

Article

Powerful Adversaries

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Abstract: The Tax Cuts and Jobs Act of 2017 contains yet another assault on higher education in its unprecedented tax on private university endowment income. This paper argues, first, that this and other attacks should not be seen as anti-intellectual efforts to dismantle higher education but rather as intellectually elitist efforts to rid universities of certain programs and personnel and, second, that viewing these efforts as motivated *primarily* by racism and (hetero)sexism is an analytical and political mistake. Women's, gender, and sexualities studies programs undermine basic assumptions that ground contemporary right-wing political and economic policy—namely, individualism and economism—by presenting empirical evidence and developing theoretical frameworks focused on historical formations of power networks that produce subjects, preferences, and systems of oppression. The main goal of the radical right is not to purge women and people of color from academia, but to prevent analysis and discussion that reveals the inadequacy of right-wing ontological commitments and neoliberal social theory.

Keywords: endowment income tax; feminist theory; individualism; neoliberalism; oppression

In December of 2017, the Republican-led US Congress and President Donald Trump realized one of their major goals by enacting P.L. 115-97, the Tax Cuts and Jobs Act. One of the provisions of that Act, Section 4968, is actually not a tax cut but, quite the contrary, is a new tax on universities—specifically, a 1.4% tax on investment income of private, not-for-profit universities with endowments that amount to \$500,000 per full-time student.¹ The tax is unprecedented; nonprofit institutions that do not engage in electoral politics are historically tax-exempt.² In protest, educators emphasized the fact that university investment income is not profit; it funds university operating budgets and financial aid to students, thus supporting the educational services they provide.³ Precisely why lawmakers ignored these facts and broke from long tradition is uncertain. Congress did not debate the measure, and the President likewise offered no reasons for the change in law.

¹ It is not clear who will count as a full-time student. For example, if a university counts enrollments in online courses, they may have a much lower ratio of endowment per student than if they only count students enrolled in courses on campus. This one of the many reasons why no one knows for sure exactly how many colleges and universities are affected. The latest estimates range from about 30 to close to 50.

² Charitable foundations pay a “supervisory tax,” which is basically a fee to defray the cost of the IRS’s certification that they are in fact a charitable institution. Museums, libraries, and other such institutions (known as “operating foundations”) pay no tax on endowments. See (Will 2017).

³ Presidents and chancellors of 49 colleges and universities sent a letter, dated 7 March 2018, to Senate Majority Leader Mitch McConnell and congressional leadership asking for a reconsideration of the new tax, arguing that endowment income is crucial to the annual operating budgets of affected institutions, most of which fund near half of annual budgets with investment income rather than donations or tuition. For example, Grinnell College’s endowment income pays 55% of its operating budget, and Princeton University’s endowment income pays 70% of its operating budget. Both schools, as well as several others on the list, have “need-blind” admission policies and use endowment income to fund large student aid packages for low-income students. Sixty percent of Princeton’s students receive financial aid. Those with family incomes of less than \$160,000 pay no tuition, and those with less than \$65,000 not only pay no tuition, but also pay no room or board. Between 25% and 30% of Grinnell’s students paid no tuition in Academic Year 2016–17. For these figures, see (Klein 2018; Will 2017; Garcia-Navarro 2017).

A few voices have risen in defense of the tax. Tom Reed, a Congressman whose district includes Cornell University, hopes that the new tax will force schools to make themselves more affordable. According to Reed, “Rather than fight for special treatment, universities should join me in recognizing that young adults are facing a college debt crisis as a result of the uncontrolled escalating costs” (Hartocollis 2017). (The “special treatment” to which Reed refers is, apparently, the tax-exempt status common to nonprofit charitable institutions, as noted above.) *Wall Street Journal* commentators Thomas Gilbert and Christopher Hrdlicka maintain that the tax will act as an incentive for universities to invest responsibly, to safeguard their financial futures; they claim that universities’ endowments have been rising because they have been making risky investments that will eventually result in instability. Universities will stop taking risks to bring in greater returns, Gilbert and Hrdlicka claim, if those returns are taxed; therefore, they insist, we should think of the new rule as “a tax on this risk-taking,” not on endowment income *per se* (Gilbert and Hrdlicka 2017).

These rationales are dubious, at best. Taking money away from universities will not lower tuition. If anything, lost investment income will be offset by rising tuition or, what amounts to the same thing, less financial aid; after all, university operating costs have to come from somewhere. Even if universities cut costs by laying off some administrators, as tax proponent F.H. Buckley favors (Buckley 2017), it is highly unlikely that the result would be lower tuition. Gilbert and Hrdlicka’s characterization of elite private schools as “hedge funds with universities” is a willful distortion of facts. While it is true that a few universities have control over considerable wealth—Harvard with an endowment of \$37 billion and Yale with \$27 billion (Hartocollis 2017)—it is not true that they are generating profit, as business corporations do.⁴ Universities have no owners who expect dividends; their presidents and chief financial officers do not get big bonuses at the end of every year. Income is spent on either university operations or student aid, or it is returned to the endowment to generate income to spend on future operations and aid. Finally, Gilbert and Hrdlicka’s disingenuous paternalism—advocating governmental intervention to protect educational “rainy day funds”—is sheer nonsense. The primary purpose of an endowment is not to have an emergency fund for bad times (although in the worst of times it will be that) but to have a reliable income stream in order to conduct educational business as usual. Universities will not reduce their investment income to avoid the tax, because they need the income to operate.

That well-educated, well-informed people would publish such dubious rationales suggests a desire to hide the real reason for the tax, as many opponents of it have claimed. Matthew Klein of *Financial Times* writes that, off the record, proponents have told him that the real purpose is “to use fiscal policy to punish people with views they don’t like. In particular, they object to what they see as the ‘noxious, unflinching left-liberal ideology’ promoted by places such as Yale, Princeton, and, apparently, Cal Tech” (Klein 2018).⁵ If so, the tax is probably unconstitutional; citing the First Amendment, John Wilson notes, “Congress cannot impose ‘ideology taxes’ on particular

⁴ In fact, most of the three dozen or so colleges and universities now taxed have far lower endowment figures. The total amount for all combined has been estimated at \$200 billion, with Harvard and Yale having \$64 billion of that. If this is accurate (and there is disagreement about how many schools will be affected because of ambiguities in the law) and if those endowments generate an average return of 8%, then the tax will generate about \$225 million dollars next year. This is a small drop in the federal tax base; the IRS collects about \$3.6 trillion in taxes each year. See (Klein 2018).

⁵ The bill’s history likewise indicates that the tax is political and punitive, Klein maintains, as does John Wilson (see Wilson 2018). The first and some subsequent versions would have taxed schools with much lower endowment-to-student ratios (originally \$100,000 per student), but various members of Congress wanted to protect their favorite institutions. When the ratio was raised to \$250,000, an institution beloved by the family of Trump Education Secretary Betsy DeVos, namely, Hillsdale College with a ratio of \$350,000 per student, was still affected (Harris 2017). Senator Pat Toomey of Pennsylvania proposed to exempt Hillsdale (and only Hillsdale) with what became known as the “Hillsdale Carve-Out” (Harris 2017), making it evident to many that only universities with more liberal policies, curricula, or reputations were to be taxed. (The problem was solved by raising the ratio to \$500,000 per students, according to (Wilson 2018).) Further, earlier versions of the bill would have revealed the Johnson Amendment, which prevents tax-exempt nonprofits from advocating on behalf of political candidates—“advocating” includes, of course, making campaign donations. This is a change in tax law that the religious right has long wanted, but it would have done nothing to cut taxes or raise revenue. It appears to have been included simply as a matter of political favoritism.

types of corporations they believe are antithetical to the political interests of the party in power” (Wilson 2018)—which is a good reason to fabricate another rationale for public consumption.

Against the background of decades of right-wing attacks on allegedly “noxious, unflinching left-liberal” university curricula and faculties, it is hard not to believe that the new tax is politically motivated and punitive. Under the guise of pragmatism or fiscal responsibility, state legislatures hostile to what they perceive as leftist liberal arts have been cutting budgets to eliminate public universities’ programs and personnel since the 1980s, but they have no control over private schools.⁶ The new tax addresses that problem; it amounts to a federally legislated budget cut for privates and a threat of more to come.⁷ As such, it is just the latest move in an ongoing effort to limit and reshape higher education across the board.

Many people within the academy interpret these attacks as expressions of anti-intellectualism, (hetero)sexism, racism, and similar attitudes. No doubt, to an extent, they are. University systems expanded tremendously during the 1960s for a number of reasons, including a new national emphasis on scientific and technological development, a strong post-war economy that allowed working class people to save money for their children to go to college, and college draft deferments during a controversial war. At the same time, feminist and civil rights movements and laws enacted in partial response to them pressed universities to open doors to minorities and women at unprecedented rates. Among that influx of minorities, women, and children of the working class who entered colleges and universities in the 1960s and 1970s, there were some who never left, who stayed and became the faculties and administrators of the 1980s, 1990s, 2000s, and 2010s. Along with them came innovative programs such as Women’s Studies and African American Studies and critiques of courses such as Western Civilization and Great Books. College campuses and curricula are not what they were 50 years ago, and there are many people who resent that fact. However, while resentment and bigotry surely are factors in attacks on higher education, we must not allow our analyses to stop there. To do so would risk underestimating both the forces ranged against the work we do and that works’ real power.

In this essay, I argue that attempts to discredit feminist and critical race scholars and the programs we staff has more to do with what we actually teach and write than with our membership in racial, ethnic, gender, or sexual groups. The attacks are decidedly not anti-intellectual in motive (although they may appeal to such attitudes in the general population at times); on the contrary, they are fueled by a white masculinist intellectual elitism that harks back to the supposedly traditional academy of the mid-twentieth century. And they do not aim to pick off marginal programs to cut costs and eliminate women and minorities from faculties and administrations, so much as to destroy powerful centers of opposition to their policies and vision. We in women’s, gender, and sexualities studies need to understand these attacks as testaments to our power and effectiveness and build on that understanding to preserve and expand our programs and scholarship.

⁶ For an in-depth discussion of the campaign to undermine the New York state system, see (Duggan 2004, chp. 2). Duggan traces the links between the uproar over SUNY New Paltz’s women’s studies conference and right-wing efforts to reduce the number of state universities and to force the remaining ones to train students for positions in business and industry.

⁷ Many commentators have noted that once any nonprofit’s endowment is taxed at any rate, the door is open for increases and expansion to other nonprofit entities. George F. Will, conservative commentator and former Princeton trustee, writes, “Its appetite whetted by 1.4 percent, the political class will not stop there. Once the understanding that until now has protected endowments is shredded, there will be no limiting principle to constrain governments—those of the states, too—in their unsleeping search for revenue to expand their power. Public appetites are limitless, as is the political class’s desire to satisfy them. Hence there is a perennial danger that democracy will degenerate into looting—scrounging for resources, such as universities’ endowments, that are part of society’s seed corn for prosperous tomorrows” (Will 2017). Will blames that monolithic homogeneous entity “government” for this intrusion into private education, whereas most liberal commentators see the problem as a certain set of lawmakers who are motivated not so much by money as by vengeance. “Government” is not inherently voracious, but human beings with influence over governmental policy have all sorts of interests, intentions, strategies, and allegiances.

1. Discerning the Primary Targets

Although recent Gallup and Pew polls suggest that many Americans are losing regard for the nation's universities, more carefully worded Civis and Eschelon polls show that in fact most Americans—particularly educated Americans—still believe that higher education is extremely valuable (see [Lederman 2017](#)). As Lanae Erickson Hatalsky, social and political policy analyst at the centrist think tank Third Way, puts it, “You hear a lot of statements about how ‘not everybody should go to college,’ but usually it’s ‘other’ people who shouldn’t go to college—and the other are usually low-income people, kids of color. Members of Congress aren’t sending their kids to community college or vocational school” ([Lederman 2017](#); see also [Hatalsky and Miller 2017](#)). In fact, 85 current members of Congress attended one of just three elite private schools, Harvard, Georgetown, and Yale ([Huffington Post 2017](#)), whose alumni rarely complain that their educations were wasted time or had a negative impact on their lives. None of the tax proponents mentioned above would have the public platform to make their criticisms heard had they not had a university education.⁸ It makes no sense, in short, to believe that what such people are actually out to do is to destroy higher education, as John Wilson asserts ([Wilson 2018](#)). The targets are much more specific, as can be discerned from the criticisms themselves.

Take for example the comments of tax proponent F.H. Buckley, a member of George Mason University's law faculty and alumnus of McGill and Harvard Universities. Buckley does not assert that people should not attend George Mason University, or McGill or Harvard. Rather, he wants elite institutions to revert to what they were in past. The problem, he asserts, is that such institutions have become “political indoctrination factories and have abandoned their educational mission.” They are “... plantations run by non-academic bureaucrats—the diversity officers, the associate deans for planning, the blob that lacks the scholarship to teach but possesses the power to tell scholars what to do. They’re a dumping ground for teachers who flunked scholarship and ideologues who like to boss people around” ([Buckley 2017](#)). Buckley implies that taxing investment income would make universities answerable to Congress and, therefore, force them to fire administrators and stop offering frivolous courses (and presumably fire the professors who teach them). He even suggests that the 1.4% tax is too low and the for-profit corporate rate might be more effective.

Professor Buckley is not the voice of anti-intellectual populist resentment; on the contrary, he is the voice of right-wing elitism and wealth. His views undoubtedly match those of radical right-wing lawmakers and the donors and lobby groups that influence them. We must not ignore the fact that George Mason University, and in particular its law school, have a very special relationship with Charles and David Koch, the libertarian activist owners of the second-largest private corporation in the US, America Koch Industries.⁹ Recently disclosed documents reveal that Koch-controlled “entities” held a seat on a hiring committee for a professorship they funded in 1990, and similar arrangements continued for faculty hires at least through 2009. Insiders estimate that the Kochs have given about \$50 million to George Mason to fund the economics program and law school ([Green and Saul 2018](#)), and in 2016 gave some portion of a \$30 million gift (the rest given by an anonymous donor) to change the law school's name to Antonin Scalia Law School ([Fandos 2014](#)).¹⁰ It seems likely, then, that Buckley's

⁸ Rep. Tom Reed holds a law degree, Thomas Gilbert and Christopher Hrdlicka are assistant professors at the University of Washington, and F.H. Buckley is a law professor at George Mason University. It would appear that many of the attacks on higher education are coming from inside the house.

⁹ For some of the details of the Kochs' financial and political network and influence, see ([Gold 2014](#)).

¹⁰ A number of members of the Trump Administration are either graduates of George Mason or have spent time in residence as scholars there. These include Brian Blasé, assistant to the president for health care policy; Hester Maria Peirce, a member of the SEC; Jerry Ellig, chief economist at the FCC; Daniel Simmons, Department of Energy's acting chief; Neomi Rao, head of the White House Office of Information and Regulatory Affairs; and Andrew Wheeler, acting chief of the Environmental Protection Agency. According to a report by Public Citizen, at least 44 Trump officials have close ties to the Koch brothers. ([Joselow 2018](#)).

views align with those of the Kochs,¹¹ who have given another \$100 million to other institutions of higher education (Green and Saul 2018), presumably to influence their strategic planning initiatives, curricula, and faculty composition.¹² The Kochs have built an enormous network of nonprofit groups that makes it possible for them to shield donors' identities and distribute far more money than they personally have contributed to influence elections, policy, and education. That network, which includes Americans for Prosperity and the Tea Party (Mayer 2010), is not the only force behind the new tax and other attacks on higher education over the last three decades, but their influence must not be underestimated. They are on a systemic offensive to rid universities of certain kinds of programs and prevent discussion of certain kinds of theories and ideas and to reshape them in accord with their own programmatic—and, yes, intellectual—commitments.

We can tell which programs, theories, and ideas are slated for elimination by looking at what aspects of academia come in for most criticism and ridicule. I note that the first administrators Professor Buckley would fire are “diversity officers.” Desired faculty cuts can be discerned by noting the three “idiot courses” he points to in his denunciation of elite university curricula: Oberlin’s “How to Win a Beauty Pageant,” Skidmore’s “The Sociology of Miley Cyrus,” and Columbia College’s “Zombies in Popular Media.” A closer look at these courses is revealing.

Columbia College Chicago’s “Zombies in Popular Media” is a three-week January term course offered since 2007 by Brendon Riley, Associate Professor of English and Creative Writing. Riley says the intensive course takes up such philosophical and ethical issues as the nature of community (who belongs and who is cast out) and how we treat others, prominent themes in this recently very popular genre. It is not an easy A; Riley systematically warns students interested merely in watching zombie movies away from the course.¹³ Skidmore Assistant Professor Carolyn Chernoff envisioned her Summer Term 2014 course, “The Sociology of Miley Cyrus,” as a way to teach core sociological theories and to explore race, class, gender, and “core issues of intersectionality theory” (Sean 2014). Oberlin Instructor Afia Ofori-Mensa offered “How to Win a Beauty Pageant: Race, Gender, Culture, and U.S. National Identity” in Fall 2011. Her syllabus announces the course’s purpose:

The aim of this course will be to use pageants as our case studies to understand the changing identity of the United States of America over time. We will travel through U.S. pageant history by decade, considering contemporaneous cultural happenings and applying relevant academic theories. Our investigations as a class will also consider what it takes to win a pageant and how notions like “beauty,” “poise,” “fitness,” “the full package,” and “the girl next door” relate to concepts of race, gender, class, sexuality, and nation. In addition, we will learn about cultural studies methodology, including literary close reading, cultural history, critical discourse analysis, and ethnography, and use those methods to “read” beauty pageantry intellectually, as a pop culture phenomenon that tells us stories about ourselves.¹⁴

The syllabus prominently notes that Comparative American Studies/African American Studies 240 serves as a gateway course for the Gender, Sexuality, and Feminist Studies major.

The pop culture titles of these courses is clearly not all they have in common. They ask students to think about race, gender, communities of difference, oppression, and justice. They examine our

¹¹ For an idea of what the Koch brothers’ political agenda might include, one might peruse the 1980 Libertarian Party Platform on which David Koch ran for President at https://ipedia.org/1980_National_Platform. For a concentrated taste of that platform, one can also view Bernie Sanders’ distillation of it at <https://www.sanders.senate.gov/koch-brothers>.

¹² In the interest of full disclosure, I should note that the University of Richmond, my employer, has received an undisclosed amount of Koch money donated to its School of Leadership Studies and its major program in Philosophy, Politics, Economics, and Law. Also, the University of Richmond is one of the handful of schools that will pay tax on its endowment income for 2018; the amount has been estimated at between \$4 and \$5 million.

¹³ It is not possible to see the course syllabus online at present because it has been infected with malware, but Riley gave an interview to New Hampshire Public Radio, which is available at <http://nhpr.org/post/unusual-college-courses-zombies-popular-media#stream/0>.

¹⁴ The syllabus is online at <https://new.oberlin.edu/dotAsset/3438949.pdf>.

lives together, historically and contemporarily, as Americans, and they offer students theoretical, analytical, and conceptual tools to critique the world around them. They exemplify, as well as any three courses we could pick out of any program's catalog, what feminist, critical race, and Women's Gender, and Sexualities (WGS) studies scholars and teachers do. And that is *exactly* what the forces behind the new tax and so many of these attacks on higher education want universities not to do.

2. Discerning the Intellectual Aims

WGS Studies is at the center of many of the aspects of university life and work that people like F.H. Buckley and the Koch brothers want to eradicate. As marginal as we have been within most universities over the course of our existence, we have influenced academic discourse dramatically. White men still dominate the academy—as a majority of administrators, teachers, and scholars—but many significantly differ from the white men who dominated it in 1968 or 1978. The education they received differed markedly from that of their mid-twentieth-century predecessors, precisely because of the influence of the academy's new diversity and because of race and gender scholars and scholarship. The fingerprints of WGSS and critical race scholars are all over academia now, even where we are not personally present.

No doubt, many right-wing politicians and wealthy activists who fund them are racist, sexist, and heterosexist, but our simple presence in academia is not what they are spending so much energy and money to fight. (The fact that Antonin Scalia Law School includes among its faculty women and people of color makes this very clear.) It is what we *do*, not who we *are*, that threatens them. Critical race, feminist, and WGS studies are deeply threatening to radical right-wing activists because they present strong, plausible frameworks for social and political analysis that are clearly superior in explanatory power to the radical individualism of economic rationalism, the intellectual foundation for radical right-wing political principles and policies.

Humanities disciplines as developed over the last 50 years—especially as inflected by feminist and critical race studies—run directly counter to and, therefore, tend to erode a foundational operating assumption of what I will call “economic rationalism.” By economic rationalism, I refer to a conceptual framework developed through the mid-twentieth century, centered in the University of Chicago economics department and law school, that has shaped domestic and international economic policies and political discourse from the late 1970s to the present. Some people refer to it as “neoliberalism” (see Foucault 2008, pp. 78, 215–66), although its adherents generally eschew that label.¹⁵ I will use both terms here, but with a preference for economic rationalism because it is more immediately descriptive.

A fundamental tenet of economic rationalism is that individuals are their own “human capital” and that they use this “capital” to secure “income streams” with which to maximize their utility. Smart individuals also invest in their “capital” by seeking education, training, medical care, and various forms of alliance with other individuals in order to maximize their “income streams.”¹⁶ How they use these income streams depends on their own individual preferences and tastes. According to economic rationalists, this theory explains not only behavior that is obviously economic, such purchasing goods and working for wages; any sort of behavior is ultimately a matter of allocating resources in pursuit of utility maximization. All social phenomena are reducible to the individual pursuit of preference satisfaction. Stephen J. Dubner and Steven Levitt popularized this theoretical framework as a way of explaining all kinds of behavior in their 2005 book, *Freakonomics*. Dubner continues the popularization campaign with his podcast at www.freakonomics.com, while Levitt holds the William B. Ogden

¹⁵ They have not always objected to it. Milton Friedman, one of the main architects of late twentieth-century neoliberal policy, originally used the term to designate his own thought. See (Friedman 1951).

¹⁶ The theory of human capital was first developed by Chicago School economists Gary Becker and Theodore Schultz. See (Becker 1975; Schultz 1981).

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The Becker Friedman Institute was named in memory of two Chicago School economists, Gary Becker and Milton Friedman, both of whom were convinced that economic thinking could explain just about anything. Milton Friedman used it to describe parenthood: “The freedom of individuals to use their economic resources as they want includes the freedom to use them to have children—to buy, as it were, the services of children as a particular form of consumption” (Friedman 1962, p. 33). Later work by Gary Becker concurs with this analysis of parenthood and applies the same reasoning to marriage. In his 1981 book *A Treatise on the Family*, Becker devoted two chapters to “marriage markets” and explained the choice of a life partner on the basis of utility maximization. Love, he wrote, is just a special case of preferences. (See Becker 1981, pp. 38–82).

Preferences are values expressed by what an individual is willing to pay for, in terms of money, time, or other sorts of expenditure. Freedom is simply lack of restraint on individuals’ allocation of their resources in pursuit of preference satisfaction. Markets always function more efficiently when freedom is maximized—that is, when governments exert the minimum restraint necessary to maintain order; therefore, governments should not interfere with preference satisfaction except to prevent physical coercion, fraud, and breach of contract.

Racism bespeaks a sort of preference, Friedman argues; some individuals are willing to pay a higher price in order not to buy from or work alongside someone of a different race. He therefore opposes fair employment legislation. “Such legislation clearly involves interference with the freedom of individuals to enter into voluntary contracts with one another. It subjects any such contract to approval or disapproval by the state” (Friedman 1962, p. 111).

Economic rationalists treat preferences as *sui generis*, ahistorical, and asocial aspects of individuals, which should be subject only to market forces and the restraints essential to market functioning. WGSS scholars, however, question preferences all the time. We ask about the ways in which individuals come to have preferences and how they are shaped by social formations, and we examine the historical forces that came into play to produce one set of values over another. These questions form the core of an enormous range of feminist classics; think of Simone de Beauvoir’s *The Second Sex*, Gayle Rubin’s “The Traffic in Women,” Carol Gilligan’s *In a Different Voice*, and Judith Butler’s *Gender Trouble*. Indeed, if gender is a social construct or an historical formation marked by shifting arrangements of power, then all our preferences regarding marriage and children are open to question, as are a vast number of our career and consumer choices. What people value cannot be separated from the historically developing power networks within which they live. These texts and others equally classic and equally antithetical to economic rationalism form the core of what we have our students read, think about, and think with. WGSS work—our scholarship and our teaching—clashes with prevailing economic theories and the policies they underwrite, therefore, at an absolutely fundamental level. Economic rationalists are totally committed to the ontological priority of individuals and preferences that supposedly belong to individuals, whereas WGSS work both refutes and refuses this sort of ontological individualism at almost every turn.¹⁷ The threat our work poses is a fundamental ontological threat, and, as such, it is a powerful political threat as well.

3. Feminist Critiques of Individualism

Feminist theorists have disputed radical ontological individualism for as long as feminist theory has existed as an academic field. They have argued that it provides a poor and misleading account of the

¹⁷ I must emphasize that not every sort of individualism is anathema in WGSS; in fact, there is a long history of political and legal individualism in feminist activism stretching back to the 19th century, and we certainly teach and write about that. There are also feminist scholars who embrace liberalism. I know of no feminist scholar who believes that individual preferences are unquestionable, however, both as *sui generis* and as thoroughly individuated or discounts the ways in which social life shapes processes of individuation.

production of knowledge and of human psychology. Even when they have embraced individualism as a pragmatic component of democratic politics, feminist theorists do not give it the ontological priority that it receives from economic rationalists. Insistence upon individualism as a fundamental truth results in a distorted view of human life, and one that tends to perpetuate inequity, injustice, and violence.

Feminist epistemologists have challenged the model of the lone observer who processes perceptual experience and arrives at reasonable conclusions in isolation. In addition to questioning the passivity embedded in that model, as many nonfeminist epistemologists in the latter half of the twentieth century did as well, feminist epistemologists have attended to the communal nature of knowledge acquisition, going so far as to suggest that a single individual isolated from others (if such a being could exist) would be unable to know anything. Knowing, as Lynn Hankinson Nelson has put it, is communal (Nelson 1993, p. 131). Communities are not only the locus of knowledge certification, she argues, but are actually the generators of knowledge. What will count as evidence is a matter of historical community norms. Nevertheless, this is not relativism, Nelson maintains. Evidence for a factual proposition or a theory includes not only a set of observations and reasons but also that proposition's compatibility with what "we" already know, its explanatory power, and its coherence with communal experience (Nelson 1993, p. 139). Individuals can know things, but their knowledge is always derived from a communal context that shapes their experiences, observations, and beliefs into something that can be termed knowledge. Knowledge does not arise as the private property of individuals. If we insist on prioritizing individuals as knowers, we will fail to understand processes of knowledge production.

Moreover, what can be said about knowledge might also be said about some other supposedly "private" or "interior" events, including beliefs and emotions; these, too, are formed and sustained in social networks. Yet, Naomi Scheman notes, individualism with its private interiority functions as an unquestioned assumption in most psychological theory; psychologists simply assume, without examination or reasoning, that what we call mental states are properly ascribed to individuals singly (Scheman 1983, p. 225).

As so many feminists have pointed out, we begin our lives incompletely formed, helpless and ignorant. We grow up in the care of others—most of us with mothers or female mother-substitutes as primary caregivers—and we learn language from various caregivers as an interactive game (à la Wittgenstein). At the same time, we learn to pay attention to certain bodily states, such as a full bladder, and to name and act on them in ways deemed appropriate by the people around us. Naming our feelings is a similar process. As children, we find ourselves experiencing sadness, happiness, or anger when people around us identify those feelings by our demeanor or behavior. Sometimes, even in our adulthood, people around us convince us that we are not actually feeling what we believe we are feeling, which suggests that emotional states are not purely private matters. Further, it could be argued, which feelings we experience depends on how our social group carves up emotional categories. This can vary greatly, even within one society over time. For example, in the mid-twentieth century, Americans might have felt sad or glum, but they rarely felt depressed. Now the opposite seems to be the case. Likewise, they might have felt rushed, nervous, or worried, but they never felt stressed.¹⁸ There is no reason to assume that these changes are merely semantic. Language is a social practice, and language shapes the feelings and experiences that we have.

Teresa Brennan's work takes this a step further. In *The Transmission of Affect*, she argues that the physiological states that help constitute the feelings that we name anger, anxiety, etc., are generated in physical fields that often include multiple bodies. She opens her book with a question and an observation: "Is there anyone who has not, at least once, walked into a room and 'felt the atmosphere'?"

¹⁸ Stress in application to living bodies originated with endocrinologist Hans Selye in the mid-twentieth century, who took the term from physics. For a brief overview, see <https://www.stress.org/about/hans-selye-birth-of-stress/>. Selye used the term to refer to physiological states.

But if many have paused to wonder how they received this impression, and why it seemed both objective and certain, there is no record of their curiosity in the copious literature on group and crowd psychology, or in the psychological and psychoanalytic writing that claims that one person can feel another's feelings . . . " (Brennan 2004, p. 1). In fact, walking into a room and feeling tension in the air or hostility or good cheer is a common experience, which the few theorists who have pondered it have put down to the human ability to read others' facial expressions and judge what they mean. Brennan argues, however, that such immediate awareness of others' emotional states is likely a matter of olfactory signals. Chemicals travel across bodies and influence physiological states in a variety of ways, some of which end up as part of our conscious experience. We may not exactly "smell" the feelings of people around us, but some of the "stuff" of their experiences is "public" and available to become the "stuff" of our experiences as well.¹⁹ Not only, then are our bodies not entirely separate from other bodies, but our feelings are not either. We can be deeply affected by the moods of the people around us, even if they are silent strangers.²⁰

We may notice this "transmission of affect" only occasionally, but there is reason to believe that it is virtually constant not only in the constitution of feeling, mood, and desire but even in the constitution of perception (although the means by which it occurs is not known). Lisa Guenther has argued that prolonged solitary confinement is a horrific injustice in part because people isolated from other human beings for weeks on end began to break down cognitively as well as emotionally. They may become unable to form coherent experiences of the world. Their streams of perceptual experience grow chaotic without the embodied presence of other experiencing subjects. Drawing on a 1982 psychiatric study (including interviews with inmates), Guenther writes,

Deprived of everyday encounters with other people, and confined to a space with radically diminished sensory stimulus, many inmates become unhinged from reality. Their senses begin to betray them; objects begin to move, melt or shrink of their own accord. Even the effort to reflect on their experience becomes a form of pathology, leading one prisoner to "dwell on it for hours," while another goes into "a complete standstill." They can't think straight, can't remember things, can't focus properly, and can't even see clearly. (Guenther 2011, p. 259)

It seems that perception of the world is altered in the absence of others, leading Guenther to ask, "Is the world fundamentally mine, its condition of possibility founded in my own singular transcendental ego, or is it fundamentally the gift of the other, with a sense that could not possibly be constituted by a solitary transcendental ego, but which is rather partially received, partially co-constituted with others?" (Guenther 2011, p. 275). Her work, along with the testimony she draws on, strongly implies the latter. Not only are we dependent on others in childhood to sort out the world around us, but apparently we are enmeshed with and dependent on others throughout life to an extent that theories that take the individual to be the basic unit of analysis simply cannot admit.

According to this and much other feminist work, we are individuating beings, to be sure, but we are not individual beings. Our language and concepts, our sense of our place in the world, and even our perceptual experience is never ours alone. Dependency on others for our very existence is not an unnatural or shameful condition; as so many feminists have argued, it is the way human beings are.

What justification can there be, then, for taking preferences as given, as *sui generis* matters of taste, even when those preferences are racist or sexist and result in discrimination? Preferences are

¹⁹ Trees signal each other in some similar ways. Injury to a tree's leaves, such as when they are being eaten by a giraffe, results in emission of ethylene gas, which acts as a signal to other trees' leaves to generate toxins to deter animals from eating them. See (Wohlleben 2015, p. 7).

²⁰ Wohlleben thinks it possible that we can be affected by the "moods" of trees as well. In a healthy forest, human beings tend to experience a sense of well-being that Wohlleben suggests is not simply a result of abundant oxygen but also of the more complex chemicals that "happy" trees give off.

not individual; they are socially constituted.²¹ Freedom is not, therefore, a simple matter of pursuing one's individual preferences with the minimal restraint consistent with prevention of fraud and breach of contract. Preferences can be elements within oppressive systems, and they can also be effects of oppressive systems. But we will never see this if we confine our analysis to individuals as the basic units of political and economic life. And any theory that does so is at best simply wrong and at worst a smokescreen enabling the perpetuation of oppression. Economistic rationalism is a bad theory—both descriptively and normatively—and feminist analyses make that fact abundantly evident. Little wonder that those profiting from a capitalism now built on neoliberal assumptions and the oppression it entails want to prevent us from teaching feminist concepts, theories, and the knowledge we produce with them.

4. Speaking the (Nonindividualist) Language of Oppression

"It is a fundamental claim of feminism that women are oppressed," wrote Marilyn Frye in 1983, yet, she noted, the claim is frequently deflected or misunderstood. "We need to think clearly about oppression," she continued, "and there is much that mitigates against this. I do not want to undertake to prove that women are oppressed (or that men are not), but I want to make clear what is being said when we say it. We need this word, this concept, and we need it to be sharp and sure" (Frye 1983, pp. 1–2). Iris Marion Young agreed with Frye's assertion and worked to develop an account of oppression in the early 1990s.²²

Young was aware, as was Frye, that talk of oppression runs counter to prevailing political theory. As Young puts it, "Speaking the political language in which oppression is a central word involves adopting a whole mode of analyzing and evaluating social structures and practices that is quite incommensurate with the language of liberal individualism that dominates political discourse in the United States" (Young 1992, p. 174). Both thinkers—like so many other feminists—speak of oppression as patterns of "structural phenomena that immobilize" women (and others) as a group (Young 1992, p. 177). Systems of oppression do not function at the level of the individual (although obviously individual people suffer their effects) but at the level of social structures, practices, and groups,²³ and there may be no individual who fully intends their harmful effects. As Young was so keenly aware, however, the dominant framework for thinking about political life precludes consideration of group-based phenomena in favor of the priority of the individual. According to that framework, individuals may suffer injustice, but not groups, and the injustice individuals suffer is always at the hands not of groups or structures but of other individuals.

One of the architects of the school of thought that developed within the University of Chicago's economics department in the mid-twentieth century was Friedrich von Hayek, whose profound influence on economic theory extends long after his death and far beyond the universities where he taught.²⁴ He, along with Chicago School economists Theodore Schultz, Milton Friedman, and others have had profound influence on governments worldwide.²⁵ In his 1960 book *The Constitution of Liberty*,

²¹ Amelie Rorty gives an example of how complicated the interpersonal constitution of a preference can be and how it can change as a result of social interactions in her discussion of the fictional character Jonah, a sports writer who has serious difficulty working under a female editor. See (Rorty 1978, pp. 143–51).

²² For a much more detailed account of Frye's and Young's discussion of oppression, as well as Hayek's discussion of coercion, see (McWhorter 2013).

²³ This is why token success stories do not prove that systems of oppression are not in place. There can be a black president in a country that is structurally oppressive to black people.

²⁴ For details about Hayek's career, including his association with the Mont Pelerin Society prior to his time at Chicago, see (Harvey 2007, p. 20).

²⁵ The expansiveness of their influence is due in part to the fact that they trained so many of the economists who now work for the US federal government and for the governments of a number of other countries, as well as the International Monetary Fund (see Klein 2007, p. 162). Margaret Thatcher admired Hayek's work both met and corresponded with him. See (Thatcher 1982).

Hayek defines oppression simply as prolonged coercion, and he defines coercion as a relation between two individuals. He writes:

Coercion occurs when one man's actions are made to serve another man's will, not for his own but for the other's purpose. It is not that the coerced does not choose at all; if that were the case, we should not speak of his 'acting.' [. . .] Coercion implies, however, that I still choose but that my mind is made someone else's tool, because the alternatives before me have been so manipulated that the conduct that the coercer wants me to choose becomes for me the least painful one. (von Hayek 1960, p. 133)

Since coercion requires the intentional action of one individual against another, there is no way to speak of any sort of impersonal system or network of coercive forces. Oppression is a matter of two or more peoples' mental states—the oppressor's conscious intentions and the appropriated volition of the oppressed—not of social or political circumstances.

Even in situations where someone is desperately deprived, if no one consciously sets out to force that person to act in a certain way, there is no oppression. Hayek continues:

Even if the threat of starvation to me and perhaps to my family impels me to accept a distasteful job at a very low wage, even if I am "at the mercy" of the only man willing to employ me, I am not coerced by him or anybody else. So long as the act that has placed me in my predicament is not aimed at making me do or not do specific things, so long as the intent of the act that harms me is not to make me serve another person's ends, its effect on my freedom is not different from that of any natural calamity—a fire or a flood that destroys my house or an accident that harms my health. (von Hayek 1960, p. 137)

This sort of extreme individualism renders talk about systemic oppression impossible. Furthermore, it worsens systems of oppression by justifying cuts in public and social services, consumer protections, workplace safety, and any number of other "conservative" policies pursued since the Reagan Revolution. Each individual must be "responsibilized," must learn not to look to others for protection or help.

It is not simply that contemporary right-wing activists meet each claim of group oppression or structural injustice with denial, therefore; it is not that they believe each particular claim happens to be false. Rather, it is that, for such activists, all such claims are necessarily illogical. No claim of structural oppression could possibly be true, because all action, all responsibility, and all harm occurs at the level of individuals. This is why poverty, for example, is construed simply as the bad luck or the fault of impoverished individuals rather than the predictable result of the regular operations of a capitalist economy. It is also why, when police kill African Americans, when men rape and sexually harass women, and when young white males take AR-15s into schools to shoot teachers and classmates, so-called conservatives blame individual bad actors and fail to see patterns of events as evidence that perpetrators of violence are also agents of racist, sexist, and heterosexist oppression.

5. Conclusion: The Feminist Threat

Neoliberal individualism and the analysis of action and injustice that flows from it rest on a basis that, when examined carefully and in light of empirical evidence, simply does not hold. People simply do not function primarily as individuals—not physically, not emotionally, and not cognitively. Our preferences and desires are never fully separable from our social contexts; they are not our private property. We are what and who we are within fields of material systems. To begin to comprehend our experience requires that we attend to those material systems. Isolating individuals from systems results in inadequate if not outright false accounts of the world. Basing our values and policies on such accounts almost inevitably results in social and individual harm.

Economistic rationalists ignore the aspects of reality—and a trove of excellent scholarship across a number of fields—that contradict the assumptions that ground their theories of law, government, and

economic policy. WGSS programs put those aspects of reality on display in every course, every class period. There are individual human beings, but there are equally real communities, societies, races, classes, and sexes, some of which suffer as groups from oppressive circumstances maintained and enforced by the structures of our institutions and policies. Our concepts and theories illuminate the world and our students' lived experience in ways their theories never will. Consequently, the more students who take our courses and read our scholarship, the more people there will be who question and resist the policies of individual "responsibilization," privatization, and deregulation in the name of individual economic freedom that right-wing activists seek to impose both in the US and all around the world. We feminist scholars and teachers are not just minor annoyances, expensive generators of "idiot courses," or the bad effects of affirmative action; we are a direct threat to neoliberal hegemony and in particular to the radical right wing of it.

When we lament (or fume) that after 40 years, our universities are still too white and male-dominated, still rife with sexual harassment and sexual violence, still structurally racist and (hetero)sexist, and so on, we must remember that it is possible for us to say those things and be understood by people around us because of the conceptual and political work that we and our predecessors accomplished in those 40 years. If we can hold onto our programs and our positions within the academy, and if our biosphere does not explode or fry, we will surely change the world far more in the coming 40 years. Those who would dismantle our programs and punish our universities as long as they support them may be bigots, but simple bigotry is not their driving motivation. They recognize that we are a powerful threat to the foundations of their favored political and social policies. We need to recognize it too. We need to realize that we are not the poor victims of these forces; we are their powerful adversaries.

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