools increasingly measure student success as 'achievement' based on quantitative, standardized test scores (Giroux, 2008). Yet students in the MAS program in Tucson exhibited higher test scores and dramatically raised retention and graduation rates, as well as the numbers of students who would go on to pursue post-secondary education (Catone, 2012). In the light of these findings, it is rather surprising that Arizona mandated the program's elimination. This seems to challenge the notion that MAS was ultimately evaluated on the basis of student achievement, even though this seems to be neoliberal pedagogy's preferred measure of academic success. Might other factors be involved in the elimination of MAS and its curriculum? And if so, what are they?

Was the program's divergence from the standard high school curriculum perceived as subversive? Or that its destabilization of feelings of inferiority so often ingrained in the education of non-white students was interpreted as insurrectionary? Did such perceptions countermand the success of the program, measured in the very language of achievement and matriculation sanctioned by neoliberal pedagogy? The dissolution of MAS might encourage teachers to treat race as an open secret in the classroom, rather than encouraging students to think critically about it. Perhaps the real problem was with how MAS teachers framed the struggles of the civil rights era for rights and recognition as incomplete and ongoing rather than as having resulted in the freedoms 'we' enjoy today. Maybe Hispanic students are encouraged to see their own cultural and ethnic differences as deviations from the norms of white American culture, which entitles them to a measure of 'opportunity' and 'prosperity.' But this is to pass over in silence questions about how opportunity and prosperity are distributed and to whom.

TUSD has been operating under a federal desegregation order since 1974. The history of TUSD's MAS dates to 1997, when the Hispanic Studies Department was formed in response to activism protesting the high level of

dropout rates of Hispanic students and the growing achievement gap between Hispanic and white students in the district. In 2002, the department was renamed Mexican American/Raza Studies, and courses within the program remained open to all students in the district. The program was highly successful in reducing the achievement gap and retention rate of students who participated. This was the finding of an independent audit called for by the state, which “noted that students who took Mexican-American studies were more likely to attend college, and that the program helped close the achievement gap” (Winerip, 2012, p. A8). In fact, in 2009, the school board agreed to expand the program in response to these results (Huval, 2012).

The curricular reforms instituted by TUSD are not an exceptional example of neoliberal reform, but they do represent the kinds of changes that are increasingly mandated through naturalized regimes of legislative, jurisdictive, and financial operation. The defunding TUSD faced on the grounds that MAS had violated HB 2281 betrays a finely-tuned strategy of neoliberal pedagogy. The state-levied penalties, at fifteen million dollars, would have represented a 10% cut in the district’s annual funding. Such threats of defunding are great motivators in education and curricular reform in the US, where many districts already suffer from scant resources that must be distributed according to rules that are not concerned about students’ critical literacy or social awareness.

As mentioned above, the two conservative state superintendents who engineered the Arizona campaign against MAS were Tom Horne and John Huppenthal. Their campaign dates to 2006, when Horne sent his deputy to Tucson High to convey the state’s concerns over a labor activist’s partisan comment at the school that “Republicans hate Latinos,” to which students responded by walking out (Winerip, 2012, p. A8). In June 2007, Horne drafted an open letter to the citizens of Tucson, writing:

TUSD can intimidate its employees. But it cannot intimidate you, the citizens. You are in a comfortable position. You can speak out. If the TUSD board eliminates ethnic studies, it will save \$2 million a year of your money, the cost of ethnic studies administrators and consultants alone. That is your money. The school board represents you. I can use my pulpit to bring out the facts, but only you can bring about change. (Horne, 2007, p. 4-5)

In the same letter, Horne attempts to raise fears about the program by condemning the curriculum as anti-American. Objecting to a comment in one of the books about the permeability of US national borders, he wri-

tes that “books paid for by American taxpayers used in American public schools are gloating over the difficulty we are having in controlling the border” (Horne, 2007, p. 3). He suggests that ‘we’ have to control the curriculum so that we will not have to regulate the market or worry about its constitutive exclusions. Yet he does not make it clear whom this first person plural pronoun is supposed to represent, who it excludes, and how power is consolidated through it. Horne uses this pronoun to mobilize two lines of attack. On the one hand, Horne elicits an emotional response by suggesting that the nation’s integrity and pride are at stake. On the other hand, he carefully frames the issue as a matter of wealth and ownership. For example, Horne suggests that the program subverts property rights by emphasizing its engagement with indigenous systems of thought with claims on land and water rights within the territorial United States. Horne implies that the program teaches Hispanic students that the US is their land of heritage rather than a land of opportunity. He suggests that students of color should be assimilated in spite of their heritage, not integrated because of it. And they should certainly not be exposed to perspectives critical of the nation. As Horne writes of MAS:

The very name “Raza” is translated as “the race.” On the TUSD website, it says the basic text for this program is “the pedagogy of oppression” [sic]. Most of the students’ parents and grandparents came to this country, legally, because this is the land of opportunity. They trust the public schools with their children. Those students should be taught that this is the land of opportunity, and that if they work hard they can achieve their goals. They should not be taught that they are oppressed. (Horne, 2007, p. 2)

During the Arizona Senate’s Education Committee hearing on April 7, 2010, Horne singled out MAS as the reason why SB 2281 was proposed, describing the program as racist (Romero, 2012). This demonstrates how terms such as racism are too often divested of meaning. It is not unlike complaints about “reverse discrimination,” which I discuss below. The program teaches that people of all races are equal and that race itself is not a natural category, but one constructed socially, invested with regionally specific associations, and leveraged to disintegrate social equity. But Horne’s aggressive redeployment of “racism” signals a popular reactionary anxiety about changing narratives of national and populist identities. This also reflects on the way Hispanic students are often considered a minority in the district even though they currently represent over 61 percent of the

student population. Amazingly, Horne went so far as to invoke civil rights activist Martin Luther King Jr.'s "I Have a Dream" speech as his inspiration for dismantling the program. On March 19, 2012, Horne "asserted in court that the Mexican-American studies program is no different than what was taking place in [Nazi] Germany during World War II. He also alleged that Mexican-American studies is no different than if the KKK had created the program" (Rodriguez, 2012).

Horne's inflammatory remarks here are actually quite consistent with the history of neoliberalism, which developed a privileged adversarial position for fascism and Nazism in particular. Eliminating restrictions on the marketplace, neoliberalism attempts to justify this shift by depicting market restraints as characteristic of fascist economies. As Michel Foucault shows in his lecture course *The Birth of Biopolitics*, early theoreticians of neoliberalism, or '*ordoliberalism*,' saw the descent of many social democracies into fascism during the 1920's and 30's as a sign that the economic principles of this form of government were fundamentally flawed. Foucault argues that Nazism in particular fulfilled a necessary adversarial position for neoliberal politics, against which it articulated its basic objectives (2008, p. 101-121). By invoking the specter of Nazism, the 'liberties' afforded by neoliberalism are intended to appear necessary and justified (Foucault, 2008, p. 109-117). The oppositional rhetorical extravagance of debates around MAS has a similar effect. Horne's words aim to inspire a hysterical reaction, without needing to demonstrate any true connection between Nazi pedagogy and MAS. An instructive, yet perhaps not very effective, answer to such strategies is given when defenders and participants of the program compare the state's decision to dismantle the program to Nazism: "students said the banned books were seized from their classrooms and out of their hands [...]. Crying, students said it was like Nazi Germany, and they were unable to sleep since it happened" (Norrell, 2012).

In the Borderlands

Market flows of neoliberalism are not limited by territorial boundaries. Yet what occurs in the borderlands, such as Arizona, and how the cultural identity of a nation is affected heterogeneously by communities' migrations, hybridity, and official status, is important to the metabolism of neoliberalism. In many post-industrial nations, neoliberalism has witnessed a trend of investment reallocation outside their borders, as industry seeks cheaper labor elsewhere. Yet romances of isolationism, nationalism, and narratives about the immigrant threat continue to thrive. In the United States, the border with Mexico is a site of historical disputes and persistent tension. This is

evinced in the contradictory policy formations around migrancy and labor, from the building of walls to “guest worker” programs. Migrants barred from legal residency and work in the US are often forced to seek exploitative, illegal employment, and become subject to a shadow economy that maintains a poverty class. At the border, responses to migration are split between economic interests (favoring the maintenance of a migrant working class) and nationalistic interests. A self-fulfilling prophecy is born out of the confluence of popular prejudice and laws barring immigrants from legal opportunities for labor. This produces a class of ‘illegal’ immigrants, whose criminality is generalized through their individual efforts to seek employment (meanwhile, their conditions of employment remain precarious, often without legal recourse to challenge them).

The district of Tucson, far from neutral territory, is a frontier marked by a history of migrancy and contestation. Colonized in a number of subsequent waves of settlement by European forces – first by Spanish, Mexican, and then later American settlers – the region was acquired as a slave territory by the United States from Mexico in the mid-19th century through what came to be known as the Gadsden Purchase. The white settlers, predominantly pro-slavery and sympathetic to secession, joined the confederacy during the civil war. From the second half of the 19th century on, the US formed a system of military outposts to control indigenous populations and to constrain their movements to reservations. Arizona did not become a US state until 1912, during the period of the Mexican Revolution, when battles were being fought along the border. During the Second World War, the region became the site of several German and Italian POW camps, as well as some of the infamous Japanese ‘internment’ camps. Migrants crossing this border have long been treated to brutality, indefinite detention, and deportation, when they have not ‘disappeared’ altogether.

Acts of violence and brutality continue to haunt this border region; anti-immigration vigilante groups that claim to uphold the rights of American citizens – groups like the Civil Homeland Defense Corps and the Minuteman Project – aggravating tensions along the border (Lydall, 2009). Protections for non-citizen immigrants who are targeted for criminal attacks remain weak (see Nuñez, 1992; Holling, 2011). Thinly veiled forms of racist nationalism sometimes gain popular support in the state, which has been a central rallying point for the English-Only movement (recently rebranded as “Arizonans for Official English”) (Baron, 2005), as well as a holdout in politics for white supremacists (Sterling, 2010). Hostility towards Hispanics is openly aired in local politics. For example, policies such as SB 1070 amount to the authorization of racial-profiling by making it legal for police to stop anyone on suspicion of being an immigrant, and demand proof of residency, making

the interpellation of a person's ethnicity and racial background part of the character of daily life for people of color in Arizona (on 25 June 2012, the Supreme Court struck down three out of four of the provisions of SB 1070, but left standing the "show me your papers" provision (Liptak, 2012, p. A1)).

During the civil rights era, the Chicano movement sprang up to call attention to the treatment of Hispanics in the region as second-class citizens and to protest discriminatory pedagogical programs that slated Hispanic students for vocational training rather than preparing them for post-secondary education.

I include this brief review of the history of this border territory in order to situate the campaign against ethnic studies in Arizona in the context of the region's contestations of both space and historical constructions of ethnicity. The region's history reflects anxieties about controlling the movement of populations, as well as about the legal production of citizens. National identity and 'personhood' are here caught up in various forms of neo-racism, being highly invested with political and national significance. For example, Rodriguez insists that the campaign against MAS be understood in the context of a state "openly hostile to Mexicans" (2012, p. 1). Reactionary constructions of national identity have a direct effect on neoliberal pedagogical reforms to the curriculum, being bound up with a particular conception of 'non-racial' individuals in competition.

Historical Amnesia

While the MAS curriculum that was removed also included Shakespeare's *The Tempest* and other canonical works of literature, texts determined to directly violate the law included historical works such as Howard Zinn's *A People's History of the United States* and the edited volume *Rethinking Columbus: the Next 500 Years*. This raises an important pedagogical question: how should history be treated in US classrooms? And if a dominant narrative has to be constructed about the role of the nation as an actor on a historical stage, is it acceptable or even possible to critique its behavior?

How race is talked about in the classroom complicates these questions. Historical struggles for civil rights are sometimes recast as culminating in the entrepreneurial liberties that we enjoy today. Market systems encouraging competition and profit do not prompt people to question their contingency. But is there room for students to think about historical struggles in ways that are relevant to contemporary situations of social injustice?

A conservative strain in American politics has long engaged in a political strategy to deregulate the economy while obscuring the stakes of racism. Susan Searls Giroux argues that racism is coded in neoliberal economic po-

licies (2010). For example, she expresses grave concern over how universities increasingly favor policies of color-blindness over anti-racism, resulting in what could be termed color-blind racism. As she writes:

When questions of racially inscribed injustices occur of late, they are often from white students who claim to be victims of “reverse racism” or abusive “diversity” requirements, or biased professors who refuse to engage “all points of view” (as if they were of equal merit) and approach political questions in the classroom without a sense of ‘balance.’ Consequentially speaking, such strategies capitulate to a kind of historical amnesia that is a defining feature of contemporary colorblind commitments—precisely enabling the willful evasion of social reality that renders whites not perpetrators but victims of racist exclusion. (Giroux, 2010, p. 100)

Balibar explains this phenomenon as a “racism without races”:

It is a racism whose dominant theme is not biological heredity but the insurmountability of cultural differences, a racism which, at first sight, does not postulate the superiority of certain groups or peoples in relation to others but ‘only’ the harmfulness of abolishing frontiers, the incompatibility of life-styles and traditions. (Balibar, 1991, p. 21)

Goldberg argues that this can be seen as a form of “racial neoliberalism” (2009). As he writes, “the neoliberalizing of race accordingly entails the delimitation of public interventions to curtail racisms and the discriminations on which they invariably rest” (Goldberg, 2009, p. 338). By affirming the values of a color-blind society, racial neoliberalism does little to discourage racism or its institutional forms. Rather, it provides them with the cover of invisibility – or neutrality. By suggesting that a critical awareness of the inequalities of race, such as is promoted by affirmative action, is itself the product of a racist society, racial neoliberalism forgets history by restricting racism to the private sphere.

Laws promoting neoliberal reforms to education, like HB 2281, reflect a form of racial-neoliberalism, ultimately leading to discriminatory effects. The final results of the legislative proscription of ethnic studies across Arizona are not yet clear. Yet there is no doubt that it will affect a large scale reining in of critical pedagogical practices, especially efforts to think about race and justice in the classroom.

The Dangers of Critical Pedagogy, or ‘Somewhere There’s an Oppressor’

Interestingly, the legislators and administrators who objected to the program at TUSD often argued that the curriculum was teaching oppression. The irony of such accusations was put on display in January 2012 when students sitting in class had their books seized. John Huppenthal, who replaced Tom Horne as Arizona state superintendent, having run on a platform promising to “stop La Raza,” helped focus the anti-MAS campaign around neoliberal objections to critical pedagogy. Depicting himself as a fighter in a war against solidarity, he reasons that “this is the eternal battle, the eternal battle of all time, the forces of collectivism against the forces of individuality” (Winerip, 2012, p. A8).

Unlike Horne who invoked civil rights against ethnic studies, Huppenthal takes a deliberately neoliberal line of attack, arguing that schools must actively promote a nationalist credo of America as the land of the right to pursue profit. As he explains, “Let me tell you, I know from personal experience that there are systems that we have set up that aren’t perfect, but what you have in the United States is more opportunity, more prosperity than you could ever dream of” (Palos, 2011).

Huppenthal has overseen the expansion of the charter school system in Arizona, in effect increasing the privatization of education across the state. An attendant consequence of this is increased segregation in public schools along class and ethnic lines. In TUSD, non-Hispanic white students make up less than one fourth of the students in a district whose population is nearly one half white (while Hispanic students make up over sixty percent of the students at TUSD). In an interview on *Democracy Now*, Huppenthal argued for community review of the curriculum in public schools, and discusses what he refers to as the “health” of public education. As Huppenthal explains:

So, this is not talking about ethnocentricity, this is talking about healthy educational processes that allow students to think critically from many viewpoints, not being indoctrinated into a Paulo Freirean, Marxian, kind of style of thinking about racial attitudes and creating hatred and creating an attitude of, really that’s unhealthy in our educational system and one that if it was subject of community review, wouldn’t be allowed. (Goodman, 2012)

This rhetoric suggests that critical pedagogy might be comparable to an infectious disease. As a radical critique of the way power is misused and misapprehended in the classroom, it is perceived by Huppenthal as a dan-

gerous discourse. The central role critical pedagogy plays in the attacks on MAS prompt a closer consideration.

Critical pedagogy is founded on the principle of critiquing forms of teaching that exercise domination in the classroom. In the founding text of critical pedagogy, *The Pedagogy of the Oppressed*, Paulo Freire distinguishes between the oppressive “banking” model of public pedagogy and the liberating practices of critical pedagogy. Whereas in the former, students are envisaged as passive receptacles into whom knowledge is deposited by a teacher, in the latter these relations of oppression are dissolved in favor of mutual, dialogical relations of learning. Rather than bestowing knowledge on passive and empty vessels of learning, Freire argues that critical pedagogy must use dialogue to confront and dismantle practices of domination that maintain an unjust status quo. The banking model of pedagogy is invested in a form of governmentality in the classroom that is not incompatible with neoliberalism. For example, there is an implicit belief on the part of students (without which the system would collapse) in the value of the knowledge-form that ‘trickles’ down to them from the master-teacher. If this belief is not firmly held, the teacher will have to humiliate the non-believer by making a spectacle of her ignorance, thereby reassuming the position of classroom sovereign. By making good on the state’s investiture of knowledge, individual students are free to define future enterprises on the basis of what they have learned (that is, taken in).

Freire argues that this system of pedagogy is oppressive because it does not allow students to think about social justice or discover things about themselves and what they want to know. In contrast, critical pedagogy is the “organized, systematized, and developed ‘re-presentation’ to individuals of the things about which they want to know more” (Freire, 2009, p. 93). The concept of *conscientização*, or critical consciousness, is central to this endeavor. It opens critical pedagogy up to the possibility that the social order itself is not to be taken for granted, since it may be structured by inequality and oppression. The radical nature of Freire’s pedagogy is that it characterizes the social world as contingent, that could be otherwise, and that students can affect.

As Huppenthal explains, it is not really the ideas of critical pedagogy that are controversial, but the fact that it diverges so far from a tradition branded as maximizing freedom and prosperity. During his single visit to a MAS classroom, Huppenthal discussed why he opposed the program in a conversation with a student:

Huppenthal: The fear is that when people look at the
 La Raza program, they’re very concerned
 that you’re breaking away from those tra-

ditions that we know resulted in freedom, that we know resulted in prosperity, *there's a real fear*, when we see books like the *Pedagogy of the Oppressed*, that we're going, that's Marxist, Leninist, collectivist, and that's part of the fear that people have about these kind of studies.

Student: But the civil rights movement was something that everybody was afraid of, right?

Huppenthal: Well, some were. Some other other people... I was... [sic].

Student: Most people were afraid of that.

Huppenthal: Yeah? Well, there were, there was, I think there was concern, its legitimate to say there was concern about that.

Student (laughing): A lot.

Huppenthal: Yeah.

Student: Alright, that's it.

Huppenthal: Yeah.... You know, when I was growing up, we were short on food, but we never felt that that was... that we were oppressed, because when you say the word 'oppressed' somewhere there's an oppressor (Palos, 2012).

Racial Paranoia

A step-by-step defense of the curriculum materials for the classes is not necessary for the aims of this study. In short, they represent an alternative to traditional materials used in high school history and literature classes. What is important is to recognize the fantasy formations represented in the campaign against MAS and to try to understand the significance of its provisional success.

In Huppenthal's imagination, pedagogy seems to represent a mechanism for producing individuals working for a better tomorrow in a strictly entrepreneurial sense, rather than working towards social justice. As he says, "When you go back into history, there's an enormous lack of civilization in history, enormous conflict between various ethnicities. It's not just in America, it's all the way back through history, and what we want to do, is create a society in which everybody's working for a better tomorrow, not working to get even" (Goodman, 2012). This statement almost sounds like Huppenthal is endorsing collectivist labor against competition. His rhetoric suggests that an awareness of one's ethnicity and cultural history would amount to teaching hatred, divisiveness, and the destruction of civilization. This rhetoric is excessively reductive, just as Horne's was excessively inflammatory. In contrast, MAS teachers tried to teach students about the complexity of ethnic and national identities, exploring connections between Hispanic and indigenous creative traditions and perspectives. Even the hyphen in the "Mexican-American" couplet calls attention to the ambiguity of identity.

Huppenthal's objections to the program's use of critical pedagogy are not based solely on the "color-blindness" of neoliberal pedagogy. He exceeds this "neutral" approach when he fills in the theoretical role of oppressor. He interprets the oppressor as belonging to a "predominantly Caucasian class," even though this is not so well defined within the framework of critical pedagogy. He describes the MAS curriculum as having a "Marxian framework with a predominantly ethnic underclass—the oppressed—filling out that Marxian model, and a predominantly Caucasian class filling out the role of the oppressor" (Goodman, 2012). This interpretation reveals a contradiction within the rhetoric of racial neoliberalism. Its discourse must speak of race in an excessive way to reflect a reactionary panic about the power of cultural and ethnic solidarity. But in doing so, it fails to conform to the color-blindness that neoliberalism advocates in order to destabilize the very intelligibility of racism. Instead, Huppenthal exhibits a paranoid form of reason in which the oppressor is haunted by the ethnic and class differences that determine his role.

Considered together with the way neoliberal policies have been historically justified, racial paranoia helps explain the incredible flights of rhetorical fancy in which participants in the campaign against ethnic studies are frequently enthralled. This is evident, for example, when Huppenthal or Horne compares the Mexican-American students to "Hitler Jugend" (Biggers, 2012a), or when Huppenthal compares MAS curriculum to the Bible and *Mein Kampf* (Goodman, 2012).

The Property of Words

In spite of the advances of the campaign against MAS, it has met with resistance at every point, and the program's dissolution continues to be fought beyond TUSD's and the state's jurisdiction. These efforts continue a strong tradition of protest and resistance to the whitewashing of education (See Hill, 2009). They also underscore the importance of reinstating transformative pedagogies that incorporate critical approaches to history and literature. The question remains whether the dominant curriculum can be reconsidered or whether neoliberal pedagogy has already advanced too far.

In the shifting field of pedagogy, the illegality of certain forms of discourse, curricula, and questions is at stake. This heightens the panoptic atmosphere for teachers. For example, soon after the program was dismantled, "administrators informed Mexican-American studies teachers to stay away from any units where 'race, ethnicity and oppression are central themes'" (Biggers, 2012b). More recently, the former director of the program, Sean Arce, was fired. This decision seems particularly surprising, coming just a few days after Arce was nationally recognized for excellence in teaching, winning the Zinn Education Project's Myles Horton Education Award. In such an atmosphere teachers are less likely to take risks with critical ideas or introduce students to alternative perspectives about history, race, and the nation. And if Arizona's laws are found to be constitutional in federal court, it will not be long before other states in the US institute similar restrictions on education.

In 2012, a lawsuit was filed by a group of ten teachers and two students against H.B. 2281's discrimination and unconstitutionality. Astonishingly, the federal district judge presiding over the case, A. Wallace Tashima, did not find in favor of the teachers' rights to free speech. Rather, he determined that the "plaintiff teachers have failed to demonstrate that they have a protected First Amendment right to speak within the classroom" (Hull, 2012). In other words, because what a teacher says in the classroom is part of their official duties, it is considered 'official speech,' meaning that a teacher has no claim of the property of her own words. This decision institutes a precarious and uncanny situation for teachers. In the space of the classroom, a teacher is not protected by the constitution because she is the representative of a school that 'owns' her speech. Yet anything she says can be held against her, if it does not conform to the interests of the institution that speaks through her. In this instance, neoliberal pedagogy divests the teacher of civil protections, regarding her as a representative of an enterprise rather than a subject under the law.

Yet this judge did determine that the two student plaintiffs in the suit could go on to challenge the law's constitutionality in federal court, which

case is currently pending. Meanwhile, a Tucson federal court determined that Arizona cannot intervene in a longstanding federal desegregation order, appointing Special Master Dr. Willis Hawley to promote equal educational opportunities, especially for Latino and African-American students. What this decision will ultimately mean for the reinstitution of the program or for the students' suit is not yet clear, except that it indicates that the program could be preserved as a means to remedy ongoing discrimination. In response, the state has preemptively challenged the potential reinstitution of the program before Hawley filed any proposal (Herrerias, 2012).

Student protests and walk-outs have been organized in response to the dismantling of the program, and authors and activists have engaged in what Tony Diaz has called "librotraficante" or book smuggling, bringing books that have been removed from district classrooms back to Tucson (Huval, 2012). Meanwhile, Huppenthal is trying to extend the ban on ethnic studies to public universities in the state (Huval, 2012).

Pedagogy that exceeds the calculations of individual consumer interests can be dangerous. The incalculable effect of cultivating ideas, pleasures, ethics, and feelings offsets the structures of thinking sanctioned within neo-liberalism. Critical pedagogy can encourage students to consider situations of social and historical injustice and inspire them to consider how things could be otherwise.

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