

Toward a Deeper Understanding of the Diversity Rationale

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How did “diversity” come to occupy such a key position in public discourse, particularly concerning education policy? Given the widespread recognition of diversity, is there an intellectual tradition or philosophical orientation that informs its application to education? And, based on the traditions examined, what is gained and lost by focusing on the diversity rationale? This article examines the legal history of using the diversity rationale to justify affirmative action and the philosophical foundation of the ideal of diversity. This foundational analysis not only adds a new direction to the scholarship on the educational benefits of diversity but also illuminates the tensions associated with affirmative action in general and with this rationale in particular. The authors aim to influence educational practice in a direction that well serves a multi-racial/ethnic democratic society.

President George W. Bush made the following remarks in a public statement regarding the 2003 University of Michigan affirmative action cases, *Grutter v. Bollinger* and *Gratz v. Bollinger*: “I strongly support diversity of all kinds, including racial diversity in higher education. . . . [O]ur institutions of higher education should reflect our diversity. A college education should teach respect and understanding and goodwill. And these values are strengthened when students live and learn with people from many backgrounds” (*President Bush Discusses Affirmative Action Cases*, 2003).

Even though President Bush opposes affirmative action, supporters of affirmative action would find little with which to disagree in his statement.¹ Indeed, a similar argument was made by the University of Michigan to justify its use of race/ethnicity as one qualifying factor for student admissions, which drew from an earlier U.S. Supreme Court ruling (*Regents of the University of California v. Bakke*, 1978). According to Macedo (2000), “[d]iversity is the great issue of our time” (p. 1). Schuck (2003b), a critic of diversity, claimed that “the very concept of diversity has come to hold a special, almost sacrosanct place in our public discourse” (p. B10). How did “diversity” come to occupy such a key position in public discourse, particularly concerning education policy? Given the widespread recognition of diversity, is there an intellectual tradition or philosophical orientation that informs its application to education? And, based on the traditions examined, what is gained and lost by focusing on the diversity rationale?

Much of the recent attention to diversity in the education research community has focused on empirically testing its contributions to students’ learning and experiences (e.g., Antonio, Chang, Hakuta, Kenny, Levin, & Milem, 2004; Chang, Witt, Jones, & Hakuta, 2003; Chang, 1999; Gurin, Dey, Hurtado, & Gurin, 2002; Hurtado, Dey, Gurin, & Gurin, 2003; Orfield, 2001). Much less attention has been given to the foundational underpinnings of the arguments concerning the educational virtues of diversity (e.g., Moses, 2001; Parekh, 2000). Now that the High Court has endorsed the broad ideal of diversity in the Michigan cases, it is important for those concerned about education to ask whether the concept of diversity is more than merely a savvy and utilitarian legal strategy. And, if it is, should it be given deeper and broader educational consideration for justifying and developing policy? This article thus has two primary aims: (a) to examine why the concept of “diversity” occupies a vital space in a key civil rights policy and whether the ideal of diversity has followed a decisive intellectual trajectory; and (b) to assess the strengths and limitations of diversity as the principal rationale for defending race-conscious policies.

Different contexts shape what diversity means. For the purposes of this paper, we will rely on the discourse that we call “the diversity rationale” to frame how the concept of diversity is understood in the current social and political context. We thus begin with a closer look at the rationale—before exploring its philosophical foundation—to examine why the ideal of diversity matters in higher education policy and in education research. Through our analyses we seek to understand whether the concept of diversity is worthy of serious educational consideration. If so, how might the rationale be improved for framing education research in a post-*Grutter-Gratz* era, which will carry significant implications for either advancing or obstructing broader access to colleges and universities?

The Evolution of the Diversity Rationale

Although judicial recognition of diversity as a compelling state interest is often attributed to Justice Lewis F. Powell Jr.’s opinion in *Bakke* (1978),² Liu (1998) argues that the U.S. Supreme Court recognized the educational value of racial diversity almost 50 years earlier. In *Sweatt v. Painter* (1950), a case concerning whether the University of Texas Law School could restrict admissions to Whites only, the Court ruled that the law school must admit Blacks because there were gross disparities between that school and the separate law school for Blacks. In addition, according to *Sweatt*’s Chief Justice Fred M. Vinson, who wrote for a unanimous Court, a law school cannot be effective when it is isolated from the “individuals and institutions with which the law interacts,” and students should not study in “an academic vacuum,

removed from the interplay of ideas and the exchange of views with which the law is concerned” (Liu, p. 386, quoting Vinson).

Similarly, in *McLaurin v. Oklahoma State Regents for Higher Education* (1950), Chief Justice Vinson, again writing for a unanimous Court, invalidated the University of Oklahoma’s policy of restricting Black graduate students’ use of the library, classrooms, and school cafeteria, arguing that it contributed to educational inequality by prohibiting “the intellectual commingling of students” and limited Black students’ ability “to engage in discussions and exchange views with other students,” thereby handicapping their “pursuit of effective graduate education” (Liu, 1998, p. 387, quoting Vinson). Although in both *Sweatt* and *McLaurin*, Liu maintains, the Court framed the value of diversity in terms of what Black students could learn through attending racially integrated schools, without also mentioning what White students could gain through interaction with their Black peers, the Court clearly acknowledged “the value of integration in educational terms” (p. 387).

The emphasis on how White students can benefit was much more obvious in Justice Powell’s opinion in *Bakke*. In this case, Powell considered the four goals advanced by the University of California–Davis (UC–Davis) to justify its medical school’s use of two separate admissions processes. These goals included increasing the disproportionately small number of minority medical students, countering the effects of societal discrimination, striving to increase the number of physicians who might practice in communities that lack adequate medical services, and pursuing the educational benefits that flow from a racially diverse student body. Powell found constitutional support for only one of the four: UC–Davis’s broad-based interest in pursuing the educational benefits that flow from a racially diverse student body. Arguing from the basis of this “diversity rationale,” he joined with the Brennan group³ to reverse the California Supreme Court’s injunction preventing race from ever being considered in university admissions (Shoemaker, 2002).

Explaining the decision, Powell stated that the First Amendment allows a university the freedom to make its own judgments regarding education, which includes the selection of its student body. He argued that the attainment of a diverse student body broadens the range of viewpoints collectively held by students and subsequently allows a university to provide an atmosphere that improves the quality of higher education through greater speculation and experimentation. This type of atmosphere, he believed, enhances the training of the student body and better equips the institution’s graduates. Because such goals are essential to the nation’s future and are protected under the First Amendment, Justice Powell concluded that race-conscious admissions practices, when narrowly tailored, serve a compelling educational interest. Thus, even though Powell found the UC–Davis medical school’s specific admissions policy unlawful, he provided the theoretical legal basis for diversity as a compelling state interest and expanded on the educational foundation for the diversity rationale.

In 2003, the U.S. Supreme Court revisited *Bakke*’s central holding in higher education law for the first time, in *Grutter v. Bollinger* and *Gratz v. Bollinger*. Even though the Court narrowed the use of race by rejecting mechanical scoring systems that assign bonus points to underrepresented students, it also reaffirmed Powell’s claim that educational benefits flow from a diverse stu-

dent body to an institution of higher education, its students, and the public it serves. However, the four dissenting justices in *Grutter* heavily criticized Powell’s opinion and other similar claims. For example, Justice Clarence Thomas noted in his dissenting opinion that “what precisely counsel meant by ‘diverse’ is indeterminate” (p. 17). For him, diversity “is more a fashionable catchphrase than it is a useful term” (p. 6, Footnote 3). He further wrote that, at best, diversity describes an “aesthetic,” or “a certain appearance, from the shape of the desks and tables in its classrooms to the color of the students sitting in them” (p. 6, Footnote 3). Chief Justice William Rehnquist, also dissenting, argued that the university had “never offered any race-specific arguments explaining why significantly more individuals from one underrepresented minority group are needed in order to achieve ‘critical mass’ or further student body diversity” (p. 5). Justice Antonin Scalia held that the “*Grutter–Gratz* split double header” failed to set a clear constitutional holding and would inevitably invite future lawsuits.

The controversy regarding race-conscious admissions seems far from settled, despite the recent rulings and research that has empirically tested the diversity rationale.⁴ What education researchers have not addressed as forcefully are the philosophical underpinnings linked to diversity, which can uncover other related contributions and limitations.

Philosophical Origins of the Ideal of Diversity and the Diversity Rationale

Of the many criticisms levied by the four dissenting justices in *Grutter*, we are most concerned with the charge that diversity is more “fashionable” than “useful.” Critics have charged that diversity is simply an invented idea that is rootless intellectually (Schuck, 2003a; Wood, 2003). In response to these charges, we describe and analyze some prominent philosophical origins of the ideal of diversity and how those ideas lead to the diversity rationale for race-conscious policies.

In historical–philosophical documents there is no mention of the notion of the “diversity rationale.” And myriad contradictions can be found in the ways that diversity has been supported and applied by thinkers throughout history. However, we can trace the evolution of the concept of diversity itself and of diversity as a democratic ideal as far back as the ancient Greeks, and forward to John Stuart Mill and John Dewey, and to the contemporary thought of Martha Nussbaum.⁵ These theorists provide foundational historical–philosophical evidence for the diversity rationale in use today.

Aristotle’s Diversity

Current debates over social diversity and unity have their roots in ancient Greek philosophy. Aristotle examined how diversity and differences could serve to exacerbate social disharmony. Of course, he did not discuss *cultural* diversity or the rights of minorities directly; in fact, slavery was an accepted part of his society. Our examination here brings Aristotle’s ideas to bear on the contemporary issue of diversity.

Aristotle was open to the ideal of diversity, acknowledging that it could be useful for political discussion. He believed that conflict was inevitable and that multiple points of view served to make democracy stronger. For Aristotle, the state was better de-

scribed as a plurality (made of many) than a unity (made of one); he understood the polity as requiring difference rather than homogeneity (Frank, 2005). Accordingly, Aristotle believed that diversity of services and of mind were instrumental for the functioning of an ideal state. In the *Politics*, Aristotle underscored that point, praising the wisdom that could be culled from many views, as opposed to the more limited perspectives that could come from the few: “For the many, of whom each individual is but an ordinary person, when they meet together may very likely be better than the few good, if regarded not individually but collectively, just as a feast to which many contribute is better than a dinner provided out of a single purse” (2000, p. 121, 1281a–b). Sounder political judgments would be produced, and for a well-functioning democratic society, this is crucial (Aristotle, 1962, 2000). The ideas that Aristotle put forward underscore that democracy functions optimally when a diversity of interests is considered in political decision making. Saxonhouse (1992) made a cogent point: “Diversity previously had meant the need for suppression or destruction, epistemological and political. For Aristotle it means life, epistemologically and politically” (p. 232).

Mill’s Marketplace of Ideas

Like Aristotle, John Stuart Mill (1859/1974) believed in the importance of diverse perspectives. As an early proponent of diversity, broadly defined, he provided perhaps the clearest and strongest foundation for the contemporary ideal of diversity. It is Mill’s work, in particular, that shows that the ideal of diversity and the diversity rationale indeed do have a long intellectual tradition to support them. Mill’s concept of the “marketplace of ideas,” designed primarily to justify free speech, served also to underscore one of the key points he made in *On Liberty*: in social and political affairs, it is crucial to think through issues carefully and discuss opposing ideas. He had in mind religious and even class differences of opinion and perspective, rather than racial and ethnic differences, but his point nonetheless supports Powell’s use of the diversity rationale. Consider the following Millian statement:

[T]here are many truths of which the full meaning *cannot* be realized until personal experience has brought it home. But much more of the meaning even of these would have been understood, and what was understood would have been far more deeply impressed on the mind, if the man had been accustomed to hear it argued *pro* and *con* by people who did understand it. (p. 105)

This is, ultimately, a strong argument for the value of diversity in classrooms, campuses, political deliberation, and public life. For persons cannot understand opposing viewpoints fully if they are never exposed to those who hold different views.

One possible objection is that Mill supported an ideal of diversity but only within his individualist framework, which enabled him simultaneously to support diversity and condone colonialism and the “civilizing” of “backward” and illiberal societies. Nevertheless, Mill’s individualism also fostered views on diversity that were prescient in many ways. He worried that the strong emphasis on social uniformity and assimilation prevalent during the 19th century would threaten individualism (Parekh, 2000). Consequently, Mill (1859/1974) warned of “the tyranny of the majority” (p. 62) in politics, a problem the contemporary diversity rationale aims to mitigate. The diversity of ideas that Mill cham-

ioned can be linked strongly with contemporary diversity of race and culture. Critics who question the value of diversity contend that diverse races and cultures provide no guarantee of diverse ideas and opinions. That is certainly true. However, several studies have found that increasing racial diversity on college and university campuses provides a better chance of developing cross-cultural exchange and understandings than does racial homogeneity (antonio et al., 2004; Chang, 2001; Gurin, 1999). Perhaps of more relevance, race/ethnicity has been shown empirically to be a reasonable proxy for diversity of viewpoints (Chang, 2002, 2003; Chang, Seltzer, & Kim, 2005). As Mill said, “the interests of truth require a diversity of opinions” (p. 114).

Dewey’s Pluralism

Dewey’s ideas on diversity, like Mill’s, are complicated.⁶ Our examination of Dewey’s views show him, on the whole, to be a champion of diversity as a valuable educational tool. Dewey brought the discussion of diversity and pluralism squarely into the realm of educational practice. As an experimentalist, he advocated for people’s ability to reconsider and revise their beliefs and values (1916, 1938). For him, this meant that education should help provide experiences that equip students for intelligent, well-considered rethinking. Learners were to be seen as scientists or inquirers, and they could make good use of conflict or problematic encounters in order to grow (Robertson, 1992). The central point of Dewey’s (1916) idea that diversity had educational benefits was this: “[T]he intermingling in the school of youth of different races, different religions, and unlike customs creates for all a new and broader environment. Common subject matter accustoms all to a unity of outlook upon a broader horizon than is visible to the members of any group while it is isolated” (p. 21). Note that he was concerned with a *unity* of outlook, not a *uniformity* of outlook.

Dewey (1927) also highlighted the importance of communication for democracy and successful community life. One way that he sought to develop his idea of the “Great Community” was through schooling (1927). Through education, citizens would learn that they must consider their own actions as affecting the larger community and their own good as inextricably linked to the good of others (Robertson, 1992). Students would learn to feel a profound sense of responsibility for others as well as for themselves. Dewey’s “Great Community” made sense only with cultural interaction among groups of diverse citizens.

In *Democracy and Education*, Dewey (1916) argued: “Experience has to be formulated in order to be communicated. To formulate it requires getting outside of it, seeing it as another would see it, considering what points of contact it has with the life of another so that it may be got into such form that he can appreciate its meaning” (pp. 5–6). Without this communicative opportunity, individual growth, as well as democracy, suffers. Later, in *Freedom and Culture* (1939), Dewey advocated face-to-face interactions between persons to foster good, direct communication. It is this type of interaction and communication that is invoked by the contemporary idea of the educational benefits of diversity (see e.g., antonio et al., 2004; Chang, Astin, & Kim, 2004; Gurin, 1999; Orfield, 2001). Although Dewey directed his educational remarks primarily toward elementary and high schools, his points can be transferred to higher education as well. Dewey

(1938) believed that education should move beyond acquisition of academic content to include development of social attitudes conducive to participation in a democratic society. These social attitudes include “the willingness to rethink one’s own beliefs and traditions when encountering others who think and act differently, a commitment to considering the bearing on the community as a whole of one’s own actions, a belief that one’s own good cannot be separated from the good of others, the willingness to make every effort to resolve conflict through public discourse” (Robertson, 1992, p. 375). Here, as in the ideas underlying the diversity rationale, the assumption is not that people of different races and ethnicities *always* have different views, but that they often have different experiences of the world, which they then bring to bear in educational settings, which was Powell’s primary emphasis when he invoked the diversity rationale in *Bakke* (1978).

Nussbaum’s Humanity

Like Dewey, though in a contemporary context and with a broader notion of cultural diversity, Martha Nussbaum (1997) argues that diversity is crucial for the proper education of global citizens. She explains:

Many of our most pressing problems require for their intelligent, cooperative solution a dialogue that brings together people from many different national and cultural and religious backgrounds. Even those issues that seem closest to home—issues, for example, about the structure of the family, the regulation of sexuality, the future of children—need to be approached with a broad historical and cross-cultural understanding. A graduate of a U.S. university or college ought to be the sort of citizen who can become an intelligent participant in debates involving these differences, whether professionally or simply as a voter, a juror, a friend. (1997, p. 8)

Drawing on Socratic and Stoic ideas, Nussbaum (1997) defends the ideal of diversity most prominently in her book *Cultivating Humanity*. In it she articulates three primary values of a liberal education: (a) the ability to conduct critical self-examination; (b) the ability to participate as a citizen of the world; and (c) the ability to develop narrative imagination. Her focus is on how higher education curriculums can foster these three core abilities among students. She calls for a re-envisioning of the central aims of higher education and its content as well. Even though Nussbaum focuses her analyses on curriculum issues, her ideas serve to justify the diversity rationale for affirmative action and related policies.

According to Nussbaum, when certain students and their lives were excluded from campus, they were also excluded from the domain of knowledge. For a long time, the exclusions went unquestioned. It was only when people of color and other heretofore excluded groups called for inclusion that critics began to decry the mixing of political agendas with education. Nussbaum (1997), following Dewey, posited that the “new emphasis on ‘diversity’ in college and university curricula is above all a way of grappling with the altered requirements of citizenship, an attempt to produce adults who can function as citizens of a complex interlocking world” (p. 6). Nussbaum’s notion of cultural diversity is closest to the notion invoked in the contemporary diversity rationale. Nussbaum concluded: “We do not fully respect the humanity of our fellow citizens—or cultivate our own—if we do not wish to learn about them, to understand their history, to appreciate the differences between their lives and ours” (p. 295). What Nussbaum called the

“new” emphasis on the ideal of diversity has its roots in a long and distinguished tradition of philosophical thought.

The Diversity Rationale Reconsidered

Despite charges by opponents of affirmative action that the diversity rationale is intellectually rootless and should not be used to justify public policy, we find a long and rich discussion about the idea of diversity among a set of notable philosophers. Taken together, these philosophers argued that the ideal of diversity is worth wanting⁷ because it enriches a democratic society and cultivates adults who can function more effectively as citizens of a complex and connected world. Even Justice O’Connor, in her majority opinion in *Grutter*, noted that widening access to higher education through affirmative action is justified in part by a commitment to democracy. In this sense, the diversity rationale is rooted to a rich philosophical foundation in the virtues of diversity. It has a strong intellectual foundation to justify and guide education policy. At the same time, because the diversity rationale is linked to a certain philosophical foundation, applying it, alone, or even primarily, to justify policy could effectively shift the intellectual bases of that policy, for better or for worse. Of significant concern is that the reliance on the diversity rationale for race-conscious policy distracts from the larger issue of social justice (Bell, 2003).

By employing the diversity rationale, Powell shifted the justification of affirmative action in higher education from a remedial to an educational one. In his view, diversity for the sake of diversity is not a value in its own right; how diversity potentially can promote the educational development of all students is the more legitimate interest. This argument departs sharply from those of the Brennan group, who embraced race-conscious practices much more pervasively and justified them on the grounds of addressing the lingering effects of past discrimination and remedying past wrongs.⁸ Another important departure, Kirkelie (2002) notes, is that the diversity rationale is not remedial in nature and thus justifies affirmative action based in part on its benefits for all students rather than for only a limited group of students. Accordingly, Brest and Oshige (1995) submit, the end goal of an affirmative action program based on the diversity rationale is not to benefit the particular candidate admitted under the program; rather, the “candidate’s presence within the school or, subsequently, within the broader professional community is intended to benefit others” (p. 856).

The ascendancy of the diversity rationale, in this case, weakened the justification for race-conscious admissions based on corrective or distributive justice, a justification that arguably is rooted in a different intellectual foundation. However, Brest and Oshige (1995) argue that the diversity rationale cannot be decoupled from broader justice concerns, because “a particular group’s underrepresentation and its salience to a school’s educational mission may be related to the group’s subordinate status in society, which in turn may be the result of discrimination” (p. 899). While the diversity rationale may very well have interest in remedying the present effects of past discrimination, that interest appears at best to be indirect.

Some scholars have already identified the limitations associated with the concept of diversity when used for guiding the complicated process of college admissions (Olivas, 1997) and for estab-

lishing more progressive democratic outcomes (Bell, 2003; Guinier, 2003; Moses, 2002; Wise, 2005). We reconsider the diversity rationale to suggest that, although invoking the virtues of diversity to justify education policy is historically complicated as well as philosophically rich, doing so can also shift the intellectual foundation for that policy. This shift can have very serious consequences for actual program implementation and for how the policy eventually plays out in advancing civil rights and social justice. Our analyses show that the diversity rationale deserves further and deeper consideration in the legal arena and in guiding future education policy, but that consideration should be pursued with serious and careful attention to how the rationale's past applications and the circumstances surrounding them have both advanced and obstructed the core goals of the civil rights agenda.

Education researchers need to be aware of how the diversity rationale can skew the debate over race-conscious policies in a direction away from concerns about discrimination, inequality, and injustice. We advocate a more nuanced and complex understanding of the diversity rationale for race-conscious education policies. It is crucial to understand the diversity rationale, not only as one particularly viable justification for policy (as the Supreme Court highlighted) but also as an insufficient justificatory concept. At its best it is a strategic and reasonable legal and political compromise; at its worst it allows people to ignore rationales for race-conscious policies based on equality and social justice. No particular rationale is sufficient when used alone. Therefore, researchers would do well to integrate analyses of diversity with considerations of social justice. An integrated rationale would provide a more appropriate framing of issues to inform the public about race-conscious education policies, which is important in this era of ballot initiatives such as the Michigan Civil Rights Initiative. Such initiatives are likely to be the predominant way that controversial issues of race-conscious education policy are decided. It is our hope that the historical and philosophical findings presented here will serve to inform the larger public discussion about affirmative action and the diversity rationale. In addition, we hope to provide researchers with a more profound understanding of how to frame their own research results to best address the controversy regarding race-conscious admissions and to serve the aims of equality and justice.

NOTES

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¹Amicus briefs to the U.S. Supreme Court in *Grutter* and *Gratz* by both supporters (e.g., the NAACP) and opponents (e.g., the Bush administration) of the University of Michigan's affirmative action policies cited diversity as a desirable characteristic of a strong democratic state.

²Rejected twice by the medical school of the University of California at Davis, Allan Bakke sued the university, claiming that his right to equal protection under the Fourteenth Amendment had been violated in 1973 and 1974. In both of those years, applicants considered to be disadvantaged were admitted to the medical school even though their test scores and credentials were significantly lower than his (Sultan, 1982).

³Justice William J. Brennan, writing for a four-member group, found that remedying past societal discrimination was sufficiently important to

justify the use of race-conscious admissions programs and reversed the California Supreme Court's earlier decision. Justice John Paul Stevens, writing for another four-member group, determined that under Title VI, race could not be used to exclude a person from participation in a federally funded program and affirmed the California decision.

⁴In her majority opinion in *Grutter*, Justice O'Connor cited the brief from the American Educational Research Association and three recent publications. She wrote: "In addition to the expert studies and reports entered into evidence at trial, numerous studies show that student body diversity promotes learning outcomes, and better prepares students for an increasingly diverse workforce and society, and better prepares them as professionals" (p. 18).

⁵There are a variety of other prominent thinkers we could have included in this analysis of the ideal of diversity (e.g., W. E. B. Du Bois, Charles Mills, and Iris Marion Young). However, because of the strict space limitations for articles in this special issue, we were not able to examine as many thinkers as we would have liked. We intend to do so elsewhere. For this article, we chose to focus on the icons most often critiqued by critics of the diversity ideal.

⁶By invoking Dewey's ideas on diversity, we are not trying to excuse his problematic handling of real racial issues. For excellent discussions on the complexity of Dewey's relationship with race, see Margonis (2004) and Mills (1997). Here we are most concerned with Dewey's ideas on diversity as a democratic ideal.

⁷The idea of whether something is "worth wanting" is borrowed from Dennett (1984) and Howe (1997).

⁸Evidence of past and present discrimination was available for both Michigan cases; but for legal reasons, mostly strategic, the lawyers defending the university decided to base their defense primarily on the diversity rationale. Allen and Solorzano (2000, 2001) point to the perceived strategic advantage of this rationale at the expense of addressing institutional discrimination.

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