

BEYOND MAGICAL THINKING: DOING THE REAL WORK OF DIVERSIFYING OUR INSTITUTIONS

U.S. Supreme Court opinions have left some doors open for institutions to build the kinds of diverse student populations that are known to enrich the learning of all students. But simply inviting diverse students through those doors is not doing nearly enough.

BY MITCHELL J. CHANG, JUNE C. CHANG, AND MARÍA C. LEDESMA

ALMOST EXACTLY TWENTY-FIVE years after ruling on *Regents of the University of California v. Bakke* (1978), a landmark case that defined the constitutional parameter of race-conscious admissions practices in higher education, the U.S. Supreme Court ruled again on similar cases involving the University of Michigan at Ann Arbor. Unlike the *Bakke* case, which targeted the medical school of the University of California, Davis, the Michigan cases challenged the consideration of race in admitting both undergraduate (*Gratz v. Bollinger*) and graduate (law school) students (*Grutter v. Bollinger*). In June 2003, the U.S. Supreme Court narrowed the use of race by rejecting mechanical scoring systems that assign bonus points based on race or ethnicity to underrepresented students but also determined that the University of Michigan's interest in diversity is sufficiently compelling to justify the use of race or ethnicity as a plus factor

in making admissions decisions in a holistic way. In their judgment, the Supreme Court reaffirmed Justice Lewis Powell's claim in his opinion on *Bakke* that educational benefits flow from a diverse student body to an institution of higher education, its students, and the public it serves.

Now that the highest court in our nation has ruled on race-conscious admissions practices, we wondered whether Justice Powell's claim and reasoning about diversity, particularly as they relate to race and U.S. higher education, serve more than a legal purpose and can actually help guide educational practice. Much was said about racially diverse educational communities in the *Grutter* and *Gratz* deliberations, which simultaneously improved and confused understanding about the unique features of those communities. Institutions now face the challenge of applying Justice Powell's claim and reasoning about diversity to educational practice.

A sociological imagination, according to Mills, has the quality of making clear “the interplay of man and society, of biography and history, of self and world.”

Perhaps because of the vision of education implied in these decisions, Powell’s reasoning, often referred to as *the diversity rationale*, has seemed to gain widespread support among educators, particularly leaders of our nation’s most selective institutions of higher education. For example, the presidents of sixty-two major research universities affiliated with the prestigious Association of American Universities affirmed the “importance of diversity” as a “value that is central to the very concept of education” in a statement published in the April 24, 1997 *New York Times* (p. A27). Many of the more than one hundred friend of the court (amicus) briefs submitted by universities, corporations, scholarly organizations, military leaders, and others in support of the University of Michigan sang the praises of Powell’s rationale and underscored the importance of diversity. In an amicus brief submitted by the deans from ten of the nation’s top-ranking law schools, they held that Justice Powell’s celebration of diversity has become so central to contemporary society that even the U.S. government does not deny that race may be a relevant consideration in university admissions. The United States does not urge the overruling of *Bakke*, nor does the United States take the position that any consideration of race presumptively triggers the same kind of strict scrutiny as does the use of race in contracting (p. 4).

Even with such high levels of support and the recent endorsement from the Supreme Court, albeit by a narrow margin of 5–4, on *Grutter*, the diversity rationale is still highly controversial. Justice Clarence Thomas, for example, in his dissenting opinion on the *Grutter* decision, wrote that *diversity* “is more a fashionable catchphrase than it is a useful term” and at best, diversity describes an “aesthetic,” or “a certain appearance, from the shape of the desks and tables in . . . classrooms to the color of the students sitting in them” (p. 6).

Contributing to the controversy, we believe, is the fact that the diversity rationale as articulated in U.S. Supreme Court opinions is incomplete. This oft-repeated version of the benefits of diversity demotes the status of racial inequity and fails to underscore the

importance of institutional action needed to realize the benefits that are assumed to emerge from being a member of a racially diverse student body. For us, these shortcomings are not so much a legal problem as they are an educational one. In this article, we will detail this problem and explore why it matters for educators, particularly those who have responsibility for helping students develop sensitivity to and appreciation for diverse perspectives. Instead of reading court documents and amicus briefs for legal guidance, we read them for educational guidance and paid close attention to how the notion of diversity was understood and articulated.

Based on this close reading, we arrived at several conclusions. First, the diversity rationale is more than a fashionable slogan. Properly understood, it offers the beginning of a “sociological imagination” about the critical role of promoting educational diversity in a democratic society. Second, we believe the rationale, especially regarding the benefits of diversity equation, is limited by “magical thinking.” The rationale provides no guidance for campuses on assembling the appropriate means to create environments conducive to realization of the benefits of diversity or on employing the methods necessary to facilitate the educational process to achieve those benefits. Under this rationale, the benefits

Mitchell J. Chang is associate professor in the Graduate School of Education and Information Studies at the University of California, Los Angeles, and the 2004–2005 fellow of the Sudikoff Family Institute for Education and New Media.

June C. Chang is a doctoral student in the Division of Higher Education and Organizational Change at the Graduate School of Education and Information Studies at the University of California, Los Angeles. Her e-mail address is junec@ucla.edu.

María C. Ledesma is a student in social sciences and comparative education at the Graduate School of Education and Information Studies at the University of California, Los Angeles. Her e-mail address is ledesma@ucla.edu.

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will accrue as if by magic. Third, and a contributor to this magical thinking, is that the rationale is strategically decoupled from any interest in remedying the present effects of past discrimination. We have discovered, however, that focusing more attention on remediation will not only improve the internal logic of the diversity rationale but also bring campuses closer to realizing a broader sociological imagination.

A SOCIOLOGICAL IMAGINATION

ALTHOUGH Justice Lewis Powell was not the first to recognize the added value that diversity brings to educational settings, he was the first to apply the diversity rationale as a justification for defending race-conscious admissions practices. His reasoning appeared in his opinion on the *Bakke* case. Briefly stated, Powell viewed the interest in providing the educational benefits associated with a diverse student body as a permissible basis for the consideration of race in admissions practices. In defending race-conscious admissions, Powell cited *Sweezy v. New Hampshire*, arguing that the First Amendment allows an institution “four essential academic freedoms” to make its own judgments about education. These four essential freedoms include the rights to determine on academic grounds who may teach, what may be taught, how it shall be taught, and who may be enrolled in the student body. Powell further argued that the attainment of a diverse student body broadens the range of viewpoints collectively held by those students and subsequently allows an institution to provide an atmosphere that is “conducive to speculation, experiment and creation—so essential to the quality of higher education” (p. 25). This type of atmosphere, he believed, enhances the training of the student body and better equips the institution’s graduates for civic engagement. Because such goals are essential to the nation’s future and are protected under the First Amendment, Powell concluded that race-conscious admissions practices, when narrowly tailored to meet these goals, serve a compelling state interest.

Of the six Supreme Court justice opinions in *Bakke*, only Powell’s advanced an educational justification for race-conscious admissions practices; however, this diversity rationale remained uncontested by the other justices. Powell may have found support and inspiration for his argument from the amicus brief submitted jointly by Columbia, Harvard, Stanford, and the University of Pennsylvania, more commonly referred to as *the Ivy brief*. Of the fifty-eight amicus briefs that were submitted, the Ivy brief was the only one cited by Powell, and much of his language on diversity mirrors what was written in that brief.

The diversity rationale found in both Powell’s opinion and the Ivy brief possesses many of the visionary qualities of what C. Wright Mills called a “sociological imagination.” In his classic 1959 book of the same name, Mills argued that members of U.S. society have come to expect what may be termed a sociological imagination. For him, this type of imagination or intellectual approach provides “lucid summations of what is going on in the world and of what may be happening within [ourselves]” (p. 5). A sociological imagination, according to Mills, has the quality of making clear “the interplay of man and society, of biography and history, of self and world” (p. 4) and advancing the lesson that one “can know his own chances in life only by becoming aware of those of all individuals in his circumstances” (p. 5). These vital insights in turn assist in combating “contemporary uneasiness and indifference” (p. 13) and increase “involvement with public issues” (p. 5).

Both Powell’s opinion and the Ivy brief possess qualities that are central to Mills’s sociological imagination. For example, both address the interplay of self and world by offering a lucid summation about the necessity of the presence and interchange of different viewpoints for the pursuit of truth. Powell argued that learning must not occur in an “academic vacuum” (p. 26). He employed the words written in 1977 by William Bowen, then president of Princeton University, to explain that when individuals are exposed to differences in others, they are “stimulate[d] . . . to reexamine even their most deeply held assumptions about themselves and their world” (p. 45). It is in this reexamination process, according to Powell, that indifference is shed and truth and shared values are discovered. In this way, the diversity rationale advances a sociological imagination that posits that one cannot know the world or oneself unless one is exposed to new and different experiences and ideas.

Consistent with the tenets of a sociological imagination, Powell, in speaking about diversity in a student body, stressed a commitment to public issues. He found the connection between diversity and public issues particularly critical to the training of physicians, lawyers, and other civic leaders because these students not only are members of a diverse society but also will serve in such an environment. Thus, if they are to be successful in fulfilling their professional and civic responsibilities, their educational experiences and interactions should reflect that diversity. Calling on *Keyishian v. Board of Regents*, Powell explained, “The nation’s future depends upon leaders trained through wide exposure to the ideas and mores of students as diverse as this nation of many peoples” (p. 25). In Powell’s mind, not only should the student body resemble the society from which it is

drawn, but it must be intimately connected with it. In reference to the medical school, Powell wrote: “Physicians serve a heterogeneous population. . . . [A] qualified medical student with a particular background—whether it be ethnic, geographic, culturally advantaged or disadvantaged—may bring to a professional school of medicine experiences, outlooks, and ideas that enrich the training of its student body and better equip its graduates to render with understanding their vital service to humanity” (p. 26).

Through the years, the educational implications of the diversity rationale have been increasingly highlighted in social science research. Justice Sandra Day O’Connor’s majority opinion in *Grutter* offers some examples. Citing the amicus brief from the American Educational Research Association and three recent publications, O’Connor concludes, “The Law School’s claim of a compelling interest is further bolstered by its amici, who point to the educational benefits that flow from diversity. 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). Even though most of the social science evidence supports Powell’s claims, the same body of empirical research also suggests that his reasoning is incomplete. (For reviews of the research, see Sylvia Hurtado, Eric Dey, Patricia Gurin, and Gerald Gurin’s chapter in *Higher Education: Handbook of Theory and Research* and Mitchell Chang, Daria Witt, James Jones, and Kenji Hakuta’s book *Compelling Interest*.) Powell’s shortcoming in reasoning, what we call *magical thinking*, has real consequences for educational practice.

MAGICAL THINKING

M*MAGICAL THINKING* is a term often used by developmental psychologists to describe a stage in a child’s intellectual development that is characterized by a lack of realistic relationship between cause and effect. When a child exhibits magical thinking, she or he shows an intuitive grasp of logical concepts in some areas, but there is still a tendency to focus attention on only one aspect of an object while ignoring others. In addition, a child in this stage believes that what he or she wishes or expects can affect what really happens. For example, if a boy is upset with his sister and wants very much for her to leave and she then gets sick and goes to the hospital, the boy may believe that he caused his sister’s illness. From the standpoint of educational practice, Powell’s reasoning contains a large dose of magical thinking. Powell shows an intuitive

grasp of the benefits of diversity, but his diversity rationale fails to provide a realistic account of how institutions can create environments that are conducive to realization of the benefits of diversity and how they can facilitate the educational process to achieve those benefits.

If You Will It, They Will Come. Our first example of magical thinking concerns Powell’s assumption that the basic factors that make it possible for diversity to result in positive effects are ensured and do not require serious attention. This faulty assumption is largely driven by his intent to dissociate his educational justification, the diversity rationale, from a justification for race-conscious admissions practices based on remedying present effects of past discrimination. Although the University of California presented four justifications for its medical school’s use of a separate admissions process for minority students—(1) reducing the historical deficit of minorities in medical schools and in the medical profession, (2) countering the effects of societal discrimination, (3) increasing the number of physicians who practice in underserved communities, and (4) obtaining the educational benefits that flow from an ethnically diverse student body—Powell rejected all but the last argument. Because Powell recognized only an educational justification, he effectively eliminated remedial or historical reasons for instituting race-conscious admissions policies. In his discussion of diversity, he conceptualized what he termed *genuine diversity* as consisting of more than just race and including other student characteristics, such as geographic background and special talents. Powell explained, “The diversity that furthers a compelling state interest encompasses a far broader array of qualifications and characteristics of which racial or ethnic origin is but a single though important element. Petitioner’s special admission program, focused solely on ethnic diversity, would hinder rather than further attainment of genuine diversity” (p. 26).

The Ivy brief made the case for a “new definition of diversity” and “expanded the concept of diversity to include students from disadvantaged economic, racial and ethnic groups” (p. 30) in light of contemporary conditions that are linked to the historical underrepresentation of these students in higher education. In addition, however, the Ivy brief specifically pointed to the need for racial diversity, contending that institutions of higher learning are charged “to educate all students to deal with the problems of the society that we have, rather than the one we would like to have, [and thus] need the contribution of those whose lives have been different because of their race” (p. 15). Compared with the Ivy brief, Powell’s opinion did not speak as forcefully about racial inequality or discrimination. Although

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the justice drew from the Ivy brief, he departed from it in subtle but important ways.

A major problem with downgrading racial reasoning and considering racial diversity on a par with other forms of diversity is that this approach ignores the unique challenges associated with achieving each form of diversity. The barriers to obtaining some forms, such as geographic diversity, are arguably quite different from the barriers to obtaining racial diversity. Justice Ruth Ginsburg commented on the uniqueness of race, noting in her dissenting opinion in *Gratz* that “we are not far distant from an overtly discriminatory past, and the effects of centuries of law-sanctioned inequality remain painfully evident in our communities and schools” (p. 1). In *Bakke*, the brief for the petitioner, the University of California, is exacting on this point, stating that students of color have been subject to “inferior education, denial of economic opportunity, cultural isolation and the deadening effect of the absence of visible evidence of opportunities for advancement through the channels open to the dominant whites” (p. 9).

The move from a remedial justification toward an educational one, which in effect demotes race as a rationale for having race-conscious policies, also discounts what selective campuses actually do to get adequate numbers of underrepresented students to qualify for, apply to, or eventually enroll in their respective institutions. Those campuses often employ multiple methods, including but not limited to outreach, minority scholarships, and articulation agreements. To the extent that these efforts address the persistent racial inequities that exist in K–12 education, they can be considered remedial. By assuming that institutions are passive recipients of the types of student body they desire and that students have unlimited choices in higher education because the playing field is level, the justices submit to magical thinking in their understanding of how selective campuses actually enroll a racially diverse student body.

When They Come, They Will Benefit. Moving beyond admissions, magical thinking is observed in the

court’s opinions about how campuses facilitate the benefits of diversity once the composition of the student body is obtained. Powell’s description of this process is brief, and his language is tentative and ambiguous. Borrowing from the Harvard Admission Plan, Powell posits, “There is *some relationship* between numbers [of minority students on campus] and achieving the benefits to be derived from a diverse student body, and between numbers and providing a reasonable environment for those students admitted” (p. 31, italics added). In a later footnote, Powell cited William Bowen and reasoned that “unplanned, casual encounters” within a diverse student body can lead to “improved understanding and personal growth” (p. 45). While Powell acknowledged the power of informal learning and casual contact, he did not further explain how to achieve those benefits. Instead, he seemed to suggest that the process exists only at an unplanned, casual level. In other words, the educational benefits of diversity seem to him to just magically and organically occur if the right ingredients and environment are present. Institutional commitment and intervention are completely unaccounted for in Powell’s comments.

Not only did Powell fail to provide a deeper understanding of how educational benefits are achieved through diversity, but he seemed mystified by the process. Citing Bowen again, Powell felt that “it is hard to know how, and when and even if, this informal ‘learning through diversity’ actually occurs” (p. 45). This statement is particularly troublesome because his apparent lack of confidence in the processes related to diversity weakens his justification for race-conscious admissions practices. Perhaps Powell would have been less skeptical had he moved beyond magical thinking to explore how campuses can realistically intervene to improve the chances that their students will learn through diversity.

In comparison, the court that decided the Michigan cases appeared much more confident about the benefits that flow from a diverse student body. For example, in the *Grutter* majority opinion, Justice

O'Connor claims, "These benefits are not theoretical but *real*, as major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints" (p. 18; emphasis added). The court appeared to be moved by those who stepped forward to testify in favor of diversity, including representatives of hundreds of the nation's most prestigious Fortune 500 corporations, high-ranking retired military personnel, scholarly organizations, educators, and others. Even the solicitor general of the United States, who filed amicus briefs in support of petitioners Barbara Grutter and Jennifer Gratz, acknowledged the value of diversity.

Despite their confidence in diversity, this court also did not move beyond magical thinking when it came to explaining the process of achieving benefits through diversity. Instead, the court's majority in *Grutter* left it to colleges and universities to figure this out for themselves. Invoking the principles of academic freedom, Justice O'Connor's majority opinion in *Grutter* states, "We have long recognized that, given the important purpose of public education and the expansive freedoms of speech and thought associated with the university environment, universities occupy a special niche in our constitutional tradition" (p. 16). Yet by failing to be more specific about an institution's role in the benefits equation, the justices left the diversity rationale much more vulnerable to attack. Justice Clarence Thomas seemed to recognize this magical thinking about diversity when he remarked in his dissenting opinion in *Grutter* that, "attaining 'diversity,' whatever it means, is the mechanism by which the Law School obtains educational benefits, not an end of itself. The Law School, however, apparently believes that only a racially mixed student body can lead to the educational benefits it seeks. How, then, is the Law School's interest in these allegedly unique educational 'benefits' *not* simply the forbidden interest in 'racial balancing,' *ante*,

at 17, that the majority expressly rejects?" (p. 7; emphasis in original).

REMEDIAL INTERESTS

HOW DID THE DIVERSITY RATIONALE based on such a promising sociological imagination fall victim to magical thinking? One basic factor contributing in large part to this shortcoming is related to how Powell originally crafted the diversity rationale to justify the application of affirmative action in college admissions. Scott Palmer contends that Powell ultimately believed that race-sensitive admissions practices should be forward-looking tools that serve a nonremedial interest of providing a broader educational environment for future students as opposed to the remedial interest of overcoming the present effects of past discrimination. Further, Palmer argues, Powell did not view diversity for the sake of diversity as a value in its own right but saw the potential of diversity to promote the educational development of *all* students as the more legitimate interest. This view departs sharply from Justice William Brennan's opinion regarding *Bakke*, which was supported by four other members of the court and concluded that remedying past societal discrimination was "sufficiently important to justify the use of race-conscious admissions programs" (p. 65). In short, because the diversity rationale as conceived by Powell and reaffirmed by O'Connor in *Grutter* is not remedial in nature, Steven Kirkelie contends that it considers invalid remedial programs intended to benefit only a limited group of students such as racial minorities and justifies affirmative action based mostly on its future benefits for all students.

More optimistically, others read Justice Powell's opinion as leaving open the possibility for asserting remedial interests, this time to prevent future discrimination. Paul Brest and Miranda Oshige, for example, see in the *Bakke* opinion Powell's underlying concerns

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about corrective or distributive justice. According to them, Powell's worldview is that diversity serves a forward-looking educational purpose, one that offers the potential for special opportunities to explore the nature, boundaries, and permeability of different cultures. According to these authors, the importance of these opportunities, implicit in Powell's argument, is that they can thwart discrimination and oppression by challenging negative stereotypes, misconceptions, and prejudices held by students. Although Powell may not have explicitly acknowledged this kind of remedial interest as linked to the diversity rationale, Brest and Oshige contend that a reasonable elaboration suggests that even Powell's reasoning does not altogether discount all remedial interests.

While Powell may have had a solid intuitive grasp of the benefits of diversity and may even have taken remedial interests into account, his reasoning still includes a large dose of magical thinking, especially when it comes to explaining how a community composed of individuals from diverse backgrounds adds value to students' learning and educational experiences. The court that considered the Michigan cases did not fully explore the benefits process, but Justice O'Connor substantiated the claim and acknowledged that there is generally broad support for diversity in colleges and universities. Perhaps O'Connor did not feel obligated to move beyond magical thinking and offer more educational guidance by specifying how institutions might actually realize the benefits associated with diversity. The court, after all, viewed race-conscious practices fundamentally as a First Amendment issue and, perhaps appropriately, left to educators the responsibility of deciding both what is important for the mission of education and how to achieve that mission. If that is really the case, then educators do indeed play a pivotal role, and one that is recognized legally, in deciding the fate of diversity on campus and must overcome any magical thinking of their own.

NEXT STEPS

SOWHAT CAN EDUCATORS DO to advance the discourse of diversity beyond magical thinking? They can begin by making sure that regular exaltations of diversity and its related benefits in higher education include a serious commitment to carrying out the hard work of achieving those benefits. Those who have translated the rhetorical praise to practice know well that diversity is fundamentally about action, which often consists of remedially oriented efforts that are time-consuming and difficult. This work or action toward diversification takes into consideration various

levels and dimensions of the campus's racial climate and the institution's context in order to shape student learning outcomes.

It turns out that remedying the present effects of past racial discrimination is necessary to create environments conducive to realization of the benefits of diversity and to facilitate the educational process to achieve those benefits. For example, in addition to admitting underrepresented students, more selective campuses often have to actively recruit them, provide them with financial support, and compensate for inequities in their K-12 education just to yield a sufficient number of underrepresented students to admit. Likewise, in order to facilitate the educational process needed to achieve the benefits associated with a racially diverse student body, all campuses, including those with open enrollment, must be intentional in finding ways to engage underrepresented students both academically and socially, as well as to provide more opportunities for all students to interact freely, wisely, and responsibly with one another in formal and informal settings. Establishing a campus culture that facilitates this student engagement and interaction typically begins with interventions, supported by top-level administrators, that effectively address the vestiges of racism.

Failure to intervene at this basic remedial level not only reduces the chances of realizing the benefits associated with a racially diverse student population but also can fuel racial alienation, antipathy, higher rates of departure, and students' dissatisfaction with their overall college experience. This point was underscored in an overlooked brief from student intervenors who charged that the University of Michigan failed to take into account legacies of racial discrimination as reflected in histories of segregated schooling, inequitable admissions requirements, and negative and hostile campus climates for historically underrepresented students. The student intervenors argued that the university failed to intercede in ways that provided underrepresented students with appropriate institutional support and conditions that fostered their intellectual and social development.

Because the diversity rationale endorsed by the U.S. Supreme Court tends to be decoupled from remedial interests, which has the effect of demoting race as a signifier of inequity, the court ends up relying on magical thinking to describe key elements of the benefits equation. As a result, the rationale fails to achieve what Mills believed to be a critical element of the sociological imagination—namely, making a proper connection between larger structural issues and daily individual problems and capturing a more intimate account of the intersection of biography and history. In this case, the court's inability to specify in their diversity rationale the

relationship between larger structural discrimination and individual perspectives or between our nation's racial history and potential students' personal experiences renders inadequate this sociological imagination.

To strengthen both the internal logic and the educational efficacy of the diversity rationale, our discourse as educators must acknowledge more centrally the fact that a campus's capacity to remedy the present effects of past discrimination is instrumental in maximizing the educational benefits associated with a racially diverse student body. Moreover, by coupling the diversity rationale with remedial interests, one of the key benefits of being educated in a racially diverse setting, which is arguably also remedial in nature, can be realized—that is, increasing the chances that students will continue to disrupt the cycle of discrimination long after they have earned their degree.

CONCLUSION

ACCORDING TO O'CONNOR, the court will expect colleges and universities to generate much stronger proof in the next twenty-three years concerning whether and how diversity actually improves students' learning and experiences. There will likely be an absence of such evidence unless the hard work of diversification becomes the centerpiece of the educational discourse about the benefits of diversity. When we put the court-conceived reasoning about diversity alongside what we already know empirically, especially about student development, it appears that this rationale cannot be decoupled from remedial efforts if added educational benefits are desired. Decoupling the two may be an effective compromise to overcome a deeply divided court, as was the case in *Bakke*, but the decoupling leaves education practitioners with nothing more than a fashionable slogan, as Justice Thomas charged.

If educators truly believe in the educational potential of racial diversity and are accountable for realizing its added value, they will need to work at diversification

by intervening strategically to dismantle what Frank Hale calls a “network of values, policies, practices, traditions, resources, and sentiments” (p. 11) that manifests the present effects of past discrimination. Making the work of diversification a more central part of the diversity rationale in the high-stakes debate about educational opportunity not only reduces magical thinking by strengthening the argument's internal logic but also has the potential of bringing campuses closer to realizing a unique sociological imagination.

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