AFFIRMING WHITENESS: A CRITICAL DISCOURSE ANALYSIS OF THE AFFIRMATIVE ACTION DEBATE IN THE FISHER CASE

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ABSTRACT

For the past decade, the Grutter v. Bollinger (2003) decision has served as the constitutional basis for the consideration of race in university admissions (Lawrence, 2001; Ledesma, 2013). The recent Fisher v. University of Texas (2013) case attempted to challenge this ruling. Although the Supreme Court did not overturn the Grutter decision, the consensus among legal analysts is that the Court’s decision in the Fisher case will impact the ways that universities construct and implement their admissions policies (Schmidt, 2013). However, Supreme Court decisions about affirmative action in higher education do more than impact how admissions policies are structured. The discourse produced in these decisions structures how race can be talked about, understood, and enacted in the context of higher education.

In order to critically examine and destabilize the dominant affirmative action discourse as it is being deployed in the current debate around race-conscious admissions in higher education, I conducted a race-centric critical discourse analysis of the amicus briefs, the transcript of the oral arguments, and the Court’s final ruling in the Fisher case. My analysis revealed that dominant arguments produced by both liberal and conservative ideological positions in the debate around race-conscious admissions engaged the concepts of race and diversity in ways that were produced by and (re)produced Whiteness. Practical applications for pro-affirmative action advocates and policy makers are offered.