



PROJECT MUSE®

---

## **Giorgio Agamben and the Abandonment Paradigm: A New Form of Student Diversion in Public Higher Education**

Clifford P. Harbour, Jennifer R. Wolgemuth

The Review of Higher Education, Volume 36, Number 2, Winter 2013,  
pp. 235-254 (Article)

Published by The Johns Hopkins University Press  
DOI: *10.1353/rhe.2013.0004*



➔ For additional information about this article  
<http://muse.jhu.edu/journals/rhe/summary/v036/36.2.harbour.html>

*The Review of Higher Education*

Winter 2013, Volume 36, No. 2, pp. 235–254

Copyright © 2012 Association for the Study of Higher Education

All Rights Reserved (ISSN 0162–5748)

# Giorgio Agamben and the Abandonment Paradigm: A New Form of Student Diversion in Public Higher Education

*Clifford P. Harbour and Jennifer R. Wolgemuth*

In this article, we propose a new paradigm for understanding recent state policies that pose new barriers to student participation, diverting the most vulnerable students out of public higher education. The paradigm we propose is based on works by the Italian philosopher Giorgio Agamben and is significantly different from previous diversion theories developed by sociologists Burton Clark (1960) and Steven Brint and Jerome Karabel (1989). These earlier theories described how institutional practices and policies diverted students from one curriculum or institution into another. For example, Clark's (1960) case study at one junior college explained how faculty and staff used various academic and student development practices to “cool-out” students and divert them from transfer curricula into vocational curricula. Brint and Karabel's (1989) research examined a rich historical record, and they explained how community colleges secured their future by aggressively marketing vocational curricula that diverted students away from four-year colleges and universities.

---

CLIFFORD P. HARBOUR is Associate Professor in the Adult and Postsecondary Education Program at the University of Wyoming. JENNIFER R. WOLGEMUTH is Assistant Professor in the Department of Measurement and Research at the University of South Florida. Address queries to Clifford Harbour at the Adult and Postsecondary Education Program, Department # 3374, University of Wyoming, Laramie, WY 82071; telephone: (307) 766–3060; fax: (307) 766–5638; email: charbour@uwyo.edu.

Both theories have received significant attention in the literature (e.g., Alfonso, 2006; Dougherty, 1988; Hellmich, 1993; Laanan, 2003; O'Connor, 2009; Townsend, 2001). However, neither accounts for new government policies diverting the most vulnerable students out of public higher education. Over the last 15 years, state and federal governments have adopted policies limiting the subsidization and delivery of instruction in public higher education. Although usually characterized as an attempt to promote greater efficiency in the use of public resources, these policies impede the participation of academically and economically disadvantaged students at public institutions. They include: (a) shifting a larger share of the cost of higher education to students (Callan, 2002; Roherty, 1997; Wellman, Desrochers, Lenihan, Kirshstein, Hurlburt, & Honegger, 2009), (b) abandoning need-based financial aid in order to increase the subsidization of students from middle- and higher-income families (Baum & Ma, 2011; Baum & Payea, 2011; Heller, 2004; Newman, Couturier, & Scurry, 2004), and (c) limiting the delivery and subsidization of developmental studies instruction at public colleges and universities (Bastedo & Gumport, 2003; Bettinger & Long, 2005). We refer to these policies collectively as "limited expenditure and delivery policies" or "LED policies."

We note at the outset that we will not analyze the history of LED policies or assess their individual or collective impact. Nor will we assess their success in accomplishing their stated purposes. As Clark's (1960) study revealed, in some cases, the novelty and significance of a phenomenon merits examination even though we cannot yet measure its extent or the precise dimensions of its impact. And, as we explain below, the higher education literature already provides a basis for inferring that LED policies are imposing barriers to student participation for the most vulnerable students.

With these premises in place, we have three objectives in this article. First, we revisit the student diversion theories developed by Clark (1960) and Brint and Karabel (1989) and show how they comprise what we refer to as "the classic diversion paradigm." Second, we review several LED policies that, although unrelated in many respects, systematically limit states' subsidization and delivery of instruction at public colleges and universities. Third, we review the central concepts in Agamben's political philosophy and explain how they provide a philosophical foundation for a new paradigm to understand the diversionary nature and significance of LED policies. Finally, it is important to note that we do not contend that the abandonment paradigm is superior to the classic diversion paradigm in explaining the student diversion observed by Clark (1960) and theorized by Brint and Karabel (1989). We view the classic paradigm as satisfactory in providing a sociological explanation of the diversionary practices and policies that earlier researchers studied. Our only aim here is to show that the classic diversion paradigm is inadequate in explaining the diversionary nature and significance of LED policies and

that Agamben provides us with a new philosophical perspective supporting a deeper understanding of new state policies that divert the most vulnerable students out of public higher education institutions.

### THE CLASSIC DIVERSION THEORIES

#### *Clark's "Cooling Out" Thesis*

Clark (1960) observed that advanced democratic nations encounter major problems when they encourage citizens to achieve while affording them only limited opportunities to succeed. Accordingly, the challenge for these nations is to secure an "ideology of equal opportunity" (p. 570) while also maintaining the high academic standards needed to ensure the production of a class capable of leading and managing a competitive, hierarchical, capitalist society. Clark contended that the tension between commitments to equal opportunity and high academic standards was evident at San Jose City College (SJCC). More specifically, Clark described how SJCC used academic and student development practices and policies to redirect students into vocational programs when they were unable to meet the academic standards in the traditional transfer curriculum. For example, struggling transfer students were provided with career counseling, academic warnings, and placed on academic probation as a way to signal that their college goals might be out of reach.

Clark described this sequential process as "cooling out" (p. 574) and claimed that it had three consequences. First, transfer students were redirected to vocational programs of study and remained enrolled at the junior college. Second, progress through the transfer curriculum was limited to those students showing promise of success at four-year colleges and universities. Third, students who were cooled out accepted personal responsibility for their academic failure.

Clark maintained that the success of the cooling-out process depended on students not fully understanding that the junior college was, at least to some extent, designed to play this diversionary role in the higher education system. If students realized that their college was designed to facilitate cooling out, they might reject responsibility for their academic failure and advocate for a postsecondary institution more committed to helping them attain a bachelor's degree. Accordingly, Clark concluded that the cooling-out process helped ensure that "society can continue to encourage maximum effort without major disturbance from unfulfilled promises and expectations" (p. 576).

Clark also observed that the cooling-out process simultaneously secured two important ideological beliefs. First, it demonstrated that academic merit was a fair criterion to determine eligibility for admission to highly desirable career paths. Second, it inscribed, at an institutional level, a political and social commitment to extending educational opportunity.

### ***Brint and Karabel's Diverted-Dream Thesis***

Nearly 30 years after the publication of Clark's (1960) work, Brint and Karabel (1989) examined the history of the community college and its institutional predecessor, the junior college. They chronicled the phenomenal growth of public two-year institutions and noted that, when new institutions opened, college enrollment in the surrounding areas increased. They acknowledged that new colleges "brought some students into higher education who would otherwise never have attended" (p. 91).

However, Brint and Karabel argued, that did not mean that the "aggregate effect has been a democratizing one" (p. 226; emphasis theirs). Community colleges, they stated, "drew some students away from four-year institutions" (p. 91). Citing Tinto's (1975) earlier research on student enrollment, they explained that, "in communities where a public junior college was easily accessible, students tended to substitute attendance at a four-year state college or the state university for attendance at the junior college" (Brint & Karabel, 1989, p. 91). And as Tinto (1971) previously reported, a disproportionate share of these students were from low socioeconomic backgrounds. Accordingly, Brint and Karabel (1989) claimed that the increase in the number of community colleges systematically diverted students out of four-year institutions and reproduced patterns of social inequality by enrolling them in vocational curricula focused primarily on the development of relatively low-level occupational skills.

Brint and Karabel contended, however, that behind this systematic diversion of students was a movement transforming the identity of public two-year colleges: vocationalization. Vocationalization was the gradual change that transformed early 20th-century junior colleges, primarily focused on delivery of the first two years of a liberal arts education, into late 20th-century community colleges, primarily focused on the delivery of vocational education. Brint and Karabel concluded that the diversion of students from four-year colleges to two-year colleges was best understood as a consequence of vocationalization.

This transformation of public two-year colleges was spearheaded by the institutions' leaders. But it eventually received the support of business leaders, state and national government officials, university administrators, and students. To be sure, the growth of community colleges was also facilitated by political, economic, and social forces. But the historical record reflected the consistent and sustained efforts of national and state community college leaders to establish a new and independent identity for their institutions. This identity was primarily fixed on their sub-baccalaureate vocational curricula—educational programs that would distinguish the institutions from other colleges and universities.

Brint and Karabel (1989) also identified three ideological beliefs validated by the development of community colleges, their rapidly expanding vocational curricula, and the student diversion from four-year institutions to two-year institutions. One of these was the belief that American higher education was committed to expanding educational opportunities for adults. A critical aspect of this belief was the assumption that even “students with undistinguished academic records [would have] multiple chances to succeed” (p. 221). Open-access community colleges were ideally situated to validate this ideology. A second ideological belief was the notion that advancement through the educational system was truly based on academic merit. Because community colleges ensured that virtually all adult learners could attend college, a failure to advance was viewed as a consequence of individual ability and effort and not as an unfair educational system. Consequently, those students that did advance were viewed as doing so based on academic merit. Third, community colleges helped validate a belief in the legitimacy of social and economic inequality. That is, social and economic inequality in later life was morally acceptable if the nation’s educational system was fair and if students had several opportunities to succeed.

### THE CLASSIC DIVERSION PARADIGM

Although we locate Clark (1960) and Brint and Karabel (1989) in the classic diversion paradigm, these authors examined junior colleges and community colleges from different perspectives. They also viewed these institutions as validating similar but different ideological beliefs. For example, Clark’s study of student diversion was based on his research at one junior college, and he focused on a specific phenomenon, the “cooling-out” process. Clark (1960) did not attempt to support his cooling-out thesis with historical data or philosophical considerations. Instead, his account was informed by a sociological theoretical framework: Merton’s means-ends analysis.

For Clark, cooling out was reflected in the instructional and student development practices and policies of specific colleges. But it was also an institutional mechanism to manage “the individual frustration and recalcitrance” which often followed from the discrepancy between the society’s “culturally instilled goals and institutionally provided means of realization” (p. 569). The cooling-out process also secured two critical ideological beliefs necessary to peacefully maintain the status quo in an advanced industrial democracy: the importance of equal opportunity in higher education and academic merit as a fair and appropriate path to success in the society.

Brint and Karabel’s (1989) discussion of student diversion emerged from research that sought to explain the development of the community college over a series of decades. They examined records maintained by (a) national professional organizations, (b) federal labor and education agencies, (c) in-

dividual colleges, and (d) state higher education coordinating agencies. They also interviewed more than 80 individuals working at the local, state, and national levels in community college education. Brint and Karabel (1989) described their theoretical framework as one “inspired in part by the classical sociological tradition in the study of organizations” (p. 15) and, in particular, the work of Michels and Weber. Despite these acknowledgements, however, the authors viewed their “institutional approach” as novel and expressed a hope that other researchers would use it to examine “the dynamics of change in institutional domains other than education” (p. 214).

This perspective and analysis led Brint and Karabel to identify the process of “vocationalization” which also had an important ideological function. They observed that “the genius of vocationalization was that, in addressing a particular organizational problem faced by the junior college, it simultaneously addressed a far broader societal problem” (p. 213). That is, vocationalization also provided the means to manage “ambition in a society that generates far higher levels of aspiration for upward mobility than it can possibly satisfy” (p. 213). Coincident with this, Brint and Karabel viewed the diversion they identified as validation of ideological beliefs concerning equal opportunity, academic merit, and the legitimacy of social and economic inequality.

Although the empirical and theoretical underpinnings of these two student diversion theories differ, they share important points that comprise the classic diversion paradigm. For both Clark (1960) and Brint and Karabel (1989), student diversion was the consequence of institutional action by public junior colleges and then later community colleges to help manage or increase enrollment. Additionally, student diversion operated in a systematic way to secure ideological beliefs concerning equal opportunity in higher education, the importance of academic merit, and the legitimacy of social and economic inequality. Finally, and most importantly, diversion away from a transfer curriculum or four-year institution still left students with opportunities for advancement at public junior colleges and community colleges.

### THE EMERGENCE OF NEW IDEOLOGICAL BELIEFS IN HIGHER EDUCATION

In our view, one reason that the student diversion theories advanced by Clark (1960) and Brint and Karabel (1989) resonated with higher education scholars is because they were consistent with a widespread understanding of American higher education in the 1960s, 1970s, and 1980s (e.g., Thelin, 2004). In an era of expanding educational opportunity, American higher education remained stratified and committed to progress based on academic merit, which was facilitated by the systematic diversion of low-performing students into lower-status curriculum and institutions. As Clark (1960) and Brint and Karabel (1989) explained, commitments to equal opportunity

and academic merit in higher education were in conflict with one another. But when community college practices and policies operationalized and formalized these commitments, they effectively rationalized the status quo and secured political, economic, and social elites.

Of course, new ideological beliefs have emerged in American society and they are challenging those dominant in the last half of the 20th century. One of these asserts that efficiency, performance, and accountability (as opposed to access) should be the first priority in the delivery of public services (Newman, Couturier, & Scurry, 2004). This view is reflected, in part, by the recent adoption of state funding and accountability provisions that attempted to determine state appropriations to public colleges and universities based on institutional performance (Newman, Couturier, & Scurry, 2004). A second is the increasing emphasis on merit, as opposed to need, in determining the allocation of public financial support to students. This belief has had a major influence on public higher education and may be most visible in state scholarship programs allocating funds to college students based on their high school performance. The increasing importance of efficiency, performance, accountability, and merit, are reflected in the LED policies we discuss below.

## LED POLICIES AND PARTICIPATION IN HIGHER EDUCATION

### *Shifting the Cost of Higher Education to Students*

As Roherty (1997) observed, during the early 1990s, state legislatures were faced with significant expansions in undergraduate enrollment and a continuing increase in cost for all state services but especially for corrections and publicly subsidized health insurance for the elderly (Medicare). Because states did not (or could not) control the increasing cost of corrections and Medicare, legislatures balanced their budgets by curtailing growth in appropriations for other state responsibilities including higher education. When the rising cost of public higher education could not be completely covered with public funding, an increasing share of the cost was passed through to students. Data collected and analyzed as a part of the College Board's annual survey of colleges confirm that the trend outlined by Roherty continued during the first decade of the 21<sup>st</sup> century. These data also show that changes in government appropriations to public institutions and student financial programs are shifting a larger share of the cost of a college education to students and especially to the academically and economically disadvantaged.

For example, the College Board recently reported that total state appropriations for public higher education, using Full-Time Equivalent Student (FTE) as the measure, "declined by 23% in inflation-adjusted dollars over the decade from 2000–01 to 2010–11" (Baum & Ma, 2011, p. 18). This decrease in appropriations occurred while "from fall 2000 to fall 2008, total FTE enroll-



ment in public institutions in the United States increased by 22%” (p. 18). While state appropriations were decreasing and enrollments were increasing, “net tuition and fee revenue per student increased at an average annual rate of 5.3% between 2002–03 and 2008–09 at public bachelor’s colleges, 4.8% at public doctoral universities, 4.4% at public master’s universities, and 3.6% at public two-year colleges” (Baum & Ma, 2011, p. 21). These data confirm what has been widely known on college campuses for years. The cost of a college education is rising, and students are paying more of the bill.

Assessing recent changes in student financial aid, however, is a little more difficult to sort out. When compared to past appropriations, current levels of financial aid for students appear promising and, in fact, from 2000–2001 to 2010–2011, total appropriations in federal and state financial aid increased substantially (Baum & Payea, 2011). For example, the total appropriation for federal Pell Grants increased 246% during this period and total appropriations for federal loans (subsidized and nonsubsidized) for undergraduates and graduates increased by 139%. Similarly, state appropriations for undergraduate and graduate student grants increased by 53% during this same period. Appropriations for state and institutionally sponsored loans increased 36% during this same time frame. However, when these data are examined as a part of the overall student enrollment and financial aid picture, the increases reported above, although significant, have been either inadequate to meet students’ needs or left them with more debt.

To begin with, only 22% of undergraduates took out federal Stafford loans in 2000–2001, but this increased to 34% by 2010–2011 (Baum & Payea, 2011). Additionally, the amount students borrowed under the program increased, on average, from \$5,628 in 2000–2001 (in 2010 dollars) to \$6,744 in 2010–2011. These increases in student borrowing are not surprising. In 2000–2001, the maximum Pell Grant award covered 42% of the average in-state tuition, fees, room, and board charged at public four-year institutions. By 2010–2011, however, the maximum Pell Grant covered only 32% of this expense. Perhaps of greatest concern is the fact that, although the total undergraduate enrollment in American postsecondary institutions increased by 35% from 2000 to 2009 (from 13.4 million to 18.1 million), during this same period, the number of federal Pell Grant recipients increased by 208% (from 3.9 million to 8.1 million). And, in just one year, from 2009 to 2010, an additional 1 million students started receiving Pell Grants.

The import of these data is twofold. First, over the last 10 years, state governments unable to run significant budget deficits reduced appropriations for public higher education; and in response, state institutions increased tuition and fees to cover the shortfall. Second, the federal government significantly increased appropriations to student financial aid programs but this increase only matched the burgeoning numbers of students qualifying for need-based financial assistance. Indeed, these awards covered less of the

direct cost of a college education in 2010–2011 than they did in 2000–2001. It is therefore no surprise that, during this same period, a growing number of students were borrowing higher amounts to finance their college education. The long-term consequences of this rising debt are unknown, but the aggregate and individual amounts are staggering (Martin & Lehren, 2012).

### ***Increasing the Subsidization of Students from Middle- and Higher-Income Families***

A second LED policy is the increasing subsidization of students from middle- and higher-income families, effectively diverting funds that could have been used to subsidize students based on need. At the state level, this pattern has occurred through the allocation of financial aid to undergraduate students because of their academic merit and not because of their financial need (Baum & Payea, 2011; Heller, 2004; Newman, Couturier, & Scurry, 2004). This development has a history that goes back 40 years. As Heller (2004) noted, the federal Higher Education Act of 1965 and its reauthorization in 1972 established a new commitment to support college students from low-income families. The 1972 reauthorization provided federal matching funds to state financial aid programs, and the effect of this incentive was substantial. Only 19 states had higher education financial aid programs in 1969. By 1974, thirty-six states had such programs. And, by 1979 all 50 states had need-based financial aid programs supported by federal matching dollars. Some states had more than one.

But in 1993, the tide turned when the Georgia State Legislature initiated the Helping Outstanding Pupils Educationally (HOPE) scholarship program which awarded state funds to students based on academic merit. The program was funded by state lottery proceeds. After 1993, 13 other states created similar merit-based financial aid programs for college students (Heller, 2004). The growth of merit-based state financial aid programs has had a significant impact on the distribution of state grants to undergraduate students. Baum and Payea (2011) reported: “In 1985–86, 9% of all state grant aid for undergraduate students was awarded without regard to the students’ financial circumstances. By 2005–06, this percentage had risen to 28%; it remained constant through the 2009–10 academic year” (p. 4).

The purpose of these merit-based financial aid programs is evident. States are attempting to use the incentive of increased grant aid to encourage students to earn higher high school GPAs and, hopefully, perform better in their college classes. What remains just as clear, however, is that merit-based financial aid is available to all students regardless of financial need and, as a result, subsidizes not just high-performing students from low-income families but also such students from middle- and high-income families.

The introduction of the federal government’s American Opportunity Tax Credit (AOTC) in 2009 is another example of the increasing subsidization

of students from middle- and high-income families. The AOTC was not the first federal program providing federal taxpayers with a tax benefit on their federal income tax. However, compared to earlier programs, its impact was immediate and substantial, effectively shifting billions of dollars to students and families in middle- and high-income brackets. Baum and Payea (2011) reported that the AOTC, “introduced in 2009, increased the total tax savings for college students and their parents claiming education credits and tuition deductions from \$6.6 billion (in 2009 dollars) in 2008 to \$14.7 billion in 2009” (p. 21). The AOTC did include progressive provisions such as allowing low-income taxpayers to recover a partial refund, a provision not afforded by earlier federal tax credits. This provision increased the value of tax credits and deductions afforded to low-income families. However, as Baum and Payea (2011) observed, after the adoption of the AOTC, “the percentage of total tax savings from education credits and deductions going to filers with [adjusted gross] incomes of \$100,000 or higher increased from 18% in 2008 to 26% in 2009” (p. 21).

### ***Restricting the Subsidization or Delivery of Developmental Instruction***

A third LED policy concerns the restriction of the subsidization or delivery of developmental instruction at public institutions. Developmental instruction is a critically important curriculum that provides underprepared and returning college students with the opportunity to develop college-level reading, writing, and mathematical skills. Parsad, Lewis, and Greene (2003) reported that, in 2000, 28% of all entering first-year students were enrolled in at least one developmental studies course. At public community colleges, the gateway for many underrepresented minorities and first-generation students (Cohen & Brawer, 2008), 42% of all first-year students were enrolled in at least one developmental studies course in 2000 (Parsad, Lewis, & Greene, 2003). Over the last 10 years, however, states have limited the subsidization or delivery of these courses.

Some states (e.g., Florida, Texas, and Virginia) have restricted developmental instruction at all public institutions by limiting subsidization on a per capita basis. For example, Dougherty, Reid, and Nienhusser (2006) found that Florida does not subsidize public institutions for a student’s participation in a developmental course when the student has already attempted to complete it twice. Texas community colleges are prohibited from recovering subsidization for a student’s developmental coursework if the student has already completed 27 credit hours in the developmental studies curriculum (Texas Higher Education Coordinating Board, 2005). Also, four-year colleges and universities in Texas are prohibited from recovering subsidization for a student’s developmental coursework if it exceeds 18 credit hours.

Other states (e.g., Massachusetts and New York) have restricted delivery of developmental instruction to community colleges and thereby curtailed access to this curriculum. Bastedo and Gumpert (2003) conducted a comparative case study that examined how governing authorities and state policymakers implemented similar policy changes in Massachusetts and New York public higher education from 1990 to 2001. One of these policy changes required a substantial reduction of developmental studies courses at state senior institutions. Bastedo and Gumpert explained how these changes were made in politicized environments where public higher education officials were pressured by powerful politicians to reduce developmental course offerings in order to promote greater institutional stratification. In short, there was significant political pressure in both states to raise the profile of select senior institutions, and the decision to restrict the delivery of most developmental studies courses to community colleges was merely one step in this process.

Conclusive research on the impact of the changes made in Florida, Texas, New York, or Massachusetts has not yet been conducted. Accordingly, it is difficult to know how many students did not commence or continue their studies because of these subsidization or delivery limitations. However, the reduction in entry points to public higher education, as a step in the intentional stratification of public colleges and universities, inevitably limits access for those students who are least prepared for college.

### ***Impact of LED Policies on Participation in Higher Education***

Our discussion of the three LED policies reveals they are systematically increasing the cost and decreasing access to public higher education for academically and economically disadvantaged students. In some cases, LED policies are having this impact while also offering students and families from middle- and high-income brackets new financial advantages. Given the complexity of assessing students' decisions that balance work, schooling, and family responsibilities (Grubb & Lazerson, 2004), it will be difficult to determine precisely when and how LED policies reduce participation for academically and economically disadvantaged students.

However, it is clear that an increase in cost coupled with a decrease in need-based financial aid (e.g., Swail & Heller, 2004; Usher, 2006) adversely affect student participation in higher education. In the last decade, the rising costs of four-year public institutions have coincided with the migration of lower- and middle-income students to lower-cost two-year colleges (Hearn, 2001; St. John, 2003). The resulting socioeconomic stratification by institution (Hossler, 2006) often puts students from lower- and middle-income families at greater risk of non-participation; community college drop-out rates are on the rise and remain double those of four-year institutions (U.S. Department of Education, 2010).

It is also difficult to determine precisely when and how a decrease in entry points for prospective college students leads to a reduction in participation. However, we do know that location is among the most important factors in students' choice of college (Weiler, 1994) and a loss of geographical proximity can have negative consequences for participation in higher education (e.g., Brint & Karabel, 1989).

We emphasize that our purpose here is not to provide an in-depth explanation of precisely when and how LED policies limit or reduce participation or divert students out of public higher education. Nor are we asserting that LED policies reduce overall student participation in public higher education. Our purpose is only to show that, with respect to participation in public higher education, LED policies have shifted more of the financial burden to students, especially those from lower-income families. LED policies have also restricted the opportunities to enroll or progress through college with the access and state support enjoyed by students before LED policies were adopted. We infer, therefore, that students are being diverted out of public higher education although the details of precisely how and when such diverting occurs are not completely understood. For us, the more significant point is that the diversion resulting from LED policies is new and different, and cannot be explained by the classic diversion paradigm.

As we noted, under the classic diversion paradigm, student diversion operated at an institutional level and helped manage a broad social problem embedded in American society. This diversion also left students with the opportunity for advancement by moving them from one curriculum to another or from one institution to another. Our review of LED policies, however, shows that this new form of student diversion operates at the state level and has the greatest implications for academically and economically disadvantaged students. Unlike the diversions covered by the classic diversion paradigm, LED policies do not place students in a position where they can easily enroll in another publicly subsidized postsecondary institution or curriculum. The inability of the classic diversion paradigm to cover this new form of student diversion led us to search for an alternative theory that might explain these consequences of LED policies and the ideological beliefs associated with them.

### AGAMBEN'S POLITICAL PHILOSOPHY

#### *The State of Exception and Homo Sacer*

Giorgio Agamben has addressed a variety of topics in his philosophical writings. However, his work on the relationship between the state and its subjects has received the most attention from recent English-language commentators (e.g., Calarco & DeCaroli, 2007; Norris, 2005). Much of this

work has noted how Agamben and Foucault focused on similar aspects of the state-subject relationship. Foucault (2000) claimed that, beginning in the 18th century, the state began to regulate population growth and eventually assumed the power to regulate all aspects of human life. For Agamben (1998), however, this activity or “biopolitics” was not a new development in modernity but “the original activity of sovereign power” (p. 6) and evident in the ancient Greek and Roman empires. Agamben (2005) argued that, in these ancient civilizations and from that time throughout modern Western history, governments have exercised biopolitical power through creating a “state of exception” (p. 4).

Agamben claims that the state of exception is created by governments to legitimize an expansion of power, specifically biopolitical power, over humans in the state. More specifically, in a state of exception governments create “a state of emergency” (Agamben, 2005, p. 2) in which they are free to identify and frame internal and external threats. In this environment, in order to identify friends and foes, one of the state’s most important tasks is to clarify its relationship with individuals, a task that entails establishing a threshold. Dangerous persons are positioned on that threshold, between what Agamben refers to as life in the state and “bare life” outside of it (Agamben, 1998, p. 6).

This threshold was critically important in the ancient Greek and Roman empires when humans excluded from the state truly lived a bare life without rights or protection afforded by any state. As Agamben (1998) notes, in these societies when persons committed a serious trespass against the state, they could be physically excluded and were *homo sacer*. In ancient Rome, persons who were identified as *homo sacer* were unclean and could be killed with impunity because they lacked the status of a human protected under the laws of the state. But, they could not be sacrificed or executed because they were not deemed worthy of sacrifice or execution.

Agamben observes that Locke and social contract theorists rejected the view that states could arbitrarily exclude or punish their citizens. They claimed humans had natural rights that existed prior to the creation of the state. Accordingly, under social contract theory, the state’s power with respect to citizens was regarded as limited and this view has prevailed for centuries. In the United States, for example, this belief was inscribed in Thomas Jefferson’s Declaration of Independence (Rhodehamel, 2001). But, as Agamben (1998) notes, citing Hannah Arendt’s *Origins of Totalitarianism* (1979) and *Essays in Understanding, 1930–1954* (1994), the Holocaust confirmed that natural rights were a fiction and the state’s commitment to protect them a farce. Therefore, Agamben argues, the more accurate reading of modern society is that states remain all powerful and the threshold between life in the state and bare life is just as real as it was in ancient Greece and Rome, even though this may not be apparent.

### **The Camp**

Agamben (1998) also maintains that, in the state of exception, persons may be excluded from the state, but still confined within it—in a “camp” (p. 168). Agamben’s most explicit example of the camp is presented in his discussion of Nazi concentration camps. Again citing Arendt, Agamben reminds us that these camps were created outside the German legal system but still within the state. Thus, persons interned in the camps remained within the borders of German state or its territories but outside the scope of traditional law. Their status revealed that

*... the camp is the space that is opened when the state of exception begins to become the rule. In the camp, the state of exception, which was essentially a temporary suspension of the rule of law on the basis of a factual state of danger, is now given a permanent spatial arrangement, which as such remains outside the normal order. (Agamben, 1998, pp. 168–169, emphasis his)*

Although Agamben’s examples of the camp are usually institutions where human lives are in peril, he states that this danger is not what establishes an institution as a camp in the state of exception. Indeed, he contends, we see many examples of the camp in Western nations today. They include the ghettos surrounding some European cities, detainment facilities for undocumented travelers at some international airports, and perhaps most infamously the U.S. detainment facilities at Guantanamo Bay for alleged terrorists captured after September 11. As we saw in the case of Guantanamo Bay (Gregory, 2006), the U.S. government claimed that detainees were not subject to international law or American civil law, nor were they prisoners of war subject to military tribunals. Thus, the defining feature of the camp is its role as an ambiguous threshold where the sovereign’s professed need to manage a state of emergency legitimates its placement of some people, perceived as dangerous, outside the state’s legal system but subject to its governmental power.

Confinement to a camp does more, however, than subject individuals to the unrestricted power of the state. It also exposes them to social and economic forces unregulated by the state. Thus, for Agamben (1998), “the relation of exception is a relation of ban. He who has been banned is not, in fact, simply set outside the law and made indifferent to it but rather *abandoned* by it” (p. 28; emphasis in the original).

### **Agamben’s Paradigmatic Method**

Agamben’s political philosophy provides elements with which to construct a new paradigm to understand LED policies. He rejects the claim that citizens have certain inalienable rights protected by the state. In his view, the rights people enjoy in any state are always contingent. Accordingly, Agamben’s

position directly challenges the belief that, in a modern democracy, people have a right to educational opportunities. When we use Agamben's political philosophy as a conceptual background, we can begin to see how LED policies may do much more than respond to political pressure to expend public moneys in a manner that promotes higher performance along with greater accountability and efficiency. These policies also exclude certain students from important life opportunities and place them in a very precarious position.

An examination of Agamben's method is also helpful in explaining how LED policies abandon our most vulnerable students. De la Durantaye (2009) reminds us that Agamben was well aware that the state of exception and *homo sacer*, grounded in ancient history, were unusual concepts to help explain the relationship between the modern state and its citizens. Agamben knew that the camp was an extremely provocative concept because it asserted an equivalency between Nazi concentration camps, Guantanamo Bay, and detainment facilities in international airports.

What must be noted, however, is that the camp was intended to be more than just a provocative concept. As de la Durantaye (2009) explained, Agamben's method followed Foucault's use of paradigms to make a point about events and circumstances across an extended historical horizon that appear, at first glance, unrelated. Thus, for Agamben, the camp, as a special kind of concept or paradigm, serves as a unique example that says "not only something about the recent past and the immediate present, but also something about a potentially dark future" (de la Durantaye, 2009, p. 217).

De la Durantaye continued by noting that, for Agamben, "the paradigm is neither clearly inside nor clearly outside the group or set it exemplifies" (p. 218). Agamben used his paradigmatic method in this manner, as both provocation and extension, to lead readers to two conclusions. First, he was determined to help us see the recklessness in assuming that human society develops in accordance with inevitable trajectories or logics that inevitably result in progress or justice. Second, he was determined to transcend disciplinary boundaries and show how apparently unrelated phenomena acquire new and important meaning when they are understood as interrelated. This approach was reflected in Agamben's use of ancient philosophy to help explain contemporary state policies. De la Durantaye (2009) aptly summarized this two-fold strategy when he noted that, for Agamben, paradigms such as the camp, are offered "not only to arrest the reader's attention, but also to expose the hidden logic of the political paradigms that have governed our thinking" (p. 242).

In our view, the insights offered by Agamben's paradigmatic method are just as powerful as the central concepts of his political philosophy. Agamben's paradigmatic method lets us transcend the policy distinctions important to traditional analyses in order to spotlight similar features of LED policies.



To be sure, some may struggle to see how LED policies operate as a camp, given their differences and Agamben's dark examples. But, if we remember that his paradigmatic method is intended to (a) challenge our belief in the inevitability of historical progress, (b) identify phenomena that transcend discrete events, and (c) highlight the role of the state in abandoning the most vulnerable, the value of a new Agambenian paradigm to understand student diversion becomes evident.

### THE ABANDONMENT PARADIGM

Our examination of the LED policies and the central concepts in Agamben's political philosophy led us to propose the abandonment paradigm to explain a new form of student diversion occurring in American public higher education. This diversion has followed the government's gradual establishment of a state of exception following a series of terrorist attacks, at home and abroad, along with a procession of financial crises. These circumstances led the federal and state governments to step back from a range of social welfare programs in order to fund wars, financial bailouts, and internal security operations. The LED policies we have described are one consequence of the new American state of exception. More specifically, under the abandonment paradigm, student diversion is the consequence of an effort by governments to establish and maintain a state of exception where those with the greatest need for a redistribution of economic resources are marginalized and denied the means to better understand and present their grievances. This diversion also assigns the most vulnerable students to a camp where they are abandoned to unregulated social and economic forces. When we look beyond the LED policies, we note that other considerations support this interpretation.

Both Clark (1960) and Brint and Karabel (1989) described forms of diversion that left students enrolled in some type of postsecondary education program. These forms of diversion ensured that students would have an opportunity to complete an academic program and enjoy a secure and stable life. Of course, today a postsecondary education has become a prerequisite for earning a sustainable wage and living a secure and stable life. People denied these opportunities are effectively excluded from society and assigned to its threshold. This is especially the case for students who do not have an opportunity to acquire the cultural capital (Bourdieu, 1977) needed to navigate social and economic institutions. When these students are not provided with adequate educational programs and services that serve as the gateway to sustaining employment, they are effectively abandoned within the state and are at great risk to fall into economic and cultural poverty. Thus, we take the position that currently, because state policies limit access and opportunity for those students most in need, they effectively segregate them and assign them to a camp.

Some of Agamben's critics (e.g., Laclau, 2007) have rejected his views on pragmatic grounds because his philosophy permits him to "dismiss all political options in our societies and to unify them in the concentration camp as their secret destiny" (p. 22). Accordingly, some read Agamben as the ultimate political nihilist. But this critique does not negate the fact that Agamben argues forcefully for an understanding of the state that is reflected, with increasing frequency, in the state policies that determine the allocation of resources at our public colleges and universities. It would be a cruel irony if these institutions, traditionally committed to educating students from modest backgrounds, become part of the social machinery securing the state of exception. Unfortunately, an assessment of LED policies, viewed from Agamben's philosophical perspective, suggests that we are already on this road.

### CONCLUSION

We began by reviewing the specific forms of student diversion identified by Clark (1960) and Brint and Karabel (1989). We noted that the classic diversion paradigm explained these forms of diversion. The classic diversion paradigm incorporated ideological beliefs that justified student diversion. It explained, however, why students who were diverted out of a program or institution remained enrolled in higher education. That is, student diversion under the classic diversion paradigm, was conducted for several reasons but one of these was to manage enrollment and make good on a pledge of educational opportunity. We then identified three LED policies and explained that there is already enough evidence to justify an inference that these policies are diverting academically and economically disadvantaged students out of public higher education. We also explained why this form of diversion could not be adequately explained by the classic diversion paradigm. LED policies divert students out of public higher education because they prioritize efficiency, performance, and accountability while discounting the importance of opportunity and equity. Given this new form of diversion, we argued that a new theory was needed to interpret it. We believe that Agamben's concepts of the state of exception and the camp provide the insights needed to better understand this phenomenon. Agamben's paradigmatic method also invites us to consider how other apparently unrelated state policies may be working in tandem to place students on the threshold of American society, within a camp where they are abandoned.

We note now that the recent adoption of new economic frameworks to understand and direct public higher education may compound the harm resulting from the new form of student diversion we described above. For example, consider the completion agenda. This collection of public and private initiatives encourages higher graduation rates because, advocates claim, they will lead to a more competitive national economy and a reduction in income inequality (Bragg & Durham, 2012). The completion agenda

has received broad support across the higher education and philanthropic communities. Still, whatever the consequences of higher graduation rates might be, the prospects for significantly increasing them in the short term is a matter of sharp debate (e.g., Bound, Lovenheim, & Turner, 2010). And, completion agenda initiatives are already regarded as jeopardizing access and equity for disadvantaged students (Bragg & Durham, 2012). The long-term consequences of completion agenda initiatives and LED policies are unknown. But with the abandonment paradigm on the table, opportunities for new forms of critical policy analysis, are now available.

Clearly, we are living in an era of uncertainty, doubt, and cynicism regarding the prospects for positive change. We believe that there is a need for a new democracy-based normative vision of a public higher education. Such a vision would prioritize student growth, equity, and access. It could also serve as the foundation for new progressive policies which would affirm that public colleges and universities are much more than instruments of economic development. Most importantly for the immediate future, such a vision and attendant policies could help us stop further movement towards the state of exception where disadvantaged students are assigned to life in the camp.

#### REFERENCES

- Agamben, G. (1998). *Homo sacer: Sovereign power and bare life*. Trans. by D. Heller-Roazen. Stanford, CA: Stanford University Press. Originally published in 1995.
- Agamben, G. (2005). *State of exception*. Trans. by K. Attell. Chicago: University of Chicago Press. Originally published in 2003.
- Alfonso, M. (2006). The impact of community college attendance on baccalaureate attainment. *Research in Higher Education*, 47(8), 873–903.
- Arendt, H. (1979). *The origins of totalitarianism*. New York: Harcourt, Brace and Jovanovich.
- Arendt, H. (1994). *Essays in understanding: 1930–1954*. New York: Harcourt & Brace.
- Bastedo, M. N., & Gumpert, P. J. (2003). Access to what? Mission differentiation and academic stratification in U.S. public higher education. *Higher Education* 46, 341–359.
- Baum, S., & Ma, J. (2011). *Trends in college pricing 2011*. Washington, DC: The College Board.
- Baum, S., & Payea, K. (2011). *Trends in student aid 2011*. Washington, DC: The College Board.
- Bettinger, E. P., & Long, B. T. (2005). Remediation at the community college: Student participation and outcomes. In C. A. Kozeracki (Ed.), *Responding to the challenges of developmental education*. (pp. 17–26). *New Directions for Community Colleges*, No. 129. San Francisco: Jossey-Bass.
- Bound, J., Lovenheim, M. F., & Turner, S. (2010). Why have college completion rates declined? An analysis of changing student preparation and collegiate resources. *American Economic Journal: Applied Economics*, 2(3), 129–157.
- Bourdieu, P. (1977). *Outline of a theory of practice*. New York: Cambridge University Press.

- Bragg, D. D., & Durham, B. (2012). Perspectives on access and equity in the era of (community) college completion. *Community College Review*, 40(2), 106–125.
- Brint, S., & Karabel, J. (1989). *The diverted dream: Community colleges and the promise of educational opportunity in America, 1900–1985*. New York: Oxford University Press.
- Calarco, M., & DeCaroli, S. (Eds.). (2007). *Sovereignty & life*. Stanford, CA: Stanford University Press.
- Callan, P. M. (2002). *Losing ground: A national status report on the affordability of American higher education*. Washington, D.C.: The National Center for Public Policy and Higher Education.
- Clark, B. R. (1960). The “cooling out” function in higher education. *The American Journal of Sociology*, 65(6), 569–576.
- Cohen, A. M., & Brawer, F. B. (2008). *The American community college*. (5th ed.). San Francisco: Jossey-Bass.
- de la Durantaye, L. (2009). *Giorgio Agamben: A critical introduction*. Stanford, CA: Stanford University Press.
- Derrida, J. (2009). *Twelfth session: March 20, 2002*. In M. Lisse, M. L. Mallet, & G. Michaud (Eds.). *The beast and the sovereign* (Vol. 1, pp. 305–334). Chicago: University of Chicago Press.
- Dougherty, K. J. (1988). Educational policy-making and the relative autonomy of the state: The case of occupational education in the community college. *Sociological Forum*, 3(3), 400–432.
- Dougherty, K. J., Reid, M., & Nienhuser, H. K. (2006). *State policies to achieve the dream in five states: An audit of state policies to aid student access to and success in community colleges in the first five Achieving the Dream states*. New York: Columbia University, Teachers College, Community College Research Center. Retrieved May 31, 2009, from [http://www.achievingthedream.org/\\_images/\\_index03/State\\_Pol\\_to\\_Achieve\\_Dream\\_5\\_States\\_2-27-06.pdf](http://www.achievingthedream.org/_images/_index03/State_Pol_to_Achieve_Dream_5_States_2-27-06.pdf).
- Foucault, M. (2000). *Power*. Vol. 3 of *Essential works of Foucault, 1954–1984*. New York: New Press.
- Gregory, D. (2006). The black flag: Guantanamo Bay and the space of exception. *Geografiska Annaler: Series B, Human Geography*, 88(4), 405–427.
- Grubb, W. N., & Lazerson, M. (2004). *The education gospel: The economic power of schooling*. Cambridge, MA: Harvard University Press.
- Hearn, J.C. (2001). Access to postsecondary education: Financing equity in an evolving context. In M. B. Paulsen & J. C. Smart (Eds.), *The finance of higher education: Theory research, policy, and practice* (pp. 439–460). Algora Publishing.
- Hellmich, D. M. (1993). Assessing the fairness of Burton Clark’s cooling-out process. *Community College Review*, 21(3), 17–30.
- Heller, D. E. (2004). The changing nature of financial aid. *Academe*, 90(4), 36–38.
- Hossler, D. (2006). Students and families as revenue: The impact on institutional behaviors. In D. M. Priest & E. P. St. John (Eds.), *Privatization and public universities* (pp. 109–128). Bloomington: Indiana University Press.
- Keller, J. (2009, May 29). 5 California ballot measures fail, making cuts likely. *The Chronicle of Higher Education*, p. A25.
- Laanan, F. S. (2003). Degree aspirations of two-year college students. *Community College Journal of Research and Practice* 27, 495–518.

- Laclau, E. (2007). Bare life or social indeterminacy? In M. Calarco & S. DeCaroli (Eds.), *Giorgio Agamben: Sovereignty & Life* (pp. 11–22). Stanford, CA: Stanford University Press.
- Martin, A., & Lehren, A. W. (2012, May 13). A generation hobbled by college debt. *The New York Times*, pp. A1, A20–21.
- Newman, F., Couturier, L., & Scurry, J. (2004). *The future of higher education: Rhetoric, reality, and the risks of the market*. San Francisco: Jossey-Bass.
- Norris, A. (Ed.). (2005). *Politics, metaphysics, and death: Essays on Giorgio Agamben's Homo Sacer*. Durham, NC: Duke University Press.
- O'Connor, N. (2009). Hispanic origin, socio-economic status, and community college enrollment. *The Journal of Higher Education*, 80(2), 121–145.
- Parsad, B., Lewis, L., & Greene, B. (2003). *Remedial education at degree-granting postsecondary institutions in fall 2000*. Washington, D.C.: U.S. Department of Education.
- Rhodehamel, J. (Ed.). (2001). *The American Revolution: Writings from the War of Independence*. New York: The Library of America.
- Roherty, B. M. (1997). The price of passive resistance in financing higher education. In P. M. Callan & J. E. Finney (Eds.), *Public and private financing of higher education* (pp. 3–29). Phoenix, AZ: American Council on Education/Oryx Press.
- St. John, E. P. (2003). *Refinancing the college dream: Access, equal opportunity, and justice for taxpayers*. Baltimore, MD: Johns Hopkins University Press.
- Swail, W. S., & Heller, D. E. (2004). *Changes in tuition policies: Natural policy experiments in five countries*. Montreal: Canada Millennium Scholarship Foundation.
- Texas Higher Education Coordinating Board (2005, November 22). *Regulation §13.107: Limitation of formula funding for remedial and developmental education*. Austin: Texas Higher Education Coordinating Board.
- Thelin, J. R. (2004). *A history of American higher education*. Baltimore, MD: Johns Hopkins University Press.
- Tinto, V. (1971). *Accessibility of colleges as a factor in the rates and selectivity of college attendance*. Unpublished doctoral dissertation, University of Chicago, Chicago.
- Tinto, V. (1975). The distributive effects of public junior college availability. *Research in Higher Education*, 3(3), 261–274.
- Townsend, B. (2001). Redefining the community college transfer mission. *Community College Review*, 29(2), 29–43.
- U.S. Department of Education, National Center for Education Statistics (2010). *Table 341: Graduation rates of first-time postsecondary students who started as full-time degree-seeking students, by sex, race/ethnicity, time between starting and graduating, and level and control of institution where student started: Selected cohort entry years, 1996–2005*. Retrieved August 25, 2010, from [http://nces.ed.gov/programs/digest/d10/tables/dt10\\_341.asp](http://nces.ed.gov/programs/digest/d10/tables/dt10_341.asp).
- Usher, A. (2006). *Grants for students: What they do, why they work*. Toronto: Educational Policy Institute.
- Weiler, W. C. (1994). Transition from consideration of college to the decision to apply. *Research in Higher Education*, 35, 631–646.
- Wellman, J. V., Desrochers, D. M., Lenihan, C. M., Kirshstein, R. J., Hurlburt, S., & Honegger, S. (2009). *Trends in college spending: Where does the money come from? Where does it go?* Washington, DC: The Delta Cost Project.