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IS DIVERSITY A VALUE IN AMERICAN HIGHER EDUCATION?

*Anthony T. Kronman**

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It is striking that a word which a generation ago carried no particular moral weight and had, at most, a modestly benign connotation, should in this generation have become the most fiercely contested word in American higher education. On the left, "diversity" is today the banner behind which the most progressive programs and ideas are marshaled. On the right, the same word has come to symbolize everything objectionable in contemporary educational practice. From one point of view, diversity seems the fulfillment of a liberal ideal of education. From another, it appears the antithesis of it. The battle lines are well-formed, and long familiar, and the passions which the diversity debate arouses on both sides

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make it difficult to sustain an intermediate position that is sympathetic and skeptical at once.

In this essay, I shall make an effort to define and defend a position of this sort, recognizing in advance the danger that it will appeal to the partisans of neither camp. But I have come to believe that the answer to the question posed by the title of my essay—is diversity a value in American higher education?—calls for a complex judgment that respects the ways in which programs of racial and ethnic diversification both promote the aims of liberal learning and challenge them as well. These aims transcend the circumstances of American life. They have a broad human meaning and value that reach beyond the historical and institutional peculiarities of our national community. Yet we can pursue them only in the context of the world we actually inhabit, and for Americans this means a world of continuing racial and ethnic divisions that still shape our experience to an impressive degree. Viewed from the latter—American—perspective, there are strong reasons for thinking that racial and ethnic diversity is essential to liberal education. But viewed from the former—cosmopolitan—perspective, there are reasons for worrying that the identification of racial and ethnic diversity with diversity of perceptions, judgments and, values, may impede the goals of liberal learning as well as advance them. I believe we must make an effort to hold onto both perspectives and that neither can be sacrificed without losing something of great importance in American higher education. But the difficulties of doing this are considerable, given the pressure to be “for” or “against” diversity without reservation. This essay is conceived in the hope that our choices are not so stark.

I. THE DIVERSITY DEBATE

It will be helpful to start by recalling the history of the diversity debate. Like so many other features of our current moral landscape, the debate over diversity in American higher education begins with the Supreme Court’s decision in *Brown v. Board of Education*.¹ In that famous case, the Supreme Court held unconstitutional a number of state laws requiring the segregation of public schools by race.² After *Brown*, the institution of *de jure* segregation was doomed, though its actual elimination took time, effort and blood. But *Brown* did nothing to upset the pattern of *de facto* segregation that existed in the South and elsewhere, a pattern that was the product of social and economic forces protected by the law though not directly mandated by it. If the promise of *Brown*—the promise of desegregation—was ever to be realized, it would be necessary, many argued, to extend *Brown*’s assault on the legal underpinnings of

1. 347 U.S. 483 (1954).

2. See *id.* at 493.

segregation to an attack on the complex system of prejudice, wealth and residence that guaranteed the perpetuation of racial segregation long after the Supreme Court had declared it unlawful.

From this conviction, rooted in the sound observation that legal norms always operate against a background of social and economic forces whose influence limits the law's effectiveness as an instrument of moral change, sprang a wide range of new programs, known as programs of "affirmative action," some mandated by legislation and others created by the voluntary decisions of institutions both public and private. The common aim of these programs was to increase the share of various social and economic goods—jobs, contracts, educational opportunities and the like—that disadvantaged minorities enjoy, and thereby change the background conditions that frustrate the achievement of racial justice.

Many different sorts of institutions were affected by these programs—police departments, government offices, private companies and schools. But schools were widely viewed as a uniquely important locus of affirmative action. Education is today a prerequisite for social and economic success in most areas of life. It is the gateway through which one must pass on the way to most careers. By comparison with other sorts of wealth, the special kind that consists in the possession of an education—of what economists call human capital—has in this century steadily increased in importance, as knowledge has become an ever larger factor of production.³ Because affirmative action is essentially a program of redistribution whose goal is to increase the wealth and opportunities that disadvantaged groups possess, it is not surprising that proponents of such programs should have focused as early as they did on schools, where so much of the human capital in America is now produced.

Colleges and universities, including graduate and professional schools, had by the late 1960s become a significant arena of affirmative action. The first of these programs concentrated on student admissions and sought, by one means or another, to increase the percentage of minority students enrolled in the school in question. These early affirmative action programs—which were later followed by other initiatives designed to increase the representation of minorities on faculties and staff—ranged from strict quota systems, which set aside a specific number of positions for minority students, to more complex balancing schemes requiring only that the minority status of an applicant be considered as one factor among many in the evaluation of his or her candidacy.

From the start, affirmative action in higher education provoked two objections. The first was that such programs distort the meritocratic

3. See John H. Langbein, *The Twentieth-Century Revolution in Family Wealth Transmission*, 86 MICH. L. REV. 722, 731-32 (1988).

processes of selection and advancement that are crucial to maintaining the quality of higher education itself. If students are selected on the basis of qualities other than those relevant to success in the enterprise of learning—on the basis of race or ethnicity rather than intelligence, discipline, and prior training—then, it was argued, the quality of the schools to which they have been admitted must suffer. Students admitted for reasons of affirmative action will fail in disproportionate numbers; teachers will have to compromise their core responsibilities of instruction and scholarship in order to meet the special needs of ill-prepared, affirmative action students; and as a result, better qualified students will receive a diminished share of their teachers' time and attention—all to the detriment, it was claimed, of the educational process itself.

The second objection was even stronger. *Brown v. Board of Education* was a contest of right against wrong, of the victims of injustice against its authors. By contrast, when a college or university adopts a policy of affirmative action in its admissions program, it creates what opponents of such policies characterized as a contest of right against right—a conflict between the defensible claim of minority applicants to a form of special treatment and the equally defensible claim of non-minority applicants to be judged by their individual qualifications alone.

Defenders of affirmative action replied that non-minority applicants are themselves beneficiaries of the background conditions that maintain the system of *de facto* segregation from which minority applicants suffer, and that their ancestors (or some of them at least) helped to create these conditions in the first place. This response was meant to make the conflict between minority and non-minority applicants look more like a contest of right against wrong, and less like one of right against right. But the response required too many controversial assumptions, both factual and moral, to ever be fully convincing. It not only failed to persuade opponents of affirmative action, but also left some of its supporters with an uneasy conscience regarding the claims of non-minority applicants who would have been admitted "but for" the existence of an affirmative action program giving preferential treatment to minority candidates.

At this point, a new argument in defense of affirmative action appeared that had the advantage of meeting both these objections at once. This new argument, emphasized by Justice Powell in his concurring opinion in *Bakke*,⁴ advanced a simple and attractive claim: that the presence of minority students in significant numbers is itself vital to the success of the educational enterprise in which colleges and universities are engaged.⁵

4. *Regents at the Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978).

5. *See id.* at 311-14.

One of the fundamental aims of colleges and universities is to provide an environment for teaching and learning. This is one of the things they are for.⁶ But they can best achieve this goal, it now began to be argued, only with a diverse student body, whose mix of values and experiences creates the fertile friction indispensable to teaching and learning. The presence of minority students, whose experience of prejudice and disadvantage gives them an especially valuable perspective on the existing social order, which many others simply take for granted, was said to be particularly important in this regard.

Justice Powell and others claimed that programs of affirmative action should be viewed as making a contribution to the advancement of the educational process itself—as promoting an internal educational good. Colleges and universities must have the discretion, they insisted, to weigh this good against the costs that such programs entail and to make the pedagogical judgments involved. And once affirmative action is seen in this light—as a device for promoting the internal goals of higher education itself—the claims of disappointed non-minority applicants are bound to seem less pressing, for *no* applicant has a right to be admitted to the school of his or her choice so long as the applicant's rejection can be explained as a consequence of the school's effort to maintain an optimal environment for teaching and learning. By recharacterizing affirmative action as a means of achieving an end internal to the enterprise of education—rather than as a technique for promoting a redistributive goal external to it—Powell and those who followed his lead⁷ succeeded in dampening the two most powerful arguments against affirmative action, and initiated the diversity debate in which we are still engaged today.⁸

The distinction between internal and external goals is not a perfect one, but it is crucial to understanding what is at stake in this debate. Most, perhaps all, activities have distinctive internal goals of their own. These are

6. It is not, of course, the only thing. Our colleges and universities also support basic research and scholarship and are responsible for preserving the cultural artifacts of the past, mostly in the form of books and other documents.

7. See Ronald Dworkin, *The Bakke Decision: Did It Decide Anything?*, N.Y. REV. Aug. 17, 1978, at 20.

8. A third debate sometimes offered against programs of affirmative action is that they tend to "stigmatize" the minority students who are their intended beneficiaries. Because of this, it is said, such programs are likely to be self-defeating. When affirmative action is defended on the ground that it promotes the internal educational good of diversity, this third argument is also rebutted, for the fact that minority students contribute something of essential value to their colleges and universities (namely, the distinctive experiences and values they add to those of their non-minority classmates) puts them on a par with other students and eliminates the inequality from which the stigma in question is thought to flow. The fact that the diversity argument helps to meet concerns about stigma further strengthens its appeal and contributes to its current dominance as a justification for affirmative action.

the specific ends toward which the activities in question are directed. The activity of policing, for example, aims to provide physical security for those living in a certain community. The activity of firefighting is directed toward the prevention and control of fires. These are the internal goals of policing and firefighting, respectively. They are what the activities are for. If a police or fire department is required to set aside a certain number of positions for minority applicants, who before have been the victims of prejudice and discrimination in hiring, the resources of the department are being used not in pursuit of its internal goal, but to help achieve a fairer distribution of wealth and opportunities in society generally, a goal external to the work of the department. The distinction between internal and external goals implies nothing, of course, about the worthiness of the redistributive objectives that a program of affirmative action is used to help secure. It is not a criticism of these objectives to point out that they are external to the activity to which the program applies. To point this out is merely to observe that while an activity like policing or firefighting may be used instrumentally in a campaign for racial justice, the achievement of this goal, however laudatory, is not what the activity defines in its own terms as its end.⁹

The distinction between internal and external goals is, as I have said, imperfect. It may be, for example, that a police department is better able to provide physical security to the residents of a mostly black neighborhood if it hires more African-Americans (on the reasonable assumption that a racially mixed police force will present a better image to, and have more authority within, the neighborhood in question). In this case, a program of affirmative action may be said to promote the internal goal of policing as well as the external goal of racial justice, or more exactly, to promote the first *by* promoting the second. When this happens, the distinction between internal and external goals is blurred, the latter being folded into the former and becoming, in effect, a component of it. But whether this happens depends on the specific facts of the case (it may be that the racial integration of a police department has no measurable influence on its effectiveness in the field) and in any event does not destroy the usefulness or importance of the distinction between internal and external goals, which even as it loses its sharpness is needed to make sense of the different arguments for and against affirmative action in particular situations.

All of this applies in the realm of higher education too. When a college or university adopts a program of affirmative action in admissions (whatever form the program takes) its decision may be justified on purely

9. See generally Michael Walzer, *SPHERES OF JUSTICE: A DEFENSE OF PLURALISM AND EQUALITY* (1983); Bernard Williams, *The Idea of Equality*, in *PHILOSOPHY, POLITICS AND SOCIETY* 110, 120-31 (Peter Laslett & W.G. Runciman eds., 2d Ser. 1969).

external grounds, as a means of redistributing educational opportunities in the service of racial justice on a society-wide scale. Or this external goal may be linked, by a mixed argument, to the school's internal ends—by claiming, for example, that only in a racially just society can the school be confident its admissions procedures are selecting the best and brightest, regardless of race. Or the program may be defended on purely internal grounds, by arguing that even if it makes no contribution to the achievement of racial justice generally, it is nevertheless vital to the creation of a diverse student body, which in turn is essential to the establishment of the very best conditions for teaching and learning—the goals whose pursuit constitutes the school's special *raison d'être*.

The arguments in defense of affirmative action in higher education thus run along a spectrum. But it is only the last of these, the diversity argument which defends affirmative action in purely internal terms, that I intend to examine here. This argument has always been attractive to the proponents of affirmative action because it avoids the two objections noted earlier. In recent years, moreover, the appeal of the diversity argument has grown as the defense of affirmative action on external grounds has been rejected in the courts¹⁰ and repudiated at the polls.¹¹ As a result, the diversity argument has had to carry an increasing weight in the fight to preserve preferential admissions programs in the nation's colleges and universities. The University of Michigan, for example, is currently a defendant in a lawsuit challenging the constitutionality of its admissions practices, which give a preference to ethnic and racial minorities, and Michigan's entire defense is based upon the value of diversity as an internal educational good.¹² This is a sensible strategy, given the growing resistance, both in our courts and outside them, to the use of affirmative action as an instrument of redistributive justice. But it increases dramatically the legal and political stakes of the diversity debate and puts enormous pressure on those in the debate to be either wholeheartedly in favor of the idea that racial and ethnic diversity is an educational good, or wholeheartedly against it. In a lawsuit, one does not have the luxury of being able to adopt more complex positions of an intermediate kind. So long as the external argument for affirmative action in the realm of higher education remains hobbled by constitutional doubts, the concept of diversity will continue to play a

10. See *Hopwood v. Texas*, 78 F.3d 932, 944 (5th Cir. 1996).

11. See CAL. CONST. art. I, § 31 (amended 1996) (Proposition 209).

12. See Defendant's Memorandum of Law in Support of Motion for Summary Judgment at 23, *Grutter v. Bollinger*, 16 F. Supp. 2d 797 (E.D. Mich. 1998) (No. 97-CV-75928-DT); Brief of Association of American Law Schools, National Association of State Universities and Land Grant Colleges, Committee on Institutional Cooperation and Wayne State University at 1-2, *Gratz v. Bollinger*, 183 F.R.D. 209 (E.D. Mich. 1998) (No. 97-CV-75231-DT), *rev'd*, 188 F.3d 394 (6th Cir. 1999).

central role in the defense of such programs, and so long as it does, the pressure to adopt an unequivocal view of diversity, either pro or con, is bound to be intense. But this is regrettable, for it makes difficult if not impossible a more balanced assessment of the strengths and weaknesses of the diversity argument, when this argument is viewed not from a political or legal point of view, but from the internal educational perspective that is crucial to understanding why and whether racial and ethnic diversity advances the goals of higher education itself. It is from this perspective that I now propose to explore the argument for diversity as an educational good.

II. DIVERSITY OF VALUES AND LIBERAL EDUCATION

The claim that racial and ethnic diversity is an educational good rests on two propositions: first, that diversity of experience and values is such a good; and second, that diversity of experience and values is strongly linked to diversity of race and ethnicity. The second of these claims is more controversial than the first, and I shall turn to it in a moment. But though the first is today often simply taken for granted, it has not always been, and its validity is less obvious than might appear. It is appropriate to begin, therefore, by asking why diversity of experience and values is itself an educational good. It will then remain to ask how strong the connection is between diversity in this sense and diversity of race and ethnicity, and to explore the educational implications of this connection.

The argument that diversity of experience and values is an educational good—that it promotes the ends of teaching and learning—often begins by emphasizing the importance of the interactions students have outside of class. In a residential college, these interactions are constant and intense, in other educational settings less so. But whatever the nature and extent of their extracurricular dealings, students learn from these just as they learn, in a more structured way, from their teachers. For many college and university students, moreover, their classmates constitute a significantly more diverse group than any they have encountered before. The opportunity to eat, speak and live with others from different backgrounds can be an educational experience in its own right, quite apart from what students learn in the classroom.

Yet despite the fact that college and university students spend only a small fraction of their time in class, and a much larger fraction outside of class socializing with other students, the classroom occupies a special and privileged place in the structure of their education. The work of the classroom defines the purpose for which a community of students has been gathered; it is what makes them *students* rather than something else. A diverse group of young people living and working together in some other setting (in the army, for example, or a large corporation) might also learn

from their interactions with one another, but we would not on this account call the institution in question an *educational* institution. For us to so describe it, the relations of those in the institution must be structured around, and oriented toward, some central activity of teaching and learning, carried on in a discrete and disciplined way. Hence if one wants to know why diversity of experience and values is an educational good not just in the general sense that interaction with others from different backgrounds is an occasion for learning in any organizational setting, but in the more specific sense that it contributes to the distinctive goals of our colleges and universities, it is necessary to ask how such diversity promotes the specialized activity of disciplined instruction for whose sake these institutions exist, and to shift our attention from the dorm to the classroom.

When we turn to the classroom, and the extraordinary range of disciplines that are taught there, it is not at all clear that a diversity of experience and values among the students pursuing a given subject invariably promotes the teaching and learning of it, and hence constitutes an internal educational good of equal worth across all fields. Indeed, in certain fields, diversity of this sort seems largely irrelevant to the goals of education. It is difficult to see, for example, how diversity of experience and values among the students in a calculus course contributes in a positive way to their mastery of the material involved. The same is true in the natural sciences—in the disciplines of physics, chemistry, geology, and astronomy—and (perhaps somewhat more debatably) in the biological sciences as well. Historians of science have in recent years emphasized the degree to which even the natural sciences depend for their construction upon human judgments of an aesthetic or quasi-aesthetic kind, blurring the line between these disciplines and others like history and literary studies.¹³ But the aim of the natural sciences remains the understanding of structures, principles and processes that lie beyond the realm of human things in the very specific sense that their existence is presumed not to depend upon human acts of judgment or valuation—in contrast to human institutions (law, politics, literature and the like) which are constituted by acts of just this sort. This presumption of transcendence, if I may so describe it, remains a regulative norm in the natural sciences, and explains the fact that in these disciplines the belief that all inquiries converge on the truth—single, demonstrable, and accessible to every mind—continues to be the foundation of learning and teaching. Given this foundational assumption, it is hard to see how a diversity of experience and values among the students in a physics or chemistry course can help them reach

13. See, e.g., THOMAS S. KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS* 111-35 (2d ed. 1970).

their goal, which implies a convergence and uniformity of judgment, the movement toward a single, common truth. Perhaps, one might argue, diversity of this sort promotes intellectual experimentation, which in turn makes the discovery of the truth more likely, through a process akin to that of natural selection. But even if this argument has merit—and that is an open question—it suggests at most that diversity of experience and values plays an instrumental role in the natural sciences, and one whose success is characterized by the progressive elimination of such diversity itself, in favor of a uniform conception of the structures, principles and processes of a world that transcends the realm of human experience and values altogether.

The argument that diversity of experience and values is an internal educational good can be more compellingly made in the so-called “human sciences,” in those disciplines like history, anthropology, sociology, literature and law, which have as their object some aspect of the human world we have made and inhabit. To understand why, we should start by noting what is perhaps the most fundamental distinction between the human sciences, on the one hand, and the natural sciences on the other. The human sciences, like the natural sciences, employ interpretive schemes of one kind or another to describe their objects. Every theory of the human world, like every theory of the natural world, is an interpretation of it. But efforts to explain the human world must also contend with the fact that this world itself *consists* of a vast web of interpretive acts, each representing the purposeful attempt by one or more human beings to create (or negate) a meaning of some sort. The human world is thus intrinsically or constitutively meaningful, in contrast to the meaningless world of nature that transcends it. Those disciplines that seek to comprehend the human world are thus compelled not merely to *use* interpretations (as the natural sciences also must) but to *study* them as well. For the human sciences, interpretation is both the means of explanation and its object, the tool they employ and the thing they seek to explain.

It follows that debates in the human sciences are bound to be controversial and inconclusive in a way those in the natural sciences are not. Astronomers may debate the merits, for example, of competing theories of the origin of the universe. But though these theories are interpretative constructs, and therefore unavoidably controversial, the thing they seek to explain is not. The origin of the universe (as astronomers conceive it) is a meaningless event that transcends the human world, and its transcendence gives those engaged in the debate the shared hope of eventually gathering facts that will settle their dispute. Interpretations of facts can of course always be contested, but astronomers and other natural scientists presume a realm of facts that lies beyond the debatable interpretations they offer to explain it. They presume a world of facts that is free from the partiality and perspectivity of their own interpretations, and

which can therefore serve as a standard for arbitrating among these interpretations themselves. This presumption may seem to some a fiction. But it is a fiction that explains the most characteristic features of the natural sciences: the shared optimism of their practitioners regarding the eventual resolution of their disputes, and the fact of scientific progress—a fact which powerfully suggests that the fiction is not one at all.

Things stand differently in the human sciences. Here, the theories that scholars and students debate represent attempts to interpret the meaning of events, artifacts and institutions which themselves consist of meaning-giving acts or complex combinations of such acts. These theories are always controversial. In this respect, they resemble their counterparts in the natural sciences. Historians, for example, debate the causes of the Civil War, offering different accounts of how it began and why. Philosophers argue endlessly about the relative merits of utilitarian and deontological moralities. Sociologists dispute the meaning of various rituals of everyday life. And literary critics clash over the significance of the texts they study. Theoretical controversies of this sort are perennial throughout the human sciences. But they are different, in one important respect, from those in the natural sciences. For controversies in the human sciences typically concern the meaning of behavior that is itself inherently controversial, and in the end it is impossible to take a stand regarding the meaning of such behavior without entering into the controversies the behavior itself entails.

An historian who claims, for example, that the Civil War was caused by economic factors may be challenged not only by another historian who insists on the role of Southern honor (though he feels no allegiance to it himself), but also by a champion of the Southern honor code who insists that the first historian's underestimate of that code's causal influence is a consequence of his undervaluation of it. A Kantian philosopher who criticizes the crude utilitarianism of practicing politicians may be criticized by practicing politicians for his failure to assign a positive value (as Machiavelli did)¹⁴ to the brutality and deceit their craft requires. And the author of a novel may object to a critic's view of its meaning by arguing that the critic puts too much weight on certain passages and too little on others. In each of these cases, an objection to the soundness of a theory is made from the standpoint of those whose behavior the theory seeks to explain or assess. Often, of course, objections of this kind are raised by other theoreticians on behalf of politicians, authors, and the like. But the basic point remains—those who propound theories in the human sciences always risk being drawn into the controversies that inhere in the purposeful human actions that constitute their subject matter and cannot insulate

14. See NICCOLO MACHIAVELLI, *THE PRINCE* 61-62 (Harvey C. Mansfield trans., Univ. of Chicago Press 2d ed. 1998) (1505).

themselves from such involvement. One may step back from these actions and assess them with a coolness the actors lack, and from a point of view inaccessible to the actors themselves. But the distance between theorist and actor can never be absolute, and no matter how detached a theorist of the human sciences becomes, his claims may always be challenged from a point of view internal to the conduct he seeks to explain.

In this respect, the human sciences can never be “value-free.” Their practitioners must always be prepared to take a stand within the contested world of human affairs that forms their field of study. They remain, potentially at least, parties to the controversies they study, for their own theoretical claims depend upon value judgments that are commensurable with, and hence always in principle challengeable by, the value judgments of the human beings whose meaning-giving behavior is the subject matter of the human sciences themselves.

Theories of physics and chemistry also depend upon the value judgments of those who construct them (what they think important, interesting, worthy of emphasis, and so on). But the subject matter of their theories is the meaningless world of nature which represents, ideally at least, a controversy-free realm that transcends the disputable theories natural scientists offer of it and which therefore serves as an arbitral point of reference outside the circle of scientific debate. It is possible, as a result, for natural scientists to entertain the hope that their value disputes will one day be settled, that their controversies will gradually diminish as their contested views of the natural world draw closer and closer to this world itself. In the human sciences, no such arbitral point exists. The subject matter of the human sciences does not transcend them, as that of the natural sciences does; it is continuous with them, and hence belongs inside rather than outside the circle of scientific debate.

One might express this point by saying that the natural sciences, however value-laden their theories, seek to comprehend a world that lies beyond the realm of values, and that in these sciences, as a result, values do not “go all the way down”—in contrast to the human sciences, where there can be no escape from the realm of values and its endless contestations. Here, values *do* go all the way down, and teachers and students of the human sciences cannot avoid entanglement in the very disputes they seek to understand, disputes that can never be definitively settled, and in which a range of positions (differently defined at different times) will always be tenable. Physicists may hold out a reasonable hope of eventually discovering which view of the origin of the universe is correct. But there can be no hope of ever deciding, with comparable finality, the causes of the Civil War, or the merits of utilitarianism, or the meaning of *The Magic Mountain*. One view may prevail for a time. It may even achieve a kind of consensus. But in the human sciences, every view is subject to reversal as other competing value-judgments come to the fore.

Here, the competition among such judgments is endless and undecidable, and the dream of escaping from it into the final security of a truly objective knowledge is a dream illicitly imported from the natural sciences, whose value-transcendent subject matter permits hopes of a different kind.

Thus in the end, debates in the human sciences cannot be isolated from the disputes that arise within the realm of human behavior to which these theories are addressed. Even the most “objective” teachers and students of the human sciences cannot avoid being drawn into the controversies that inhere in their subject matter itself. Disputes within the human sciences are continuous with those of human life and cannot be separated from them.

If to this claim we now add a second—that the values from which the controversies of human life arise resist ranking in accordance with any universally acknowledged rule or principle, that they are plural and, in practical terms at least, incommensurable as well—then the case for diversity of values as an educational good in the human sciences is complete. For it follows that a group of students whose values are diverse—who hold different beliefs about what is important, worthy, beautiful and good in life—will be more likely than a group whose values are homogenous to discover for themselves the depth and interminability of the disputes in which human beings find themselves entangled as historical actors, moral agents and the authors of texts; and that, as a result, they will also be more likely to discover the continuity between these disputes and the theoretical debates of the human sciences.

In a course on the Civil War, for example, it is a benefit for everyone involved to have some students who admire the Southern code of honor and others who find it shameful. A course on the morality of politics becomes livelier and more engaging when one group of students believes in the inviolability of rights and another insists on the need for dirty hands. And a course on the modern novel is likely to be more exciting if its students include moralists who care only about the social consequences of literature and aesthetes for whom beauty is a supreme value. In each of these cases, the students’ diversity of values gives everyone in the class a firsthand experience of the conflicts of human life and helps them to see more clearly how disputes among theoreticians of the human sciences are inseparable from the conflicts they study.

By contrast, it is no advantage at all, in a course on organic chemistry, to have students who believe in miracles. Diversity of values contributes nothing here. It is irrelevant to the work of education in the natural sciences, whose subject matter is the world of meaningless facts that transcends the realm of human striving with its endless contests of value. Whether the natural sciences themselves have value—whether the knowledge they seek is worth having—is of course a perfectly reasonable question, but it belongs to the human sciences to ask it. In this inquiry, too, a diversity of values helps advance the goal of education by making the

good of science controversial (something especially important today) and by throwing into doubt the prestige of theories in the human sciences that claim superiority on account of their reliance on methods drawn from the natural sciences. But *within* the natural sciences, within disciplines like physics and chemistry and biology, the argument for diversity of values as an internal educational good is highly implausible. Within the human sciences, by contrast, the case for such diversity is not only plausible but compelling.

The claim that a diversity of experience and values promotes the educational goals of the human sciences can be expanded in two ways that help explain why such diversity should be viewed as an internal good not only in these disciplines themselves but, more generally, in any program of liberal education whose aim is to prepare students broadly for the challenges of life rather than for a particular vocational pursuit and its specific demands. It is widely assumed that programs of liberal education have two primary goals. The first is the deepening and refinement of each student's capacity for intellectual, moral and aesthetic engagement. The second is a preparation for responsible participation in the public life of his or her community. We may think of these as the personal and political goals of liberal education, respectively, and it is reasonable to think that diversity of experience and values promotes both.

A century ago, the personal value of liberal education could be defined less controversially than it can today. It was assumed then, as it is now, that the aim of liberal education is to deepen and refine the student's powers of observation and feeling. But a century ago, this goal was understood quite concretely. Depth and refinement were equated with specific language skills; with the possession of a well-defined body of knowledge; and most importantly, with an appreciation of the value of those canonical works that by common consent were regarded as the best that mankind has produced. The cultivation of such appreciation produced a particular character type, that of the cultured gentleman (an ideal which of course included social and economic components as well as intellectual ones). At the beginning of the twentieth century, the goal of liberal education was widely understood to be the production of cultured gentlemen.

This view is no longer credible. The declining prestige of classical studies, the democratization of American higher education following the Second World War, and a growing skepticism about our ability to reach agreement as to which works of art, literature, philosophy and history are the best, have all contributed to the demise of the ideal of the cultured gentleman. But to the extent that liberal education continues to be viewed as something other than a species of vocational training—to the extent it continues to be seen as a discipline that prepares one not just for a particular line of work but for the activity of living in general—a successor

to the ideal of the cultured gentleman has had to be found, and this in turn has required a new interpretation of the meaning of the qualities of depth and refinement that a liberal education aims to produce.

Today, the most defensible conception of these qualities is one that reinterprets them in light of the very processes of democratization and skeptical disintegration that have undermined the ideal of the cultured gentleman itself. What depth and refinement mean today, for liberal educators who continue to view the cultivation of these qualities as their goal, can best be defined as an expansion of the student's powers of sympathetic imagination, one that affords the student a widened imaginative enjoyment of views, moods, dispositions and experiences other than his or her own. This is the personal goal of liberal education, as its defenders now conceive it.

Most college and university students begin their studies with a relatively narrow range of convictions and commitments. A liberal education both forces and helps them to confront views and experiences that fall outside this range—to take these seriously, ask why they have value for others, and explore whether they might also have some value for themselves. Students whose horizons have been expanded in this way will have a better appreciation of the range of human values, in the double sense of understanding them better and grasping more intimately the nature of their appeal. They will find more that is intelligible and enjoyable in the world of human strivings. And they will be less prone to bigotry and narrow-mindedness, regardless of the particular careers they choose, and thus better equipped to get more out of life in general. This remains one of the basic goals of liberal education. The collapse of the ideal of the cultured gentleman has forced defenders of this goal to redefine it. The redefinition of depth and refinement as powers of sympathetic imagination aligns these personal qualities with the democratic and skeptical beliefs that have undermined the gentleman ideal, and preserves their plausibility and attractiveness in a philosophy of liberal education.

It also clarifies the contribution that diversity of values makes to the personal dimension of liberal education. A liberally educated man or woman is one who has had a wide exposure to different values and ways of life; who has developed the capacity to suspend his or her own judgments of worth and to engage competing perspectives with a high degree of sympathetic attention; and who has acquired the habit of finding pleasure in the imaginative exploration of foreign experiences and points of view. The cultivation of these capacities—of what we might call the liberal aptitudes—depends upon many things. It depends upon the texts students read and the curriculum of study they pursue. It depends upon the kind of instruction they receive—upon the attitudes and methods of their teachers. And it depends importantly upon their interactions with other students, in class and out. A classroom of students whose values are

diverse, who have had different experiences of life and drawn different moral, aesthetic and political lessons from their experiences, is a more fertile ground to cultivate the liberal aptitudes than a classroom whose students are all alike in their judgments of beauty, goodness, justice and the like. The diverse classroom is a natural laboratory for the kind of experimentation in judgment and outlook that is essential to the growth of a student's imaginative powers.

In the uniform classroom, experimentation of this sort remains abstract: a *thought* experiment which lacks the passion that can only come from the real confrontation of opposing points of view that are not merely imagined but actually held by those engaged in the discussion. In a very real sense, diversity of experience and values supplies the energy that brings experiments of this kind to life, and gives them the power actually to change the attitudes and dispositions of the students who are both the experimenters and the experimented upon. If one goal of liberal education is the cultivation of the sympathetic imagination—the development of the liberal aptitudes—it is plausible to think that diversity of values makes an important and even indispensable contribution to it.

The same may be said of the second goal of liberal education. This second goal is political. It is to produce men and women who are well-qualified for responsible participation in the lives of their communities. If the first goal of liberal education is personal and inward looking—concerned with the development of the student's own individual powers of imagination and his or her enjoyment of life—the second goal is more outward looking and communitarian (though as we shall see the two are linked).

Today, for Americans and many others, responsible political participation requires, above all else, a knowledge of and devotion to the principles of democratic life. That is because all of our public communities and many of our private ones (family and church being, in some cases, important exceptions) are based upon the democratic principles of equality and toleration. To participate responsibly in these communities, one must understand and embrace the principles on which they are founded. Those who do not stand beyond the democratic pale—which does not mean, of course, that they should be exiled or forbidden to speak (for they too are beneficiaries of the principle of toleration), but merely that they are disabled from full and responsible participation in the communities in question. That is something of which only democratic citizens are capable. The second political goal of liberal education is the production of democratic citizens, or more exactly, the development of the competencies on which their citizenship is based.

Foremost among these is a respect for the opinions of others and a modesty about one's own—an unwillingness to forcibly impose one's judgments on others when these touch matters of ultimate personal or

spiritual concern (religious judgments being the most famous example). The political goal of liberal education is to teach such respect and to train students in the habit of modesty regarding ultimate matters. To teach these things, however, it is not enough merely to explain their virtues or to defend their advantages in abstract terms. Students must also be given a practical training in respect and modesty. They must not only discuss these virtues, but acquire them, for only by becoming habitual can respect and modesty attain the durability they need to survive the rough and tumble of public life. Only in this way can the bases of democratic citizenship be preserved against the emotional and psychological assaults upon them.

Here, too, diversity has a vital role to play. In a classroom of sound-alikes, whose views of what is right and wrong, lovely and ugly, decent and base, all conform to a single pattern, respect and modesty can be taught only as abstract values. Where there is no diversity there can be no practical education in these virtues. The habits of respect and modesty are born of friction and strife. One may study them, defend them and praise them in a classroom of perfectly uniform students. But one can *acquire* them only by discovering how deep the sources of intolerance are and how great the dangerous pleasures of immodesty, and this can be done only by rubbing up against views one finds strange, hostile or even repugnant.

From the friction of these encounters, which diversity alone can produce, comes, first, a deeper self-understanding of one's own quickness to react to foreign values with impatience or disgust and, second, the slowly developing capacity to keep these reactions in check and to deny oneself the xenophobic pleasure of their expression. When this capacity is fully developed it constitutes a distinctive species of moral maturity, the kind that is peculiar to democratic life and one that represents the political counterpart of the imaginative sympathy whose strengthening is the first (personal or internal) goal of liberal education. The cultivation of such maturity is the second (political or external) goal of liberal education and, like the first one, depends upon diversity of experience and values as well.

III. RACE, ETHNICITY AND VALUES

The claim that admissions programs which give a preference to racial and ethnic minorities are a legitimate means of promoting the internal educational good of diversity rests upon an argument that proceeds, as I have said, in two steps. The first is the contention that diversity of experience and values is such a good, a proposition widely accepted in the human sciences and closely connected to the most broadly shared contemporary understanding of the aims of liberal education. The second is the assertion that diversity of experience and values is strongly linked to diversity of race and ethnicity—strongly enough that any serious effort to promote the former must include an effort to promote the latter as well.

This second step is more controversial than the first, and the questions it raises are what make the current American debate over the educational value of diversity so partisan and bitter.

A skeptic might contend that however strong the linkage once was between diversity of values, on the one hand, and that of race and ethnicity, on the other, it has grown weaker as a result of the increased cosmopolitanism of American culture generally. Today, America's racial and ethnic communities are, in many ways, more closely joined than in the past. Cultural exchanges and borrowings among them grow at an accelerating pace, thanks, in part, to connecting media like television, film and the interstate highway system. Hip-hop and the style of clothing associated with it spreads quickly to suburban white high schools; sashimi appears on the menu of high-end restaurants in Nashville and Denver; secretaries in Manhattan listen to country music at work; the bagel becomes a national dish; and evangelism leaps from the revival tent to the living room at the flick of a switch. These are all superficial symptoms, of course, but they point to an accelerating process of cultural interactions that is producing, more fully every day, a polyglot culture in which the boundaries that once divided America into distinct regions with their separate dialects, music, worship and cuisine, and that isolated America's racial and ethnic communities in relatively self-contained cultural domains, have all attenuated to a significant degree.

In this new polyglot culture, a skeptic might argue, the individual members of different racial and ethnic communities confront a vast array of different styles, tastes, fashions and the like, drawn from all corners of American life, which they are increasingly free to select among and to combine according to their individual preferences, subject only to the universal constraint of money. The result is not the disappearance of diversity of experience and values, but its decreasing association with communities of race and ethnicity (whose members are no longer confined to the cultures of their birth) and increasing association with communities of a consensual kind instead, with communities like the university, the military and the church, which the culturally mobile men and women who inhabit our polyglot civilization freely join in pursuit of their individual goals. A college or university committed to increasing the diversity of its students' experiences and values might therefore better fulfill its ambition, on this skeptical view, by adopting a program of preferential admissions for students from religious or military backgrounds than by creating a similar program for racial and ethnic minorities, given the breakdown of the old cultural boundaries that once separated Black from White, Hispanic from Anglo, Jew from Gentile, Yankee from Southerner, and the consequent rise in importance of the cultural norms of institutions to which individuals of all races and ethnicities, the inhabitants of a truly cosmopolitan America, are now free to attach themselves as they choose.

There is surely something to this argument. It is hard to deny that America is today, in cultural terms, more open and fluid than before. But the argument is overstated and misses the remarkable salience that race—and, to a lesser degree, ethnicity—continue to possess for the experience and values of Americans generally. Recent studies, commissioned by the University of Michigan to bolster its defense of its own race-sensitive admissions program, underscore the degree to which black and white Americans in particular remain segregated by residence and school.¹⁵ For the most part, Americans of both races still live in neighborhoods that are racially homogeneous and send their children to public schools that are dominantly either black or white. Indeed, the overall degree of residential and educational segregation in American society appears not to have significantly decreased in the past forty years, since school busing was first introduced as a means of promoting integration.¹⁶

The causes of this continuing pattern of segregation are multiple and their interaction complex, making it difficult to determine which intervention, or combination of interventions, has the best chance of producing more integrated neighborhoods and schools. But whatever its causes, the consequences of racial segregation are clear. Children growing up in a racially segregated environment, white or black, have a set of early experiences unlike those of children on the other side of the color line. And these differences of experience in turn shape attitudes, producing characteristically different beliefs and judgments about society as a whole, and contrasting impressions of the relation between the two races. Moreover, these differences of judgment and outlook, formed in childhood, often persist into later life and retain their influence despite constant exposure to America's polyglot culture and adult employment in a more integrated work environment. Occasionally, the differences of judgment that separate whites and blacks reveal themselves in a dramatic and statistically significant way. Reactions to the verdict in the O.J. Simpson trial and, more recently, to the Amadou Diallou shooting, which divided sharply along racial lines, are a case in point. It also appears that blacks and whites differ, to a statistically impressive degree, in their assessment of the fairness with which capital punishment is administered in the United States.¹⁷ And beyond these statistical measures, a wealth of

15. See *The Compelling Need for Diversity in Higher Education* <<http://www.umich.edu/~urel/admissions/legal/expert/toc.html>> (visited Oct. 18, 2000) [hereinafter *Compelling Need*] (introducing a collection of expert reports prepared for lawsuits, Jan. 1999).

16. See *id.* (Thomas J. Sugrue, Expert Report, §§ VIII-IX).

17. See *Death and the American*, *ECONOMIST*, June 21, 1997, at 32 (poll stating that seventy-five percent of Americans support the death penalty, while only forty-six percent of blacks support it).

anecdotal evidence suggests that race has a large influence not only on the judgments whites and blacks form about large public events and matters of general policy, but also on the texture of everyday life, on the tissue of perception and judgment that forms the lifeworld of ordinary experience, a world that remains importantly different for whites and blacks at every level of economic well-being.¹⁸

A pattern of residential and educational segregation, with the differences of experience and judgment that flow from it, exists most clearly in the case of whites and blacks, but a similar pattern of segregation by neighborhood and school also defines, though somewhat less sharply, the relationship between Anglos and Hispanics.¹⁹ Here, too, segregation implies differences of early experience which in turn entail differences of adult perception, belief and judgment—differences of values, broadly speaking. One may regret the fact of segregation and be committed to a set of policies aimed at its elimination. But so long as segregation remains the fact it is in America today, the correlation between being white, on the one hand, and black or Hispanic on the other, and holding a certain set of beliefs about issues of moral and political importance—about the honesty of the police, the fairness of the courts, the openness of the economy to all with energy and talent—is bound to be a strong one. And so long as this correlation exists to a meaningful degree, it is reasonable to think that a program of racial and ethnic diversification is a means to, or component of, the general goal of value diversification—the basic educational goal of assembling a student body diverse in its attitudes and judgments regarding matters of normative importance.

This is the second step in the diversity argument, and its plausibility is reinforced by another line of thought which has played a prominent role in the debate over the value of diversity as an educational good. Blacks and Hispanics—and, to varying degrees, other ethnic minorities as well—have an experience of life different from that of their white counterparts and as a result form different judgments about the organization of American society and the integrity and fairness of its basic institutions (police, courts, schools, etc.). But their judgments are not merely different. They are different in a certain way. They tend to be the critical judgments of those who feel disadvantaged by the institutions in question—who feel left out of the opportunities these institutions confer and the protections they provide. They tend to be the judgments of those on the margin, and just for this reason, it is often argued, are entitled to a special respect that strengthens the case for racial and ethnic diversity as an instrument of liberal learning.

18. See generally *How Race Is Lived in America*, N.Y. TIMES, ser. June 3-July 16, 2000.

19. See *Compelling Need*, *supra* note 15 (Thomas J. Sugrue, Expert Report, §§ VIII-IX).

This claim, which has an impressive intellectual pedigree and wide appeal, might be called the argument for the priority of the margin. In its contemporary form, it goes roughly as follows: Racial and ethnic minorities are disadvantaged groups that historically have been denied opportunities open to non-ethnic whites. They have enjoyed less authority and prestige, possessed a smaller share of society's wealth and power and, in general, been pushed to the margins of the larger, national community. Members of this group—those, at least, who have directly experienced the disadvantage characteristically associated with membership in the group—therefore see the social and political world of comfortable white power from its edge or margin. The whites who actually inhabit this world are so deeply involved in its structures and routines that they fail to see them as such. Their own comfort and privilege blinds them to the fact that the world of white power constitutes an organized system of norms, relationships, modes of discourse, distributive arrangements and the like. They cannot see this world whole; for them it is not a *world* at all, and their obtuseness to it prevents them from reflecting critically upon the values that shape and define it. Only those who stand outside this world—only the disadvantaged who see it from a perspective of exclusion and victimization—are able to perceive it as a whole, to grasp the fact that it is a world with distinctive (if unstated) principles and practices, and to subject these principles and practices to critical review.

The marginalized thus enjoy an experiential (or, as it is sometimes said, an epistemic) privilege *vis-à-vis* their more advantaged counterparts whose comfort and complacency produces an uncritical acceptance that is a liability in any debate about fundamental social and political values. Minority students, by contrast, bring to this debate the special perceptiveness their marginal position affords and thus contribute an element of critical reflectiveness that would otherwise be missing, to the detriment of all involved. The participation of minority students thereby adds to the richness of the debate over fundamental values in a distinctive and particularly important way, further strengthening the case for their inclusion in the debate on grounds internal to the educational enterprise itself.

This argument has, as I say, a long and distinguished lineage. It is closely associated, for example, with what Nietzsche termed “the slave revolt in morals,”²⁰ by which he meant the Jewish-Christian repudiation of Greek values in favor of an anti-aristocratic view that linked dignity and spiritual fulfillment to suffering and humiliation, embodied in the unforgettable image of God on the Cross. For the Greek philosophers

20. FRIEDRICH NIETZSCHE, *THE GENEALOGY OF MORALS* 168 (Francis Golffing trans., Doubleday & Co., 1956) (1887).

(though not for the Greek tragedians, who saw redemptive possibilities in suffering), the clearest and best understanding of the world is the one possessed by the man of intelligence and means who, far from being an outcast, enjoys all of life's advantages and whose perceptions are truer and more reliable just on this account. The perspective to be trusted, the one that serves as a benchmark for the rest, is not, for Plato and Aristotle, the perspective of disadvantage, but its opposite, that of well-being: the point of view of the man who is flourishing in all respects, social, material and intellectual. The idea that a slave—shut out from the comforts of an aristocratic existence—might better comprehend his master's world than the master himself, would have seemed to Plato and Aristotle quite absurd. The Jewish-Christian reversal of values, which championed this idea by insisting that "the last shall be first,"²¹ epistemically as well as morally, represented, as Nietzsche understood, the most profound revolution in the history of Western morality.

The "privileging of the margin" is an especially prominent theme in the work of certain nineteenth century thinkers, above all, perhaps, in the writings of Karl Marx. According to Marx, the truth of the capitalist system cannot be grasped by the bourgeoisie who live in its comfortable center.²² Only the proletariat, separated from ownership of the means of production and victimized by the ruthlessly exploitative processes of the capitalist system, are in a position, Marx insisted, to see the system whole and to grasp its human deficiencies.²³ Only they, cast off and out, are in a position to discover the true laws of the capitalist order—the nature of the commodity form, the remorseless drive to produce surplus value, the resulting mechanization of the production process, etc.—and only they, acting on this discovery, are able to challenge the capitalist system as a whole (rather than merely tinkering with its shortcomings in an incomplete and meliorist way, as uncritical bourgeois reformers do).²⁴ For Marx and his followers (I am thinking in particular of Rosa Luxemburg and Georg Lukacs),²⁵ the experience and critical perspective of the proletariat—its "class consciousness"—represents the one true, and truly universal, viewpoint from which the otherwise concealed meaning and mechanisms of capitalist production, indeed of human history, can be grasped: the

21. *Matthew* 20:16.

22. See KARL MARX & FREIDRICH ENGELS, *THE COMMUNIST MANIFESTO* 3-16 (David McLellan ed., Oxford Univ. Press 1992) (1848).

23. See *id.*

24. See *id.*

25. See generally ROSA LUXEMBURG & NIKOLAI BUKHARIN, *IMPERIALISM AND THE ACCUMULATION OF CAPITAL* (Kenneth J. Tarbuck ed., Rudolf Wichmann trans., Penguin Press 1972) (1913); GEORGLUKACS, *HISTORY AND CLASS CONSCIOUSNESS, STUDIES IN MARXIST DIALECTS* (Rodney Livingstone trans. MIT Press 1971) (1968).

revelatory view from the margin. As many others have noted, Marx's emphasis on this idea reflects, in an especially telling way, the Jewish-Christian roots of his own secular and materialist philosophy of life.²⁶

A version of the same idea plays a role in Freud's work as well. Freud was especially interested in the silly, pointless, garbled moments of human experience—slips of the tongue, jokes, and above all, dreams. Generally speaking, we do not take these moments seriously. We assign them little meaning, if any at all. They exist at the margins of deliberate, waking life, where our important decisions are made, and contribute nothing to it. Freud reversed this familiar judgment. He insisted that the hidden truths of waking life—the wishes and fears and drives that give our lives as a whole their shape and direction—can best, and perhaps only, be discerned in the marginal experiences we dismiss as unimportant and stupid, especially the experience of dreams.²⁷ Freud, like Marx, “privileges the margin” by assigning to dreams, the *ejecta* of waking life, an epistemic value that ordinary waking experience lacks, precisely on account of its settled routines, where familiarity lulls us into a kind of thoughtlessness about the meaning of the lives we are living.²⁸ For Freud, like Marx, the truth of the whole first comes to light from the perspective of the margin.

Today, both Marxism and psychoanalysis have a declining intellectual prestige as comprehensive theories, though many aspects of each continue to exert a significant influence throughout the human sciences. But the idea, central to both, that the perspective of the margin has special epistemic worth, has retained its authority, even as the grand theories of the nineteenth century that relied on it most heavily have lost their commanding influence. The religious tradition in which this idea was born has faded and been replaced, in the realm of higher education at least, by a robust secularism and a revival of interest in the classical conception of human flourishing in which the priority of the margin played no part at all. Yet this idea remains one of the most powerful and attractive in our entire intellectual armory and continues to draw authority from the Jewish-Christian revolution in values of which we are all the philosophical heirs, the agnostic as much as the devout. And so long as this remains true, the argument for treating racial and ethnic diversity as a means to or component of or proxy for diversity of values can be supported by two claims. It can be supported, first, by the *sociological* claim that the pattern of residential and educational segregation that still exists in the United States is bound to produce differences of life experience and, with that, a diversity of opinions, beliefs and judgments about matters of moral and

26. See KARL LOWITH, *MEANING IN HISTORY* 33-51 (1957).

27. See SIGMUND FREUD, *NEW INTRODUCTORY LECTURES ON PSYCHOANALYSIS* 9 (James Strachey trans., Hogarth Press 1974) (1964).

28. See generally *id.* at 33-34.

political importance. And second, it can be supported by the *philosophical* claim that the experience of exclusion and disadvantage, to which America's racial and ethnic minorities continue to be peculiarly liable, affords a perspective on our way of life that possesses a special epistemic advantage, a special opportunity for comprehension and criticism of the basic structures, habits and patterns of thought that define this way of life as a whole. Together these two claims, one sociological and the other philosophical, powerfully support the second step in the diversity argument, the contention that admissions programs aimed at promoting racial and ethnic diversity in a college or university's student body can be justified on the grounds that they serve an internal educational good by promoting value diversity of an especially important kind.

IV. CAUTIONS AND CONCERNS

This is the case for diversity and it is a strong one. But if the argument for diversity raised no difficulties, if it required no qualifications or cautionary amendments, it would not have stirred the intellectual debate it has. In fact, the argument does raise genuine concerns and though these are not, in my judgment, strong enough to defeat the argument for racial and ethnic diversity as an educational good, they give a measure of intellectual legitimacy to the positions of those who resist the argument, and must be fairly acknowledged by its supporters. This is not as easy as it sounds. As I said at the outset, the diversity debate has tended to divide its participants into two sharply opposed camps—those who insist that racial and ethnic diversity is an educational good, and those who deny that it is—and to eliminate the middle ground from which one might defend this claim while recognizing the problems it presents. In part, as I have said, the sharply divisive character of this debate is a consequence of the fact that it has been conducted, to a large degree, with litigation in mind, which inevitably encourages a kind of adversarial partisanship that leaves no room for a view of the mixed sort I wish to defend here, a view of diversity that affirms its educational value but acknowledges its potential liabilities as well.

There are four reasons for being cautious about the diversity argument. Each reflects a concern about the consequences for higher education of embracing the argument without a candid appraisal of its theoretical and practical limitations.

First, it is important to recognize that the two steps of the argument for diversity differ in a crucial respect. The first step asserts a connection between diversity of values and the ends of liberal education. If this connection exists—and I believe it does—it is not a connection that is contingent upon the history of the American republic or the current shape of American life. It is a connection that transcends everything specifically

American and which possesses a durability independent of our peculiar historical, political and social circumstances. It is, in this sense, a timeless connection. By contrast, the second step of the diversity argument, which asserts a link between diversity of values, on the one hand, and diversity of race and ethnicity on the other, *does* depend for its plausibility on a set of judgments about the special character of American life and in this sense can only be contingently valid.

More significantly, perhaps, the social and economic segregation that makes the second step of the diversity argument so convincing is not only contingent, but also regrettable, and we must sincerely hope that the pattern of segregation which today produces such a strong connection between racial and ethnic diversity, on the one hand, and diversity of values, on the other, will one day no longer exist. The elimination of this pattern ought indeed to be an important aim of our social and economic policy as a nation. But if this is true, then the diversity argument depends, in part at least, on the affirmation of the force of certain facts we hope and mean to change, and while there is nothing paradoxical or logically inconsistent in such a position, there is a risk, given the deeply imbedded character of racial segregation in particular, and its resistance to reform efforts of all sorts, that the contingent and hopefully transient circumstances on which the second step in the diversity argument depends will come to be viewed as permanent conditions and assimilated, through a kind of intellectual association, to the timeless link which the argument's first step asserts. There is a natural temptation in a subject as morally and emotionally difficult as this one to think that the argument for affirmative action and other race-sensitive programs can be strengthened if the conditions that justify such programs are made to seem as deep and intractable as possible, and this in turn encourages the tendency to view these conditions as timeless and the programs in question as permanent rather than transitional. But this is a tendency we should resist. Diversity of values *is* permanently tied to the ends of liberal learning. Diversity of race and ethnicity is strongly but only contingently tied to these same ends, and the failure to keep this distinction in view is likely to produce confusion concerning the aims of liberal education generally.

The second reason for caution regarding the diversity argument concerns its implications for what I shall call the "emancipatory" function of liberal education, by which I mean the development of a student's capacity for critical reflection on, and assessment of, the values he or she has acquired uncritically during the first eighteen or so years of life. The development of this capacity is clearly related to the strengthening of a student's ability to take up, with imaginative sympathy, values foreign to him or her; the greater a student's powers of self-criticism, the more likely he or she is to be receptive to the competing values of others and to be prepared to entertain these values with serious and sustained attention. The

development of a capacity for emancipated self-criticism is also significantly related to the habits of democratic citizenship, and in particular to the spirit of modesty that responsible participation in democratic communities demands. But though it is importantly connected to these other powers or capacities, which every program of liberal education seeks to nourish, the power of self-criticism may usefully be distinguished from them and its development viewed as a third and distinct goal of liberal education.

To be sure, we all grow up in circumstances that shape us and our values in ways we cannot control. The values of our families, of our neighbors, of our social class, of the religious and ethnic communities into which we are born—these all have a decisive influence on the values we come to endorse as we grow into adulthood and are invited, or compelled, to express views and commitments of our own. This influence is a kind of fate. We do not choose it, or its direction. It is something we inherit, and that has already shaped us by the time we first begin to notice its effects. Nor can we ever escape it completely. For whatever capacity we develop to examine critically the fate we have inherited, and to scrutinize the values toward which it steers us, is itself a capacity that must always be conditioned by the fateful circumstances of our birth and upbringing in ways we can no more overcome than we can jump out of our own bodies—which also represent a kind of fateful constraint, however adept we become at refashioning them with exercise and cosmetics.

But though we can never escape the gravitational pull of the values we acquire early in life, we can develop a degree of independence from them. We can learn to ask whether they are the values we want, on reflection, to endorse, and we can even reject them because they seem, on reflection, insupportable—or embrace them with greater confidence after reviewing the arguments for and against. The growth of the capacity to do this is always a relative thing. It is a matter of more or less, and there is no absolute standpoint outside the web of our convictions from which reflective judgments of this kind can be made. But the ability to turn back on one's inheritance and to question it in a critical spirit, is a real ability that different people possess to differing degrees, and one of the great goals of liberal education is to promote this ability by training students in the (initially quite painful) habit of detachment from the things they value most in life. This is the emancipatory goal of liberal education, described in different ways but always as a central educational good, by thinkers as distinct as Kant, Freud and Dewey,²⁹ and its endorsement gives all

29. See IMMANUEL KANT, *WHAT IS ENLIGHTENMENT?* 83 (Lewis White Beck trans., MacMillan Pub. 2d ed. 1990) (1784); FREUD, *supra* note 27, at 80 ("where id was there ego shall be"); JOHN DEWEY, *EXPERIENCE AND EDUCATION* 36-85 (1938).

programs of liberal education, whatever their specific content, an essentially *individualistic* character.

The linking of diversity of values to diversity of race and ethnicity poses a potential challenge to this important liberal idea. It does so by associating a person's values with relatively fixed characteristics whose fixity tends, through a process of transference, to become a property of these values themselves. In the case of race, the characteristics to which a person's values are tied are very fixed indeed—"immutable," in the vocabulary of the law of equal protection³⁰—and because race has been and remains the starting point for most programs of affirmative action, including those justified on diversity grounds, the less fixed characteristics of ethnic identity have frequently been assimilated to those of race and taken on the latter's immutability to varying degrees.

This produces a tension between what might be called the "value identity" of the minority students who are the beneficiaries of these programs and the emancipatory thrust of liberal education. The more closely a person's values are linked to his race, or to other characteristics that are seen as sharing the immutability of race, the more both he and others may be encouraged to view these values as being similarly unchangeable and beyond the power of reflection to adjust. The more both he and others may be led to conceive the purpose of education not as an emancipation from fate but as the affirmation of it instead, as the increasingly emphatic joinder of each person's most important cares—and hence identity—to the most fateful characteristics of his or her life story. The argument for diversity, which links values to race and ethnicity, encourages this view and hence, to some degree at least, threatens to impede the emancipatory work of liberal education—not only for minority students, but for non-minority students as well, whose own emancipation is compromised by the endorsement of a view that diminishes the power of freedom in the realm of values and enlarges that of fate.

The wide acceptance of this view can be explained in part, perhaps, by its growing psychological appeal in a mobile and rootless society whose inhabitants—minorities and non-minorities alike—suffer the anxieties of a freedom greater than any known in the past. We are all born somewhere, to particular parents, and each of us has an upbringing with a local character. But the composition of our families grows constantly more fluid; the bounds of parentage are stretched further every day by technology; and our freedom of motion—geographical, professional, associational—is unimaginably larger than it was in 1940, on the eve of the Second World War, and seems to increase exponentially each year. Never before have we,

30. See *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 241 (1995) (Thomas, J., concurring); see also *City of Cleburne v. Cleburne Living Ctr.*, 448 U.S. 432, 442 (1985); *Fullilove v. Klutznick*, 448 U.S. 448, 496 (1980) (Powell, J., concurring).

or any people for that matter, been as unconditioned by the circumstances of our birth; some of us more so than others, of course, but all of us to an historically unprecedented degree. One consequence of this has been the polyglot culture I spoke of before, with its easy osmosis, from one subculture to another, of music, speech, food, fashion and the like. Another is a heightened anxiety about our dizzying freedom itself. Never before has the emancipatory ideal been as well-adapted to the actual circumstances of many people's lives, which are bursting with opportunities for self-definition, or redefinition. But the uneasiness these very opportunities provoke reminds us that the emancipatory ideal is not an easy one to live by, and that it demands a special kind of courage, the kind that consists in a preparedness to live a certain life for reasons of one's own choosing, reasons that can never possess the finality or certitude of fate.

One might say that our society tests the emancipatory ideal, or more exactly our courage to embrace this ideal, as it has never been tested before, and there are many different symptoms of the discomfort this challenge produces. One is the growth of religious fundamentalism. Another is the popularity, among scholar-intellectuals, of communitarian philosophies like that of Michael Sandel.³¹ And the diversity argument is perhaps a symptom, too, for by linking the values a student holds to the most fateful features of his or her identity, it affirms the grip that fate has on us in a way that is reassuring to those whose own enlarged and anxious freedom causes them to wish fate had this power.

A third and related reason for caution in the use of the diversity argument is its potentially discouraging effect upon the search for truth in the human sciences—an ambition that, properly understood, is as essential to these disciplines as it is to the natural sciences and as vital to the program of liberal education generally.

In the human sciences, as I stressed before, the idea of an object of study that transcends the realm of values with its endless disputes is unavailable. In the natural sciences, by contrast, the idea of such an object serves as a regulative norm, guiding research and informing the assessment of its results. The work that natural scientists do is shaped, of course, by value choices too, but rests upon the assumption that the target of all research, and the final arbiter of all scientific debates, is the valueless world of nature that transcends our human cares and concerns. In the human sciences, values go all the way down, and we cannot escape the conflicts they engender by positing as the true object of study a world that lies beyond our values, self-contained and waiting only to be discovered. The natural sciences rest upon this presupposition, which the human sciences must do without. In the human sciences, the idea of an

31. See generally MICHAEL J. SANDEL, *LIBERALISM AND THE LIMITS OF JUSTICE* (1987).

Archimedian point beyond the realm of conflicting values, from which these conflicts might objectively be judged, is literally unthinkable, with the result, as I have emphasized, that those who teach and study these disciplines must resign themselves to remaining forever within this realm with its interminable value struggles.

But it would be a mistake to conclude that the idea of truth plays no role at all in the human sciences just because the idea of a transcendent and self-contained world beyond the realm of values plays none. In fact, debates in the human sciences—in law and anthropology and history and literary criticism—are guided by a regulative conception of truth. When participants in these debates offer their views, they offer them not merely as personal opinions with no more validity or explanatory force than the opinions of anyone else. They offer them as the best view of the matter under discussion—as the truest view or, more modestly, as one of the true views that must be distinguished from all the false ones. Debates in the human sciences, like those in the natural sciences, are debates about the truth, not just brutal confrontations of opposing tastes, as when, for example, Jane says she likes vanilla ice cream and Sam replies that he prefers chocolate. In a dispute of the latter sort, there is really nothing to say, and no hope of forward progress. Neither party has reason to ask, or expect, the other's agreement. But in a debate over the meaning of a novel, or an historical event, or a tribal custom or a judicial opinion, the participants *do* ask for agreement and believe they are entitled to it on account of the truthfulness of the view they are propounding. They believe that others can be brought to recognize the superiority of their view, and will if the debate proceeds in an open and unconstrained fashion. The idea of a final agreement, among all the participants, regarding the superior truthfulness of one of their competing views is an axiom of debate in the human sciences, even if this agreement is never reached but remains an asymptotic goal that draws the disputants on while eluding their grasp.

How this goal should be defined, and the regulative function it performs in the human sciences understood, are vexed philosophical questions to which different writers have offered different answers. Jürgen Habermas' concept of an "ideal speech situation" offers one such answer.³² Ronald Dworkin's theory of "law as integrity" suggests another.³³ Kant's account of judgments of beauty offers an approach to this question as well.³⁴ The issues raised by these theories, and by the differences among

32. See JURGEN HABERMAS, *BETWEEN FACTS AND NORMS, CONTRIBUTIONS TO A DISCOURSE THEORY OF LAW AND DEMOCRACY* 322-23 (William Rehg trans., MIT Press 1996) (1992).

33. See generally RONALD DWORKIN, *LAW'S EMPIRE* 176 (1986).

34. See IMMANUEL KANT, *THE CRITIQUE OF JUDGMENT, LIX-LXI* (Werner S. Pluhar Trans., Hackett Publishing Co. 1987) (1790); see also HANNAH ARENDT, *LECTURES ON KANT'S POLITICAL PHILOSOPHY* 13-14 (1982).

them, are notoriously difficult and I make no pretense of addressing them here—other than to note that each of the theories I have mentioned, and all the others that have attempted to explain the meaning and role of truth in the human sciences, have been constrained to do so without resorting to the idea of a transcendent world of self-contained and valueless facts, whose postulated existence is the validating touchstone of all truth claims in the natural sciences.

The basic point I want to stress is simply that the human sciences *are* truth-seeking endeavors, regardless of how the truth at which they aim is understood, and not merely *fora* for the registering of personal opinions that make no claim to truth and demand no acquiescence from others. For it follows, from this basic proposition, that an education in the human sciences must include a training in the habits of truth-seeking as well as a deepening of the student's appreciation of the variety and competition of human values. It must encourage students to continue searching for the truth even as they become more keenly aware of how wide the gulf can be between different conceptions of life and the values associated with them. It must discipline students always to ask, "But which of these values is true?," though their confidence that this question can ever be answered diminishes as their appreciation of the irreducible pluralism of values increases. It must habituate students to seek the common ground of agreement while broadening their powers of sympathetic imagination and nurturing their acceptance of value diversity.

But linking diversity in this sense to diversity of race and ethnicity has the potential to discourage the search for truth in the human sciences, and to promote instead the idea that a class in law or literature or history or anthropology is more like a polling station where students vote, or a market where they register their preferences for different ideas, than a forum for the shared pursuit of truth. It challenges the truth-seeking ambitions of the human sciences in a way that diversity of values by itself does not. The association of value diversity with diversity of racial and ethnic identity does this by transferring to a student's values the same qualities of fatefulness and immutability that mark (to varying degrees) his or her membership in a particular racial or ethnic community. For the more such membership is viewed as an inescapable condition whose boundaries are fixed and non-trespassable, and the more closely a student's values are tied to this condition, the more likely it becomes that he and others see themselves as the inhabitants of separate and insular worlds, sharing no real common ground and capable only of the external exchange relations that characterize trading between the members of unbridgeably distant cultures.

Of course, this is a matter of degree. Some racial and ethnic categories are less fixed than others, and the link between these categories, on the one hand, and the values of their members, on the other, may be tighter or

looser. But the *tendency* of stressing this link is to harden the diversity of values, so important to the human sciences and liberal education, into a system of mutually impenetrable worlds and to render less plausible the idea of a common ground on which the inhabitants of these worlds should strive to stand together. Even as a regulative ideal, this aim will seem increasingly misguided the more accustomed we become to viewing a person's values as having the same fixity as his skin color or ethnic inheritance. The association of value diversity with diversity of race and ethnicity puts this ideal in doubt; it makes the search for common ground seem less reasonable and worthwhile. But it is on this ideal that the concept of truth in the human sciences depends, and as the ideal loses its appeal and plausibility the very notion that these disciplines are engaged in a truth-seeking enterprise of any kind becomes suspect and is replaced with the very different belief that the human sciences can only be an arena for the expression of values whose relative truthfulness it is as pointless to debate as the relative truthfulness of preferences for different cuisines.

A fourth and final reason for caution in the use of the diversity argument concerns its reliance upon the claim of an epistemic priority for the perspective of the margin. This is a powerful claim, backed by a long tradition of philosophical support, and much can be said for it. But it is not free from difficulties, and its invocation in the context of the diversity debate raises questions we need to acknowledge.

To begin with, even if we assume that the view from the margin enjoys an epistemic advantage over other perspectives, it does not necessarily follow that the person (or group or class) on the margin is capable of exploiting this advantage on his (or its) own. It is one thing to claim that a certain position in the social order offers a point of view of special epistemic importance from which the structure of that order may be seen with particular clarity, but something quite different to maintain that those who actually occupy this epistemically privileged position are the men and women best able to grasp and articulate the insights it uniquely affords. Marx and his followers, for example, who treated the epistemic priority of the margin as a fundamental principle of method, appear often to have rejected this last conclusion, or at least to have acted in a way inconsistent with it.³⁵ The vantage point of proletarian experience is, for Marx, the only one from which the secrets of world history can be grasped. Yet it took a bourgeois theoretician to grasp them, and later Marxists (Lenin in particular)³⁶ stressed the role of the intellectual vanguard in the communist movement—a bourgeois elite whose function is to articulate the principles latent in the experience of the working class and to educate its members in

35. See *supra* notes 22-25.

36. See V.I. LENIN, WHAT IS TO BE DONE? 98-100 (S.V. & Patricia Utechin trans., S.V. Utechin ed. Oxford Univ. Press 1963) (1902).

the meaning of these principles themselves. For Marx, there is, one might say, a division (of labor!) between those who provide the *experience* of the margin (which possesses a real epistemic advantage) and those who supply the *understanding* of this experience, and thereby realize its epistemic advantage—something those on the margin, whose experience it is, cannot do on their own and for which they depend on enlightened intellectuals educated and living in the bourgeois heartland.

There is an analogue in the theory of psychoanalysis. The dreamer, whose dreams provide the key to the meaning of her life as a whole, is not herself in a position to grasp their significance. For this the dreamer depends, initially at least, on the psychoanalyst, who slowly educates the dreamer and brings her up, as we might say, to the higher level of understanding occupied at first only by the professional interpreter of dreams. Here, too, there is a division of labor between those who supply the experience of the margin and those who comprehend it, a division that can only be overcome through a process of education in which doctor instructs patient. This is particularly true in the case of neurotics, whose unhappy experience Freud believed holds the key to the human condition. Neurotics, Freud said, are condemned to repeat; every neurosis is a form of repetition. The neurotic's compulsive repetitions, which display themselves outwardly as "symptoms" have an inner rationale. They have a point or purpose, and always serve an end. But the neurotic cannot grasp this without help. She cannot understand the purposiveness of her own compulsions and thus lives a life filled with meaning but opaque—unintelligible—to herself.³⁷ The psychoanalyst helps the neurotic understand the meaning of her actions. He helps her comprehend her compulsions and thereby gives the neurotic the only hope she has of ameliorating her condition, through a complex conversion (which Freud describes with exquisite subtlety) of action to thought. Left to herself, the neurotic will go around endlessly in the circle of her habits, never understanding them and hopelessly condemned to a life of thoughtless repetition. Only the psychoanalyst can provide the enlightenment that represents the neurotic's one hope of release.³⁸

For both Freud and Marx, then, the epistemic privileging of the margin is linked to another, equally important idea: the incapacity of those on the margin to exploit this advantage for themselves and their consequent dependence upon intellectual assistance from interpreters *not* on the margin but working from a vantage point of comfort and education instead.³⁹ The link between this second idea and the first one is not, moreover, an accidental one or a peculiar feature of their particular

37. See FREUD, *supra* note 27, at 153-56.

38. See FREUD, *supra* note 27, at 153-56.

39. See *supra* notes 22-25, 27-28 and accompanying text.

philosophical schemes for which no larger justification exists. For the very thing that gives the margin its epistemic advantage, in Marx's and Freud's account, at the same time makes it more difficult for those on the margin to seize it.⁴⁰ The condition of the margin is one of deprivation and victimization (in Freud's case, self-victimization).⁴¹ Those on the margin live beyond the pale of normalcy and comfort. This is what gives their experience its peculiar importance. But at the same time it reduces the resources (leisure, freedom from pain, self-respect and the like) that all human beings, including the wretched of the earth, require to make reflective sense of their lives. It batters and demoralizes the human spirit, leaving it ill-equipped for the work of self-understanding. Of course, there are men and women living on the margin (in one sense or another) who are not compromised in this way. But there are also men and women living on the margin who do not see things from a marginal point of view. The attribution of an epistemic advantage to the perspective of the margin is thus a generalization—a highly plausible one, perhaps—but in need of being qualified by another generalization—by the recognition that marginality itself is often an impediment to self-understanding, which must be brought to the margin by those whose superior well-being and education better equips them to grasp the meaning of marginal experience.

If this is true, or even merely reasonable, it has disturbing implications for the use of the argument from the epistemic advantage of the margin as a defense of racial and ethnic diversity. For if the same experience of deprivation and discrimination that creates this advantage also tends in general to impair those whose experience it is from developing its intellectual potential, then the students who are presumed to bring the perspective of the margin to the classroom must likewise be presumed to depend upon others to elaborate the insights this perspective opens up. To defenders of diversity, this conclusion is bound to seem offensive—as indeed it is. But to avoid it one must either assume that poverty, discrimination, neurosis, and the like do not in general impair the capacity of their victims for self-understanding—which is psychologically implausible and morally dubious, if we consider the diminishment of this capacity to be one of the real harms of victimization itself; or one must moderate and qualify the argument from the epistemic advantage of the margin on which some defenders of racial and ethnic diversity rely so heavily.

For minority students coming from a background of real disadvantage, moreover, this argument creates a potential obstacle to their self-advancement, and this is a further reason for caution in its use. Many

40. See *supra* notes 22-25, 27-28 and accompanying text.

41. See FREUD, *supra* note 27, at 153-56.

students in this category—most, perhaps—are eager to escape the margin for a more comfortable middle class life, and their admission to a college or university is often an important step in this direction. To tell them they are there to represent the margin, to be its voice and to speak on its behalf, is to burden them with a continuing loyalty to an existence they may well wish to leave behind. One might respond that this wish to escape is an act of bad faith on their part, or a breach of solidarity, or a failure of self-understanding, but quite apart from the *hubris* of this response, and the doubtfulness of its moral basis, it frustrates the goal of true integration by compelling the disadvantaged to play a role they perhaps would rather not and which in many cases will interfere with their own plans for personal advancement. The group for whom this argument has the greatest plausibility may thus contain many who are anxious to deny it, and who are unfairly burdened with the responsibility of thinking, speaking, and acting as the argument would require.

V. JUSTICE AND DIVERSITY

In the previous Part, I explored a number of reasons for being cautious in the use of the diversity argument—for recognizing how dependent this argument is on contingent and hopefully transient features of American life, how challenging to the emancipatory goal of liberal education and the enterprise of truth-seeking in the human sciences, and how troubling in its reliance on the epistemic privileging of the margin. These are real reasons for concern, and to endorse the diversity argument without acknowledging them is, I believe, to set oneself up for attack by those who fail or refuse to see the very strong case that can be made in support of this argument in an America that remains sharply segregated by race (and, to a lesser degree, by ethnicity), where the assertion of a link between diversity of values, on the one hand, and that of race and ethnicity, on the other, continues to have great plausibility. It is my belief—my hope—that the diversity argument can best be defended by recognizing its limitations and troubling implications for the practice of liberal learning to whose own internal good admissions programs aimed at increasing racial and ethnic diversity do make a real, if imperfect, contribution. It is my belief—my hope—that one can be supportive of the diversity argument and skeptical about it at the same time, occupying a middle position of the kind I claimed for myself at the start of this essay. And it is my strong conviction that only a position of this sort can be faithful to the enduring goals of liberal education, which transcend our American condition, and simultaneously remain attentive to the ways in which these timeless goals must be pursued in the context of our condition, so deeply shaped in so many ways by our history of racial and ethnic exclusion and by a continuing pattern of residential and educational segregation.

Two developments, more than any others, would ease the difficulty of sustaining this middle position. The first would be an explicit recognition, by the Supreme Court of the United States, of the constitutionality of using race-sensitive admissions programs to promote the internal educational good of diversity. This question is now before the courts in the Michigan litigation, and an acknowledgment of the constitutionality of such programs would help to create the necessary breathing space for a more nuanced and less adversarial assessment of their strengths and weaknesses by the educators who must now defend these programs without qualification.

The second development would be a national reaffirmation of our commitment to affirmative action as an instrument of distributive justice, and the validation of this commitment in our courts. For such a reaffirmation would relieve much of the pressure on the concept of diversity, which today must carry the full weight of legitimating all programs of affirmative action in the sphere of higher education. The diversity argument is sound, but it has had to bear too heavy a load of justification, and this has had a deforming effect on the debate about the value of diversity in American higher education, forcing defenders of the idea to close their eyes to its limitations, and opponents to deny the facts of life that give the diversity argument its power. If the external goal of promoting social justice by means of affirmative action in our colleges and universities were once again to have political and legal respectability, perhaps we could afford to be more equivocal in our judgment regarding the use of such programs as a means of achieving the internal educational good of diversity. That, I think, would be a victory for justice and education alike.

