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Peter H. Schuck

Yale Law School

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THE PERCEIVED VALUES OF DIVERSITY, THEN AND NOW

Peter H. Schuck*

INTRODUCTION

The dismal trail of hostility, fear, violence, and social upheaval aroused by ethnic, religious, racial, and other diversities is a very long one. The trail leads from today’s Sri Lanka, Rwanda, the Balkans, the Mideast, and many other dangerous neighborhoods back to the earliest human communities at the dawn of recorded history. Countless blood-soaked battle monuments and endless graveyards mark the path. In this otherwise dark history, of course, one can also find instances of what we now view as humane enlightenment. Moreover, because historians’ attention, like ours, is naturally drawn more to the drama of militant conflict than to the dullness of amiable concord, such instances are probably more common than we who have lived in the most murderous of all centuries can imagine.

Many different peoples, cultures, and religious groups have dwelt peaceably near one another time out of mind, each absorbing and at the same time transforming aspects of the other’s culture. Indeed, the most dynamic and durable civilizations in the modern world, including the United States, are mongrel cultures that borrow from, hybridize, and transform those of other societies. In most cases, successful cultural syncretism of this kind has followed in the wake of commercial relationships, which often flourish at the points where ethnic enclaves converge. In this sense, traders are the vanguard of a civilization; they penetrate the unknown culture, perform valuable reconnaissance there, excite curiosities and demands in both societies, and act as middlemen in

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* Simeon E. Baldwin Professor of Law, Yale University. This is an expanded version of the Uri and Caroline Bauer Memorial Lecture at the Benjamin N. Cardozo School of Law, Yeshiva University, on January 25, 2001. It will eventually appear in a further expanded, fully footnoted version as a chapter in a book in progress, tentatively entitled Diversity in America: Law’s Uneasy Role. Citations appear here only for direct quotations and mention of specific works or authors. The author wishes to express his gratitude to the Bauer family for establishing this lecture series and to the Cardozo Law Review for cosponsoring my lecture.
many different ways. In the short run, this engagement may engender intercultural conflict; in the long run, however, commerce tends to foster an appreciation of interdependence and a desire for material gain through exchange. These values encourage peaceful relations, a live-and-let-live tolerance, a longer-term perspective, and a respect for (the profitability of) differences.

But even after due recognition of these many instances of mutual gains from economic and cultural trade, toleration of differences, and social cross-fertilization, the fact remains that history provides few if any examples of societies that value diversity as a positive ideal to be celebrated and actively and collectively pursued, rather than as a potentially dangerous condition that threatens social turmoil and hence must be carefully controlled. Indeed, the principle that seems to have guided most societies in all other eras time out of mind is that diversity means serious trouble and that (trading relations aside) diversity must be assiduously managed, much as one would manage a wild animal in captivity. If necessary, it should be violently repressed; if possible, eliminated. To this nearly universal pattern, contemporary America is the great exception.

To rigorously substantiate this claim about traditional hostility toward diversity would be an impossible task considering the vast number of societies today (the United Nations now has twice as many members as it did in 1945), the many millennia in which communal life has existed (paleontology keeps pushing back in time the dawn of the earliest human societies), and the elusiveness of reliable evidence about values and behavior during most of this period. In order to render the task manageable, I must limit myself to the briefest sketch of how diversity has been viewed in the dominant Western tradition going back to biblical times. A more substantive limitation confines the scope of this survey to views about diversity as a discrete abstract good or goal (what I am calling diversity-as-ideal). Needless to say, I do not review the countless conflicts through the ages over the treatment of groups that power holders thought of as problematically different (in my terms, diversity-as-fact). I mention these specific conflicts only when, as in the case of the religious wars of the sixteenth and seventeenth centuries, they prompted more abstract speculation about the nature and value of diversity-as-ideal.

These examples, however, are remarkably few. Until publication of Charles Darwin's theories of biological speciation and competition and John Stuart Mill's broad vindication of religious and political liberty in the mid-nineteenth century, one
finds little discussion of diversity-as-ideal. With a few visionary exceptions, it is not until the 1960s, and then largely in the United States, that one finds ethnic and cultural diversity widely hailed as a good in itself that society should try to actively promote rather than a social evil that should be feared as a dangerous, divisive condition that expedient nation builders must somehow domesticate and bridle. Part I of this Article briefly reviews the historical evidence.

Even today, this affirmative embrace by large segments of society of the most politically controversial forms of diversity—ethnic, religious, cultural, and even economic—remains largely a North American phenomenon. As a way to understand the variety of normative stances that one might take toward diversity, Part II of this Article considers how people who subscribe to a number of different social-political theories would value it.

I. A BRIEF HISTORY OF THE IDEAL OF DIVERSITY

The ancient world evidently did not value diversity-as-ideal. For aught that appears, this notion was either not considered or, as in the case of Platonic philosophy, was regarded as a metaphysical absurdity and a moral abomination. Although theologians and Old Testament scholars disagree about precisely what Israel's "chosenness" meant to God and to the Israelites, it entailed, at the very least, a vast and complex ensemble of distinctive religioethnic beliefs and practices. More to the point, the God of the Old Testament ordained that this comprehensive body of Jewish belief and practice would be, and forever remain, unique. Jews' singular role in history was revealed as a matter of responsibility, not of pride, and this special responsibility, God charged, must never yield to the repressions (and worse) that awaited them. The fact that the Scriptures imposed no duty to seek converts to the Jewish way of life hardly bespoke any notion of diversity-as-ideal. Quite the contrary, the Old Testament contains many dramatic instances of divine intolerance for, and indeed destruction of, other peoples committed to different values. And for every Noah parable about the rich fecundity and diversity of God's creations, there is a Tower of Babel story about the incoherence, even unintelligibility, of human creatures to one another. The prophetic telos of the Messianic era, to be sure,

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1 For modern discussions of "chosenness," see, for example, K. Kohler, Jewish Theology, Systematically and Historically Considered (1918); W. Gunther Plaut, The Case for the Chosen People (1965); H.H. Rowley, The Biblical Doctrine of Election (1950).

would culminate in universal peace and harmony, but this transcendent vision—like countless utopian visions ever since—sought an eradication of conflict and difference, not an embrace of diversity-as-ideal.

The world of the New Testament is, if anything, even less celebratory of diversity-as-ideal. Jesus, of course, is the reification of tolerance, extending divine grace to criminals, prostitutes, doubters, nonbelievers, traitors, persecutors, and the dispossessed alike. But the Gospels also enjoin Jesus' followers to proselytize by spreading the Word, converting the unenlightened, and inducting them into the universal Church. Although Jesus and his disciples were subjected to violent persecutions, the Church that the Roman emperor Constantine established after his conversion in 325 A.D. initiated a tradition and justification of persecuting heterodox Christians and others that continued, with the enthusiastic and often violent assistance of its secular allies, well into the modern era.

Both the Greek and Roman cultures were highly chauvinistic and often xenophobic despite, or perhaps because of, the multiplicity of cultures over which they presided at the height of their imperial power. Both exalted their own accomplishments as evidence of a cultural and moral superiority to the "barbarians" (as they came to be called) that justified a cultural hegemony in addition to their political, military, and economic domination. In neither case, however, was this classical sense of superiority to the barbarians conceived of in racial terms. "[E]ven at the most arrogant period of their ascendancy," one historian observes, "the criterion of color had little place in their system." It coexisted, moreover, with a respect for certain aspects of some of the foreign cultures with which Greece and Rome frequently came into contact, some of which they ruled, and from which they often borrowed much.

Indeed, the ancients' apparent lack of widespread race- or color-consciousness, much less of a theory of inherent biological superiority, is most striking to the modern reader who is all too familiar with the recent history of racism and who imagines that this history is a linearly progressive one. Like much else in ancient history, the precise relationship between Greeks and Romans, on the one hand, and black Africans, on the other, remains unclear to classical historians. But many of them agree that the ancients probably did not harbor racial prejudice, at least as we understand that term. Greeks and Romans did not treat Ethiopians, the most

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prominent Blacks in the ancient world, conspicuously differently from other subject peoples. Indeed, one historian shows that Greeks like the poet Homer and the historian Herodotus and Romans like the historians Diodorus, Pliny, and Lucian even praised the Ethiopians, hailing their religiosity, wisdom, personal beauty, virtue, and intelligence. Ancient slavery, moreover, was not tied to race—most slaves were enslaved as war booty—so Blacks were not stigmatized as particularly or inherently slavish.

It is harder, of course, to know how the anonymous mass of common people viewed such differences. Classicist Paul Cartledge, for example, emphasizes the changes in Greek thought that came in the wake of the Persian War in the fifth century B.C., when the term “barbarian” came into widespread use, Aristotle wrote and taught of the natural servility of barbarians, restrictions on the political rights of foreigners were imposed, and politicians encouraged xenophobia in their followers.

The ostensible absence of race prejudice, the acceptance of miscegenation and racially mixed marriages, and the evident respect for aspects of foreign cultures, at least among the articulate elites, do not necessarily signify that a notion of diversity-as-ideal existed in the ancient world. In fact, classicists like Edith Hall who study the rich cross-fertilization between Greece and other civilizations, especially in the Hellenistic era, do not suggest that the Greeks idealized the notion of difference in this way, much less that they celebrated it for its own sake. Rather, they underscore the Greeks’ profound ethnocentrism, exemplified in the characterizations in high Greek tragedies as well as in many other cultural forms. Even a classicist like Arnaldo Momigliano, who emphasizes the Hellenists’ remarkable openness to foreign ideas, particularly in the religious realm, does not claim that this denoted a respect for diversity-as-ideal. Still less does he suggest that they exhibited a desire for more ethnic diversity.

The best evidence of European attitudes toward diversity-as-ideal before their discovery of the New World and their exploration of Africa lies in the realm of Jewish ethnicity, not skin color. In the medieval period, as one historian puts it, “color is still, as in the ancient world, the effect of environment, not a matter for reproach.” Anti-Semitism on the part of the Church

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5 See Edith Hall, Inventing the Barbarian: Greek Self-Definition Through Tragedy (1989).
7 Sekyi, supra note 3, at 8-9.
and European sovereigns, however, can be traced at least back to some commercial and religious developments in the eleventh century. The expansion of production and markets brought previously dominant Jewish merchants into direct competition with Christian ones, who squeezed Jews out of commerce, forced them into the much despised business of money lending, and aroused widespread hostility on the part of their borrowers. The consolidation of religious power in Rome coincided with increased popular and elite antagonism and violence toward Jews, leading to their exclusion from, and ghettoization in, many communities. Many massacres of European Jews were perpetrated during the Crusades, and the political and economic power held by feudal lords left the fate of Jewish communities in their hands.

This was also a period in which Christian scholars published "disputations," dialogues in which Christian protagonists forcefully disparaged the Jewish tradition, as well as other kinds of denunciations of Jews as a group. During the twelfth and thirteenth centuries, a growing centralization of power in the embryonic states of Europe—centralization that had favored Jews in the time of Charlemagne and the early Holy Roman Empire—worked to their great detriment as Jews were subjected to arbitrary arrests, demands for enormous ransoms, expulsions, expropriations, violence, isolation, and other forms of persecution.

Islam, which came to dominate much of the world from Spain to parts of south Asia during the Middle Ages, was usually more tolerant of Jews; Muslims consider Jews, along with Muslims and Christians, to be "people of the Book." Under the seventh-century Pact of Umar, Jews were permitted to live in relative peace under Muslim rule. Historians find little evidence that Muslims harbored much color prejudice. They esteemed Sudanese Blacks highly, enslaved only those, black or otherwise, who would not submit to Islam, and viewed negritude as a product of environment, not a sign of inferiority. "[T]he Arab," a student of color prejudice writes, "was no less ethnocentric than any other, but his ethnocentrism was as color-blind as that of the ancient Greek or Roman, just like his version of slavery."9

The immense carnage, social upheavals, and political repressions caused by the religious wars of the sixteenth and seventeenth centuries prompted some fundamental rethinking of the nature and treatment of political and religious diversity in society. The Reformation, Counter-Reformation, and intra-

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9 Sekyi, supra note 3, at 38.
Protestant sectarian persecutions unleashed violent and costly struggles throughout Europe. Campaigns of forced conversion and suppression of dissent conducted by states and their established churches produced much death, destruction, and eventually out-migration to the New World, but these campaigns seldom succeeded in eliminating heterodoxy; sometimes, they even strengthened it. These incendiary conditions vastly increased the stakes in enabling diverse groups with disparate beliefs to reach *modus vivendi*. Achieving some level of toleration became imperative.

Among the first to articulate the need for at least a limited degree of toleration was John Milton. In his famous *Areopagitica*, published in 1644, he made what may be the first extended justification in writing of the need to tolerate religious and political diversity. Like most of those who would defend toleration thereafter, Milton did not argue for it on the ground, which was wholly alien to his time, that diversity, like wealth, beauty, or happiness, was a social good in and of itself and one that we should seek to enhance or multiply. For him, toleration was rather an instrumental practice. Its value was that it would increase the acceptance of the true religion. “The knowledge and survey of vice,” he wrote, “is in this world so necessary to the constituting of human virtue, and the scanning of error to the confirmation of truth.”¹¹ Censorship, which was *Areopagitica*’s immediate target, would impede potential believers in their journey toward the revealed truth. The closest that Milton came to the notion of diversity-as-ideal was his belief that censorship would impoverish the human spirit and society’s capacity for moral growth.¹²

A half-century later, Milton’s countryman John Locke also published a famous defense of religious dissenters, but one limited to those within the larger Christian community of faith. In his *Letter on Toleration*, Locke argued that authentic religious identification and belief, not the outward forms of worship, was essential to genuine Christian morality. “A man cannot be forced to be saved,” Locke wrote.¹³ “In the end he must be left to himself and his own conscience.”¹⁴ It followed, then, that “[t]he toleration of those who hold different opinions on matters of religion is so

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¹¹ Id. at 15.
¹² See id. at 37.
¹⁴ Id. at 101.
agreeable to the Gospel and to reason." For our purposes, what is most interesting about Locke's position is how narrow and instrumental his ideal of acceptable diversity was. It applied only to religious diversity and indeed only to diversity within a single religion, and he justified it not as good in itself but rather as a necessary concession to the recalcitrant spirit. This is a far cry from an endorsement of diversity as an affirmative value.

In order to find some more substantial glimmerings of the idea of diversity-as-ideal, we must look not to the British philosophical tradition—at least until John Stuart Mill in the mid-nineteenth century—but to the Continent, especially France. There, discussions of diversity proceeded from a number of different perspectives, almost all of them engaging with issues of diversity-as-fact and considering diversity quite narrowly and, by modern standards, intolerantly. Many French theorists, for example, took an explicitly ethnocentric view of diversity in matters of religion and culture. Blaise Pascal is typical of those who in solipsistic fashion ascribed universal validity to his own Christian and nationalistic (i.e., French) values. Others, like Joseph-Marie de Gerando and Jean de La Bruyère, did not so much reject universalism as criticize the crude stereotyping of other groups that underlay such thinking. Jean-Jacques Rousseau went even further in rejecting ethnocentrism while clinging to the notion of values and proclivities that transcend contingent features of identity: "[A]fter noting the differences," he explained, "one must return to the universal idea of man." Rousseau, then, offers a universalist justification for tolerance, not for diversity-as-ideal.

Other French thinkers discussed diversity more explicitly, but in baldly hegemonic terms. Gustave Le Bon, for example, acknowledged the substantial differences among cultures, races, sexes, and classes but clearly distinguished between what he viewed as superior and inferior ones, condemning French colonialism because it promoted assimilation of degraded populations. In the same way, Georges-Louis Buffon, and later Joseph-Artur Gobineau, while arguing that humans were naturally similar, maintained that their subsequent development created markedly superior and inferior groups and civilizations.

Some thinkers, however, viewed diversity more favorably, and a few of them came close to articulating, and even advocating, a

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15 Id. at 65.

16 This paragraph and the three that follow borrow heavily from Tzvetan Todorov. See TZVETAN TODOROV, ON HUMAN DIVERSITY: NATIONALISM, RACISM, AND EXOTICISM IN FRENCH THOUGHT (Catherine Porter trans., Harvard Univ. Press 1993) (1989).

17 Id. at 10-11.
notion similar to diversity-as-ideal. One group, exemplified by Victor Segalen, embraced diversity for its exoticism and esthetic possibilities. To these exoticists, diversity was valuable because it arouses new sensations and experiences in the cultural novice, delighting him with its uniqueness and authenticity. Another group, represented first by Montaigne and Montesquieu and later by Alexis de Tocqueville and, in Britain, John Stuart Mill, viewed diversity as a spur to the learning, knowledge, and adaptation essential to the progress of any civilization.

Montaigne advanced a then-radical form of relativism and toleration, endorsing religious pluralism and indeed diversity in all things while rejecting the idea that some moral or political systems are more natural, and hence better, than others. "I know of no better school... for forming one's life," he wrote, "than to set before it constantly the diversity of so many other lives, ideas, and customs, and to make it taste such a perpetual variety of forms of nature." Montesquieu, for his part, not only thought diversity was socially useful—as close to a conception and valuation of diversity-as-ideal as one can find until much later in the United States—but also maintained that it could be the subject of systematic study, a conviction that he demonstrated in his 1748 masterpiece, The Spirit of the Laws.

Tocqueville, a more ethnocentric and even chauvinistic figure than Montaigne or Montesquieu, nevertheless admired the social role of diversity, especially political and class diversity, in advancing liberty and averting the tyranny of majorities. Astonished and stimulated by the profuse social diversity that he observed in Jacksonian America, Tocqueville feared that the absence of an aristocratic class in America that was committed to distinctive, honor-driven values, coupled with the society's egalitarianism, the force of mass opinion, and the legacy of slavery, would undermine the project of democratic self-government and ultimately liberal freedom itself. His admiration for the diversity he observed in America was thus decidedly mixed.

America's founding generation endorsed a level of religious and political toleration that was remarkable for its time, even recognizing the important but ephemeral exception of the Alien and Sedition Acts. But their most articulate expositors betrayed no commitment to any transcendant ideal of diversity-as-ideal. Much like Locke, who influenced him greatly, Thomas Jefferson favored a mild, tolerant, and rationalistic brand of religion that

historians call Deism. He also went beyond Locke by abandoning all doctrines at odds with his scientific convictions, denying the authority of Christ and scripture, extending toleration to all religious dissenters, including Catholics and atheists, and opposing all government financial support for religion as tyrannical and an establishment by the federal government. But these views should not be mistaken for an affirmative endorsement of religious diversity. Quite the contrary, Jefferson was contemptuous of many Christian doctrines and sects and viewed Jewish theology as “degrading and injurious.”

His disdain for racial diversity is even clearer notwithstanding his famously inconsistent avowals concerning the slavery question. Jefferson insisted that Blacks were vastly inferior and that Indians, for whose culture and institutions he had greater respect, would best assimilate with Whites. He would have viewed any notion that racial diversity as such was a social good as both absurd and vicious.

Unlike his mentor Jefferson, James Madison was a devout Christian who deeply respected others’ religious convictions and practices and viewed religious conviction as a social and political virtue. Like Jefferson, Madison believed strongly in protecting freedom of conscience and worship but never got beyond the principle of religious toleration to embrace any ideal of religious diversity as such. In contrast, Madison was more consistently and publicly antislavery than Jefferson was, though historians disagree about just how thoroughgoing his opposition was. But Madison wrote nothing suggesting any belief in the social value of racial diversity as such. (He did, however, have more complicated views about the role of diverse interests in political life, views that I discuss below.)

In truth, America’s embrace of diversity-as-ideal, as a proclaimed social goal, is a quite recent infatuation. Until the 1960s, the history of American race relations was stained by almost unrelenting hostility to and discrimination against Blacks, Browns, Native-Americans, and those immigrants (including many that the then-conventional racial wisdom counted as Caucasians, albeit inferior types) who did not conform to the dominant British/northern European archetype. By no means confined to the southern states, racist currents ran deep in many northern communities as well. This was demonstrated by the many restrictions on the liberties of even free Blacks well into the twentieth century and by the persistent violence against them.

The persecution of religious minorities, like that of racial

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minorities, was also widespread from the earliest settlements in colonial America well into the middle of the twentieth century. This intolerance extended far beyond the harsh treatment of Jews and other non-Christians; targets also included Catholics and to a much lesser extent some evangelical Protestants. Indeed, before the Revolutionary War, every colony enacted anti-Catholic laws restricting certain religious practices, public and private activities, and some other rights attached to common citizenship. Most of the American states established tax-supported churches; the last of these was disestablished only in the 1830s. As recently as 1960, John F. Kennedy’s Catholicism was a much discussed issue in his presidential campaign, though not a decisive one in the end.

Political dissenters were firmly suppressed even more than religious minorities were. Concerns about “fifth column” treason (a thread of both anti-Catholicism and anti-Semitism) led certain colonies to expel some minority groups. The Alien and Sedition Acts in the late 1790s, unconstitutional by today’s standards, were enacted to stifle the emerging Jeffersonian movement. Laws were targeted at various radical movements in the antebellum years, and labor activists (many of them immigrants and thus easy targets) were violently attacked in the postbellum period. Suspected radicals were prosecuted during and after both world wars, as were civil rights workers well into the 1960s. Only in 1964 were strong legal remedies for unequal treatment of racial and religious minorities adopted at the federal level; discrimination against the disabled in federally supported programs was banned only in 1991. Even today, few jurisdictions have enacted laws protecting homosexuals against bias.

From colonial times, of course, countless visitors and observers commented on America’s unusual demography, and many of them went on to praise it in rhetoric, humor, story, song, and other cultural forms. Walt Whitman was perhaps the most lyrical of these ardent celebrants of diversity. Like the French visitor Crevecoeur almost a century earlier, Ralph Waldo Emerson wrote admiringly of a new amalgamated, vigorous race of Americans, and Herman Melville depicted the United States as a universal nation almost a century and a half before demographer Ben Wattenberg did.²¹

Whitman’s poetry depicted diversity, somewhat paradoxically, as an encompassing, universal bond among men and women,

arising from an encounter between their irreducible uniqueness and differences and their natural human sympathy based on a transcendent commonality.\textsuperscript{22} Several decades later, cultural pluralist writers also romanticized American diversity, elevating it to the level of national myth and inspiring a generation of liberals who were searching for a new modernist, nonracist political identity.

Friends of the diversity ideal, however, were decidedly the exceptions. From colonial times until the post-World War II era, American attitudes toward non-Protestant, non-English-speaking immigrants, Blacks, and Native-Americans were dominated by rabid intolerance, recurrent violence, and insistent demands either for cultural extermination, isolation, or assimilation. Indeed, through almost all of this period, even the white, Christian, English-speaking Irish immigrants suffered pervasive discrimination of a kind almost unimaginable (and almost certainly illegal) today. Only with the enormous flood of immigrants during the four decades between the 1880s and the 1920s, most of whom came from relatively impoverished areas of southern and eastern Europe, did ethnic diversity—as a socially desirable condition, not just a demographic fact—become the subject of sustained debate among American public intellectuals.

More important for our purposes, even diversity’s friends defined its scope and character quite differently than many of us do today. Whitman, for example, evidently favored social diversity only by excluding non-Whites from its scope. David Hollinger notes that some later cultural pluralists like Randolph Bourne and Horace Kallen “considered themselves radical for appreciating the cultural contributions of Jews, Irish Catholics, and various Slavic and Mediterranean peoples, yet were slow to conceive of the possibility that pluralism might provide legitimacy to peoples known today as African American, Asian American, indigenous, and Latino.”\textsuperscript{23} The diversity they valued extended beyond the white race—which, as we have seen, was then more narrowly defined than it is today—but they conceived of it almost entirely as a matter of autonomous group activity undertaken in a private sphere and little affected by a laissez-faire state whose main role, insofar as group life was concerned, was to avoid impinging on that autonomy. Indeed, they wrote during and after World War I, when governments—abetted by nativist, xenophobic, and reactionary sentiments in the public—were busily

\textsuperscript{22} For examples of Whitman’s lyricism about diversity, see Anthony T. Kronman, \textit{Is Poetry Undemocratic?}, 16 GA. ST. U. L. REV. 311, 327-33 (1999).

\textsuperscript{23} HOLLINGER, supra note 21, at 90.
harassing, persecuting, and prosecuting groups (some of them ethnically identified) suspected of disloyalty, especially German immigrants like Kallen. Not surprisingly, they regarded state intrusion into group life as a threat to diversity. The state’s legitimate role, in their view, was to secure democratic citizens, not to influence group life. Not anticipating the creation of the New Deal administrative state a decade or more later, they never entertained the possibility that group diversity would become an affirmative government policy in which law would play regulatory, prescriptive, and promotional roles. Had they done so, they probably would have recoiled; recent history justified their fear that state intervention was a mortal threat to their project of preserving authentic group differences.

If the Whitmanesque idealization of diversity was monoracial, and if the cultural pluralists feared any affirmative role for the state, the assimilation vision sought to dissolve diversity. Assimilationists, who have always dominated public attitudes toward newcomers to the United States, favor minimizing or eliminating many salient group differences in pursuit of a more or less homogenous national culture and political identity. Assimilationists disagree only about which methods should be employed and how long the moulting of foreign ways should take. Some of the more extreme ones—Henry Ford was a notorious example—were avowedly racist, anti-Semitic, and nativist. They demanded that immigrants efface their ethnic identities and submit to the dominant, unquestionably superior culture. Their goal was to produce the kind of “100% Americans” that Milton Gordon, a leading assimilation theorist, called “Anglo-conformity.” Assimilationism did devise some genuinely useful integrative and educational innovations, especially English language instruction, but many of its true believers were unabashedly intolerant and, by today’s standards, offensively intrusive as they sought to eradicate the old cultures with swift and sometimes brutal efficiency.

A much more tolerant form of assimilationism derived from what Gordon called the “melting pot” ideal, referring to Israel Zangwill’s eponymous play staged at the height of the mass European migration to the United States. This conception of Americanism, in versions like Zangwill’s, paid more respect to the diverse cultures being brought across the Atlantic. They predicted that these unfamiliar ways of life would not only transform the dominant one but also enrich it. Epitomized by the foxhole films

and propaganda of World War II featuring soldiers and civilians from different ethnic groups sacrificing for the nation, the melting pot assimilationists expected the newcomers to shed their old-world attachments and habits in favor of a uniquely American blend. This blend would constantly change as it absorbed and dissolved new groups over time, yielding a fresh and hopefully superior amalgam.

But lest we criticize the melting pot vision too harshly, Michael Lind reminds us that "the then-new and progressive ideal of melting-pot nationalism . . . was centrist or liberal in a time when the right was still strongly racist and nativist."²⁵ Most cultural pluralists, like most of today's multiculturalists, were attacking the melting pot from the left and emphasizing toleration, inclusiveness, and resistance to Anglo-conformity. Hollinger notes some important differences within these reformist ranks. He shows, for example, that the more cosmopolitan Bourne feared that Kallen's pluralism might fall prey to its more ethnocentric tendencies and harden intergroup boundaries. John Dewey, Jane Addams, Louis Brandeis, Louis Adamic, and other liberals who shared Kallen's respect for diversity debated this issue as well.²⁶

This darker, more parochial, ethnocentric side of cultural pluralism has continued to haunt American liberalism. As Hollinger suggests, this is probably why the leading pluralist work of the 1950s, Will Herberg's *Protestant, Catholic, Jew*,²⁷ confined its argument to the religious domain, disdaining the dangerous romanticism of Kallen's approach, and why the early civil rights movement emphasized black integration and the permeability of group cultural boundaries.

Several developments during the late 1960s and early 1970s, however, radicalized ethnic group politics. In the wake of the urban riots and the Nixon administration's accession to power, black separatism gained greater influence over the civil rights movement. The Vietnam War alienated many middle-class and elite Americans from a broad range of national institutions. Impatience with group inequalities grew even as those inequalities diminished. The Democratic Party changed its rules to increase the role of minority factions and women. The result of all this was a dominant multiculturalist sensibility that left the old politically conservative, European-centered, patriotic cultural pluralism far

²⁶ See HOLLINGER, supra note 21, at 93-95.
behind, as their differences obscured their commonalities.

Cultural pluralism had been a minor movement in the history of the American academic and literary intelligentsia. By contrast, multiculturalism has proved to be a major preoccupation in American life as registered in the deliberations of local school boards and in the professional journals of the humanities and social sciences.

The triumph of basic multiculturalism has fostered a sensitivity to diversity so acute that the deep differences between the various groups and subgroups are now being addressed with unprecedented ethnographic detail and theoretical sophistication. . . . The more these differences have come to be recognized, the more difficult it has become to convincingly represent American society in classically pluralist fashion as an expanse of internally homogenous and analogically structured units, each authorized by an ancestral charter and each possessed of a singular mythology of diaspora. The heightened sensitivity to diversity fostered by multiculturalism has had the ironic result of diversifying diversity to the point that the ethno-racial pentagon can no longer contain it.

Given this long procession of fears about the damage that a robust diversity might unleash on American society, fears that persist today, why have so many Americans come to believe instead that diversity is no longer a worrisome demographic fact that must somehow be cabined but rather is a vital end in itself that public and private institutions should actively foster? What can explain the widespread currency of this unprecedented, if not ahistorical, view? Knowing the immense social turmoil and suffering throughout history wreaked by diversity and especially by diversity's enemies, why don't more Americans view it as a menace to be confined, suppressed, and perhaps eliminated—just as almost all other societies have done and as the vast majority still do?

One possible answer is that many Americans do indeed oppose diversity—that the 1965 reform of the immigration law did not mark the end of nativism, and the surge of newcomers since then has aroused latent fears about diversity. There is much truth to this answer. A recent study of nativism in the United States, France, and Germany finds that it survives in all of them, though it ebbs and flows. It is also true that most Americans continue to favor lower levels of immigration. Still, no one can doubt that the United States is far more receptive to diverse immigration than

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28 Id. at 101-02.
any other country; only Canada comes close. Nor is immigration the only domain of diversity in which American attitudes are distinctive. For example, American environmentalism differs from its foreign counterparts in a number of respects, including its emphasis on the use of law and litigation to protect species and habitat diversity, much as the American civil rights movement used it to promote racial diversity.

Another response to this question about American exceptionalism is to deny the premise that we know history's grim record of diversity-related violence. After all, we are often said to be an ahistorical, even antihistorical people, eager to efface our pasts, invent ourselves anew, and conquer the future. Perhaps we are a people so blessed that we can afford to disregard Santayana's dictum and ignore many of the harsh lessons that history has taught other peoples. So intoxicated by our sense of unique destiny, perhaps we assume that any such lessons simply do not apply to us. Americans, however, are no more ignorant of the past than other people; indeed, the nation's ever-higher educational level suggests more exposure to these teachings, not less. Moreover, newspaper headlines and TV reports about the use of American troops for international peacekeeping, humanitarian, military, and nation-building purposes have made us all too familiar with the risks of communal violence in societies that use force in order to extrude troublesome minorities from their midst.

The question thus remains: why have Americans come to believe that the terrible communal violence associated with diversity throughout the world and throughout time will not happen here? We might begin with the natural human propensity to make a virtue of necessity—demographic necessity, in this case—to accept what cannot be changed and make the best of it. Ethnic and other diversities, greatly extended through the post-1965 migrations to the United States, are already so pervasive and entrenched today that the real question for pragmatic Americans is not whether they would have favored these diversities at their inception; rather, it is how best to live with them now that they are in place and seem irreversible. This attitude helps explain public sentiments toward immigrants and immigration that might otherwise seem inconsistent. Most Americans tend to admire the immigrants they know and believe that immigration-related diversity has been good for the country, but they also wish there were less of it—and they have always felt this way. A leading student of public views on immigration put it this way: "We view
immigrants with rose-colored glasses turned backwards.\textsuperscript{29}

By itself, this explanation is unsatisfying. It begins with the post-1965 diversity regime when what needs explaining is why this regime has proved so durable and has become a policy platform for the promotion of further diversity. Moreover, much of the support for diversity is genuinely enthusiastic, not just a grudging surrender to demography. There are other and better explanations for Americans' exceptional commitment to diversity. Indeed, there are too many of them for us to be certain about their relative causal significance.

All polities, including our own, possess immense social resources for repressing and sublimating ugly and shameful memories. But a striking feature of modern life, especially once a growing understanding of the Holocaust had spawned a truly international and militant human rights movement, is that such denials and concealments have become more difficult to maintain. Under these novel conditions, one should not underestimate the power of an aroused and mobilized public morality to shape a collective sense of guilt and injustice strong enough to influence national attitudes and policies. This reformist zeal has been a striking feature of American society from its colonial beginnings, especially during and after the recurrent periods of intense religious revivalism known as "great awakenings." We are now in another such period, which Robert Fogel calls "the Fourth Great Awakening."\textsuperscript{30}

Today, many Americans, especially but not exclusively on the political left, want to use immigration and other preferential policies as a way of acknowledging and rectifying past wrongs perpetrated by the United States and its allies: the expropriation of Native-Americans; the abominations of slavery and segregation; the internment of Americans of Japanese descent during World War II; a punishing and misguided Vietnam War; support of tyrannical regimes in the Caribbean, Philippines, Central America, and elsewhere before and during the Cold War; historic discrimination against ethnic minorities and women; and, most recently, apparent atrocities during the Korean War. Animated in large part by feelings of guilt and a desire for reconciliation and rectification, the U.S. government has in all of these cases adopted

\textsuperscript{29} PETER H. SCHUCK, CITIZENS, STRANGERS, AND IN-BETWEENS: ESSAYS ON IMMIGRATION AND CITIZENSHIP 9 (quoting Rita J. Simon, Immigration and Public Opinion, Paper Presentation Before the National Legal Conference on Immigration and Refugee Policy (Mar. 30, 1995)).

remedial policies. Some of these policies—for example, immigration preferences for our Vietnam War allies and Amerasian children, Affirmative Action programs, and civil rights laws—have been designed to promote diversity.

Support for a diverse immigration policy, of course, is motivated by much more than guilt. Traditional interest-group politics explains much of it. Agricultural growers and many other businesses have long advocated expanded immigration from countries that can supply needed workers. Even some groups that have traditionally opposed immigration now support it. Blacks, for example, are eager to cement political coalitions with Latino groups seeking more immigration from Central and South America, while organized labor now views immigrants as potential members and even favors both a broad amnesty for many undocumented workers and the repeal of the law imposing sanctions on those who employ them. Much support, moreover, also comes from relatively advantaged Americans who enjoy the economic and other benefits of immigration, including diversity values, without themselves having to compete with immigrants for housing, jobs, and schools.

The celebration of diversity is closely related to the ideological status of the assimilationist project. A number of critics, like Peter Salins and John Miller, perceive that many Americans and newcomers alike have rejected that ideal, at least in its melting pot version. It is difficult to parse this claim, which raises many controversial, often unresolvable issues of fact, value, methodology, interpretation, and causality. At this point, my purpose is only to note some of the reasons why diversity has become a leading social goal, not to assess its complex relationship with assimilation. I have analyzed the latter question in some detail elsewhere,\(^\text{31}\) so I need only sketch the general contours of the debate here.

First, of course, there are threshold definitional questions of what assimilation means and whether this meaning has changed since “the good old days” (whenever they were). In fact, assimilation has always meant a variety of things, as my earlier summary of Gordon’s taxonomy suggests. As an historical matter, Anglo-conformity, melting pot amalgamation, and cultural pluralism coexisted; indeed, they still do, although the mix varies. (Anglo-conformity, for example, is now out of vogue.) The critics’ claim is that a contemporary and pernicious version of cultural pluralism, often called “multiculturalism,” is retarding

\(^{31}\) See SCHUCK, supra note 29, at ch. 14.
assimilation, balkanizing American society and politics, and weakening our civic culture.

Another set of questions is empirical and methodological. How should we measure assimilation? Are immigrants in fact assimilating more slowly or differently than in the past? The standard criteria—intermarriage rates, English fluency, naturalization patterns, civic participation, moral values, noncriminal conduct, attenuation of ties to the country of origin—are themselves not self-defining. Moreover, the evidence on English acquisition is difficult to interpret. Some of it is self-reported, much turns on the age at arrival and length of time in the United States, and we know far less about English acquisition by pre-1960s waves of immigrants. With those qualifications, the first generation (the immigrants) seems as eager as ever to learn English, and the second generation (their U.S.-born children) seems to be learning it quickly and prefers it to their parents’ languages. Finally, generalizations about assimilation rates can be misleading, as they vary considerably from one ethnic group to another—another reflection of diversity’s significance.

However, one plots the precise historical trajectory of the assimilationist ideal in its several forms, there can be little doubt that the cultural pluralism version, with its enthusiastic affirmation of diversity values, enjoys far greater acceptance today than ever before. In large part, its current standing reflects the widespread belief among Americans that we can to some considerable extent have it both ways—that the study, celebration, and maintenance of diverse traditions is compatible with assimilation to core American values. This belief has helped to legitimate what historian Thomas Archdeacon calls an “intermediate path” in which diverse groups affirm their distinctive cultural traditions while also integrating into broader civic culture. Advocates of this approach reject the traditional melting pot ideal in favor of other metaphorical visions: a mosaic composed of permanent and visible fragments, or a lumpy chef’s salad containing diverse ingredients.

The central question is whether American society can successfully thread the needle socially and politically. Can it fuse these disparate identities seamlessly and effectively enough to satisfy both the affective needs of parochial communities and the civic needs of the larger polities in which they are embedded? The analysis that can address this question turns primarily on the kinds of communal identities at stake, how robust the largely informal processes of political and social integration are, and which claims...
on present and possibly future members the polities need to make. I answer the question with a qualified "yes."

In explaining how diversity values came to be elevated in our public discourse, it is almost impossible to exaggerate the importance of the civil rights movement in general and the evolution of black politics in particular. The compelling story of the black struggle for equality has been told many times and never fails to inspire and instruct. Black leaders, artists, and intellectuals of every kind have explored the extraordinarily complex feelings that Blacks have always harbored toward an American society that for centuries enslaved, lynched, humiliated, reviled, and excluded them, and toward the alluring but distant prospect of ever becoming fully integrated members of it.

Given this long tradition of approach-avoidance by black elites, it was natural for many black leaders to express frustration with the pace of the integration project, which relied largely on enforcement of a relatively passive nondiscrimination principle and had not seemed to work as well for Blacks as for religious minorities and other ethnic groups. It was also natural for them to seek individual and group advancement instead through other, apparently more promising, strategies. In this spirit, they sought to develop community and political cohesiveness by appealing to racial pride and "black power," to foster self-help and racial identity by building exclusively black institutions, to challenge the traditional accommodationist approaches of moderate black leaders, and to adopt a more confrontational and ideological political style along with a more radically redistributionist programmatic agenda including expansive welfare rights and Affirmative Action.

Although the black nationalist movement was always a minority fringe among blacks—a recent estimate places its adherents at no more than fifty thousand people—its ideological influence was far greater, extending to other minorities and to Whites seized by the fervor of ethnic identity-building. This far-reaching idealization of diversity gathered steam in the late 1960s and early 1970s. It was generously supported—financially, ideologically, and rhetorically—by the Ford, Rockefeller, and other major foundations committed to fundamental social reforms. These powerful organizations promoted diversity as an integral element of a larger legal and political strategy using group mobilization, impact litigation, local control, and community action in attempts to transform schools, voting, housing, and other

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social institutions of every kind. This approach soon spread to smaller foundations and university-based action projects as well.  

All of this occurred at a time when Blacks were achieving immense progress in political, economic, and social life. One can view this conjunction of progress and ideological shift simply as a paradoxical fact, or view it instead as an instance of rising but disappointed expectations fueled by a new kind of identity politics pursued by more confident, better educated activists. I incline toward the latter view, in part because this same conjunction has been observed in the political movements of Mexican Americans, Native Americans, homosexuals, the disabled, the elderly, and other groups. Indeed, the black struggle for equality—its rhetoric of disadvantage and segregation, its assertion of group identity, its moral urgency, its legal strategy, and its programmatic direction—constitutes the template on which these other groups have sought to impress their own claims. Blacks' crusade to enforce America's ancient but still unredeemed promises has become the model for other civil rights and human rights struggles—not only in the United States but throughout the world.

Diversity values gained recognition at the highest constitutional level in the 1970s. In *Lau v. Nichols*, a 1974 decision, the Court held that the civil rights laws required local public school districts to provide special programs to enable children with limited English proficiency to enjoy equal educational opportunity. *Lau* drove a vast expansion of bilingual education programs in the public schools for the bewildering array of language groups that the post-1965 immigration brought to America. In the *Bakke* case, decided in 1978, the swing opinion of a sharply divided U.S. Supreme Court suggested that a public university's system of race-based admission preferences might be upheld against white applicants' claims of reverse discrimination, if justified on the grounds of student body "diversity." This decision figures prominently in debates over Affirmative Action, not only in higher education but in other policy areas as well.

If the new politics of black identity in the 1960s cast the pursuit of diversity in a more assertive, even belligerent light, several other developments since then have made the possibility of successfully integrating diversity with a vibrant, cohesive civic culture seem both benign and feasible rather than menacing. First, the immense economic growth in the United States since the 1960s

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has somewhat softened the zero-sum competition over resources that pits ethnic groups against one another. Since 1970, the U.S. economy has absorbed more than twenty million new permanent immigrants (not to mention a vast increase in the number of women working outside the home). During this period, the economy generated about fifty-five million new jobs and increased the gross domestic product more than eightfold in current dollars, while maintaining unemployment at merely frictional levels and inflation generally at or below the level of productivity gains. This astonishing progress makes diversity seem perfectly compatible with, perhaps even a cause of, a steady rise in the standard of living and quality of life of all Americans, including the poor.

Second, new technologies have familiarized more people than ever before with diversity in its most attractive forms, inuring them to its importance in American life. With occasional vigorously protested and publicly rebuked exceptions, the mass media’s depiction of ethnic, religious, and other diverse groups, if often flagrantly stereotypical, tends to be positive and resolutely inoffensive. Its not-so-subtle suggestion is that despite our superficial differences, we are all essentially alike beneath the skin, accent, or dress. In addition, the spatially diffuse nature of mass media means that they expose us to diverse peoples and cultures while keeping them at a safe distance. Viewing them in our dens or theatres, we are able to have diversity on the cheap and without risk. We can enjoy a kind of disembodied exoticism without actually having to live cheek by jowl with people whose different ways of believing and behaving make them distinctive and truly worth understanding but whose differences also create challenges for social integration, legal equality, and political unity.

Third, sociologists have recently shown how corporate managers and their consultants in the late 1980s, drawing on earlier organizational theories, developed a “diversity rhetoric” that views racial, ethnic, and many other diversities—including some that civil rights law does not mention—as a valuable, indeed profitable, business resource. This rhetoric holds that a diverse workforce facilitates the identification and solution of problems in all areas of the organization’s activity and also helps it to succeed in a “new economy” of globalization, greater competition, creativity, internal flexibility, and multicultural competence. At a time when business enjoys unprecedented social prestige and rewards, the tendency of corporate leaders to exalt and extend the scope, meaning, and value of diversity and to exhort their employees to implement it is bound to affect its idealization.

Finally, as Nathan Glazer has explained, a rising interest in
intercultural education during the 1960s moved the field from its traditional emphasis on toleration of cultural differences to a new celebration of them. For all these reasons, then, the abstract ideal of diversity, almost always either ignored or opposed throughout world history, has now reached an apotheosis in the United States. One sign is linguistic; diversity’s antonym, uniformity, today tends to attract disparaging adjectives like “bland,” “sterile,” “boring,” and “whitebread.” Another sign is the extent to which an evolving public opinion and policy discourse favoring diversity have thrown on the defensive even established enclaves of uniformity in American life such as public school systems, heterosexuality, and the English language.

Nor is diversity merely a widespread ideal among social and educational elites; it is now an explicit public policy goal emphatically endorsed by both major parties and opposed by none (save Patrick Buchanan’s wing of the Reform Party, which only 0.5% of the voters supported in the 2000 presidential election). Today, it is almost unheard of for those who oppose more immigration, more integrated residential communities, or greater accommodation of deviant religious practices to say publicly that their opposition proceeds from skepticism about diversity-as-ideal. In the pantheon of unquestioned goods, diversity is right up there with motherhood and apple pie.

Is this an exaggeration? Read both President Clinton’s celebration of diversity in his 2000 State of the Union Address and the Republican Party’s paean in its platform for the 2000 presidential election. You will be hard-pressed to identify who authored which; the two statements are practically indistinguishable. And who wrote the following?: “America has never been united by blood or birth or soil. We are bound by ideals that move us beyond our backgrounds . . . . Every citizen must uphold them. And every immigrant, by embracing these ideals, makes our country more, not less American.” Not a left-wing, open-immigration universalist, but George W. Bush, the leader of America’s conservative and, for most of the past century, lily-white party, in his inaugural address. Elsewhere I have argued that in the late 1990s the Republican Party at all levels of government turned decisively and permanently in a new direction that favors expansive, ethnically diverse immigration and greater solicitude for non-Cuban Latinos, Asians, Blacks, and other

minorities and women who have often voted against its candidates. Economic historian Robert Fogel's assertion that "commitment to diversity is essential to any party that aspires to govern," is confirmed by congressional Republicans' conspicuous failure in recent years to challenge the Affirmative Action issue, an acquiescence reflecting deep fears about the political consequences of being depicted as racist or antiminority. At the close of the twentieth century, American politics in effect installed a diversity ratchet; there is now no turning back.

II. DIVERSITY AS A CONTEMPORARY VALUE

We have seen that the ideal of diversity-as-ideal, diversity as an affirmative goal of civil society and of government, has gained broad acceptance in America only very recently and only after a very long struggle with the forces favoring ethnic homogeneity, forces that have prevailed in virtually all other societies at all other times. The intriguing and compelling question remains—why?

I have already discussed some historical and sociopolitical causes: the demographic embeddedness of diversity; the promptings of national guilt; the nature of immigration politics; unprecedented challenges to the earlier assimilationist ideal; the evolution of the civil rights movement; the appropriation of this movement by other claimant groups; the softening of traditional resistance through steady economic growth and technological change. But we still cannot fully answer the "why?" question without also considering the interests and values that Americans of varying ideological positions think diversity serves and dis-serves. Identifying these effects, of course, cannot conclusively answer the question; after all, Americans may misapprehend those effects or embrace diversity for other, nonconsequentialist reasons. Nevertheless, knowing which interests and values diversity implicates probably brings us as close as we can get to understanding why we pursue it as avidly as we now do.

I am unaware of any systematic effort to analyze diversity in these terms. Nevertheless, many of the positive values that diversity enthusiasts claim for it closely resemble, mutatis mutandis, certain values that some familiar political and social theories advance. And although large gaps always exist between a society's avowed, abstract ideals and its actual behavior, we should still expect a strong correspondence between the values that we affirm and proclaim and the advantageous consequences that we

39 See Schuck, supra note 29, at 147.
40 Fogel, supra note 30, at 36.
think society would reap from their pursuit and realization.

Let us consider, then, how one would understand and assess diversity-as-ideal—both positively and negatively—under four different political-social theories: liberal, communitarian, utilitarian, and what I shall call functionalist. I begin with some disclaimers. First, as will soon be apparent, I discuss each of these theories in a most schematic and summary fashion. Such a sketchy treatment is justified, I think, by the very limited purpose for which I wish to use them—to reveal how thoughtful people holding different normative commitments might regard and evaluate diversity. For this purpose, I need not explicate the theories systematically or at length but shall merely discuss them insofar as they bear on diversity values.

Second, I do not mean to suggest that most Americans in fact think, much less theorize, in this way, or that these are the only theories that one might plausibly defend, or that they are internally coherent or empirically sound. Other ideological categories (Hollinger’s, for example) also speak to diversity issues, sometimes more directly than the theories I discuss. Instead, I simply assume that taken together these theories are likely to capture all of the diversity values, positive and negative, to which the vast majority of Americans subscribe. It is for this reason that I discuss utilitarianism separately and very briefly, even though it is more a theory about how to define social welfare than a comprehensive social-political theory.

Finally, I do not discuss theories in which diversity creates value to the groups themselves, as distinguished from value to the individuals who comprise them or to the community in which they exist. I know of no good theory of this kind that reflects American political culture. Pluralism, for example, values groups not for themselves but for how they affect individuals and the larger social system. The point is not that groups have no interest in diversity values—indeed, their character, integrity, and perhaps even their survival vitally depend on how individuals and society think about diversity—but that diversity is ultimately valorized by individual or communal assessments.

Liberalism. The relationship between liberalism and diversity is subtle and, as we shall see, multidimensional. Although many versions of liberal theory have been advanced, their common theme is the paramount value of individual freedom and autonomy. Some of these competing versions of liberalism differ concerning the nature of individuals, the conditions that are essential to or tend to foster this freedom, the nature, limits, and moral status of self-interest and competing human motivations, the
relationship between individual and group rights, the role of
government in defining and securing these rights, and many other
questions. They converge, however, on a commitment to the
flourishing of individuals, the free and independent exercise of
their wills, and the securing of their rights. In this sense, at least,
libertarianism is simply a subset of liberalism; libertarians’
approach to diversity does not differ significantly from that of
more garden-variety liberals.

Liberalism does not really regard diversity as an independent
or ultimate value. Rather, it views diversity as a possible, or even
probable, consequence of different individuals’ exercise of their
wills and rights. The reason is plain. Each individual possesses a
distinctive genotypic endowment and a unique psychology. These
are shaped in part by different geophysical and historical forces
and by social institutions and ideologies that lend structure to, and
reciprocally affect, their particular interests. Individuals who
exercise their free wills in pursuit of their perceived interests are
bound to make diverse choices and commitments, achieving
greater or lesser success as they pursue their ends.

These choices, according to liberal theory, constitute the
authentic expressions of individuals’ freedom and autonomy. To
that extent, these choices also constitute their social identities and
their ways of life. Liberalism’s respect for this freedom and
autonomy implies a respect for this identity and the choices that
constitute it. Liberal theorists disagree, of course, about the social,
political, economic, and psychological conditions that must in fact
obtain before one can properly ascribe to individuals the genuine
freedom of will that alone can legitimate their choices. They also
disagree about the state’s role in establishing, altering, and
interfering with these conditions. But the diversity that flows from
these exercises of individual freedom is presumptively valid,
although the strength of the presumption and the circumstances
under which it may be overridden depend on the particular liberal
theory.

Liberalism, then, finds diversity not only congenial but in a
sense definitional or constitutive. For this reason, liberalism
accords a special, even privileged role to markets. Markets, in the
liberal view, are highly effective mechanisms for giving effect to
individuals’ diverse choices and assuring that buyers and sellers
will only trade when both of them believe that they will advance
their own interests by doing so. Moreover, it is precisely the
diversity of individuals’ interests and preferences that makes
trades possible and mutually advantageous. The more diversity
there is, the more beneficial are the trades that markets can
Markets affect diversity in other complex and interesting ways—and vice-versa. The existence and pursuit of comparative advantage and scale economies among producers lead to specialization of functions, which in turn engenders the further diversification of skills, products, interests, and preferences. This specialization of functions, like the market itself, underscores the importance of the interdependencies among market participants, the self-interested value of cooperating with others, and the benefit of attending to their interests as well as one's own. In this often-ignored sense, the market is—as Adam Smith maintained—a profoundly civilizing, socializing, and pacifying process. This is so even as it wreaks creative destruction (in Joseph Schumpeter's famous phrase) with remorseless efficiency. In this important sense, the market makes the toleration of differences an economic virtue—and not just a civic one—and it reserves its greatest rewards for those who are skillful at anticipating and promoting differences for which people are willing to pay.

Under certain conditions, however, diversity can impose significant costs and impair the market efficiency that liberalism prizes. Where interconnectivity and network externalities are significant (i.e., where an activity's value to individual participants increases geometrically as the number of participants increase, as with a telephone or computer network), market competition among different service or connectivity standards may be less efficient than having the state mandate uniform standards. Adverse selection in insurance is another diversity-related impediment to market efficiency. Where the participants in an insurance pool are diverse in ways that pose significantly different risks of loss, but their premiums are based, for one reason or another, on average risk rather than on their own risk, those whose risks are lower than average will have an incentive to avoid or abandon this pool in favor of other coverage for which they will pay a lower premium reflecting their own, lower risk. This will leave only relatively high-risk people in the insurance pool, people whose high-cost coverage will often be unaffordable to them and who therefore must either be publicly subsidized or go without insurance. Even liberal polities, which generally privilege market allocations over state-mandated equality, may find both of these outcomes politically unacceptable.

In the liberal conception, diversity is much more than just the result that flows from free individual choices in a market economy. Diversity also affects how individuals perceive the world, including what they regard as natural and what they think is possible. For
this reason, diversity helps shape our preferences as well as reflect them. People who have grown up in a homogeneous social, physical, or cultural environment form their assumptions about what is normal on the basis of their experience of sameness, which they take to be normal, even natural. Japanese people who have never seen Scandinavians are more likely to think of black as the natural hair color. Fundamentalist Muslims who have never seen women venture outside the home except in the company of a male family member are likely to think of females in the labor force not simply as irreligious but as unnatural. Those who have lived their lives in an isolated rural village are more likely to doubt the possibility of high-rise apartment living or air travel. The penetration of television into each of these settings has transformed these assumptions, of course, but that is precisely the point. Experiencing diversity causes us to think differently—and sometimes to desire different things. In this sense, one may see diversity as a precondition for the genuine exercise of the fully informed, de-“naturalized” freedom that is liberalism’s principal goal.

Diversity’s enlargement of freedom in this sense, however, will affect individuals in different ways. At one extreme, diversity can arouse awe and wonder about the sheer profuseness, complexity, and ineffability of life, implicating spiritual values and engendering the kind of world-love of which poets like Walt Whitman, who are particularly attuned to diversity, have always sung. To observe people of different cultures, beliefs, and conditions going about the prosaic business of living is, I think, to gain greater respect for the resourcefulness, vitality, adaptability, resilience, humor, and courage of the species. A liberal society whose raison d’etre is the pursuit of individual self-realization and material well-being has a special need to cultivate this kind of world-love and mutual respect, and diversity is among the most valuable resources for doing so.

There is a much darker side to this diversity-inspired freedom, however, one that threatens the liberal project. The encounter with diversity is one of the most far-reaching elements of the larger process of modernization. In traditional, ethnically sequestered societies, as well as in traditional enclaves of already modernized ones, this encounter is profoundly jarring and disorienting. Instead of arousing humanitarian feelings, this encounter may excite the very opposite—fear, repugnance, and intolerance—and impel a retreat to the comforts of familiarity, sameness, and a kind of primordial solidarity with those whom one defines as one’s own. At the extreme, this tribalism (as it has aptly been called)
cultivates a smouldering hatred of the other that, with little warning or pretext, can explode into a communal conflagration and even genocidal violence against newcomers, foreigners, or others deemed to be outside the tribe—even those who have been neighbors for centuries. The recent and in some cases continuing bloodlettings in Rwanda, Bosnia, Kosovo, Azerbaijan, Northern Ireland, and other killing fields confirm these dread dangers.

Even in more civil societies that are fully accustomed to and comfortable with diversity, however, it often sows conflict and discord, which in turn impose significant social costs and impede the attainment of individual goals that liberalism promotes. Within any particular group—whether public or private, profit or nonprofit—the existence of conflicting perspectives and interests, mobilized by opportunities for strategic behavior, magnifies the costs of internal governance, decision making, and collective action; in the extreme, this can produce organizational paralysis or failure. At a political or societal level, diverse interests typically organize into groups that seek to benefit themselves and their members by competing with other groups for resources, status, and various forms of power. This competition benefits society in many important ways. For example, it can limit undue concentrations of political and economic power, increase accountability by elites, enhance the public’s participation in decisions that affect them, encourage innovation, educate public officials about the consequences of their actions, and the like.

This same diversity-driven competition, however, can also be socially damaging. The need for collective action to achieve social and individual goals is a perennial concern in a liberal society, where free riding and other forms of opportunistic behavior by individuals and groups are endemic because of the limits on state power. Sometimes only a sense of common purpose and commitment can overcome these obstacles and support the social undertakings and public goods that are essential to communal well-being. Recent social science has developed the notions of social and cultural capital and trust to describe the qualities of civic life that are required to forge and sustain these bonds. Yet a diversity that is too widespread, too divisive, and runs too deeply can dissolve these bonds—or even prevent them from forming in the first place. We can see the enormous price that diversity exacts in the disunity that threatens Canada, Russia, Sri Lanka, and a host of other vulnerable states. I hasten to add that the problem is not diversity per se, but the society’s failure to tolerate or integrate diversity. This distinction is both true and highly relevant to long-term communal stability. Unfortunately, however, too many
societies view it as largely academic in the short run—rather like reproaching Bangladeshis because the destructiveness of their weather is due to their poorly constructed houses, not the monsoons.

Diversity also raises a host of practical and legal problems for societies committed to the liberal principle of equal treatment, dignity, and respect. In order to apply this fundamental principle, we must first decide which groups are similar enough that they must be treated the same, and which are sufficiently different that they fall plausibly into different categories, justifying disparate treatment. Is a conscientious objector who is an atheist sufficiently similar to a member of a religious group like the Quakers that he, like them, should be draft exempt, or does the nonreligious basis for his opposition to war make him more like individuals who have "merely" political objections to war? Are the Boy Scouts sufficiently similar to the Rotary Club to be under the same duty to accept members it wishes to exclude, or are the Scouts more like a religious group whose power to exclude is essential to its very meaning? These kinds of questions arise constantly in a diverse, organizationally complex society like the United States, yet it is precisely this diversity and complexity that make these questions so difficult to answer in a coherent, principled, and convincing fashion. The more variables that are arguably relevant to the identity of an individual or group, the more indeterminate and controversial the judgment about how to classify and treat it will be. And the more indeterminate and controversial this judgment, the more likely it is that people will view it as discriminatory and unfair, a perception that in a diverse, liberal society is particularly corrosive to faith in the rule of equality under law.

Consider the phenomenon of liberal citizenship in an era of massive migration—legal and illegal, work-, family-, humanitarian- and colonialism-related—by individuals from many different cultures. On which grounds can a liberal state properly refuse to admit strangers? Is it ground enough that the state concludes through democratic processes that some groups are less likely than others to assimilate to the dominant culture? Once migrants are on the state's territory, can the state discriminate against them in its allocation of resources and status? Is it obliged to offer them full membership, and, if so, what does full membership include? Which preconditions for citizenship can the state fairly require the migrant to meet? What level of cultural assimilation can it require and what are the indicia of this assimilation?

In a liberal polity, each of these issues (and a host of others) becomes more problematic because of three tenets of modern
liberalism's "voluntarist conception of freedom" (in Michael Sandel's critical phrase). First, state power to coerce individuals should be limited except when and if collective action to implement collective norms can be specially justified. Second, the scope of market and other consensual institutions should be correspondingly maximized. Third, the state should maintain a scrupulous neutrality as among different conceptions of the good out of respect for individuals' freedom and autonomy to choose their own ends. When migrants are culturally and demographically diverse as among themselves and are also highly differentiated from the native population in important respects, these difficulties are further exacerbated by political ones; natives more easily think of the newcomers (especially if they are undocumented) not as members of the same community but as unassimilable and undeserving "others."

In such societies, minority demands for special religious, linguistic, and other cultural rights, not to mention claims for political autonomy, inevitably arise. A threshold question is whether Affirmative Action and multicultural claims are best understood as liberal claims on behalf of individuals who seek to exercise their freedom as autonomous individuals, or instead as group claims that are not really intelligible within an account of value rooted in liberal individualism.

I take the former, liberal view, at least insofar as a democratic society like the United States is concerned. The undeniable importance of group life in all societies, including liberal ones, does not imply the existence of group interests not ultimately reducible, as a normative matter, to the interests of individuals. It is true that individuals and their identities are constituted in large part by their group affinities, and that a liberal legal system that protects individuals' freedom must enable them to associate with others to pursue commonly defined ends. It is also true that even a liberal system of law and politics must treat individuals as group members for certain purposes (e.g., preventing discrimination on the basis of imputed group membership; administering a state that often uses group categories for instrumental reasons), and that such a system may confer on organizations certain rights, such as limited liability, standing to represent members, perpetual

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42 Perhaps especially liberal ones. The most individualistic and market-friendly societies, like the United States, may be ones in which people most intensively crave and must fashion for themselves the affective and solidaristic ties to others that individualism inhibits and that people in a more communitarian society simply inherit and take for granted.
existence, and even self-government. These group interests and rights, however, all claim their justification in terms of the interests and rights of their individual members.\textsuperscript{43} Even hierarchical organizations like the Catholic Church almost always have some norm (individual salvation through the Church) or mechanism (confession) meant to assure fidelity to their members’ interests. And even the most ardent defenders of multicultural rights in modern democratic polities, philosophers like Will Kymlicka, ultimately ground them in the welfare of individual group members, not the groups themselves.\textsuperscript{44}

There may be a persuasive social theory that values groups qua groups quite apart from their value to individuals. Insofar as American society is concerned, however, I do not know what it would be. To be sure, certain traditional societies do not really conceive of individuals apart from the groups to which they belong, much less value their interests in opposition to those of the groups. New Zealand’s Maoris are an example. But such traditions have little to teach us about managing diversity in twenty-first century America. Accordingly, we need not develop a separate group-qua-group model to account for the diversity values that Americans find in the group that they inhabit or avidly join. Liberalism adequately captures those values.

\textbf{Communitarianism.} Liberalism, of course, has had no dearth of critics. Liberalism’s critics may differ over many things, but almost all of them—whether they call themselves civic republicans, cultural conservatives, fundamentalists, communitarians, socialists, communists, nationalists, fascists, monarchists, nativists, syndicalists, neo-Platonists, or something else—share at least two big things: a longing for an integrative, soul-satisfying, character-cultivating community, and a conviction that liberalism, with its emphasis on individuals’ rights to pursue their own conceptions of the good without collective interference, is incapable of providing it and may even destroy it.

Where liberalism is conducive and congenial to diversity, this communitarian vision (as I call it for want of a better label) finds

\textsuperscript{43} Several qualifications are necessary here. First, the ultimate interests in question may be those of third-party nonmembers. The U.S. Army, for example, is justified by serving the interests of society’s members, not of individual soldiers. Second, a group seeking to reflect the interests of its members must often use some interest-aggregation method (e.g., majority rule) that sacrifices the interests of some members in order to satisfy the interests of others. But it is the members’ interests that count, not some distinct interest of the collectivity. Third, none of this denies the pervasive reality that groups that in principle are member oriented often become self-serving and even oligarchic in fact.

\textsuperscript{44} See, e.g., WILL KYMLICKA, MULTICULTURAL CITIZENSHIP (1995) (especially chapter 3).
diversity at best problematic to its program of communal cohesion. This is so even when communitarians recognize, as many do, that diversity in today's America is both an inescapable social fact and produces some of the benefits that liberals claim for it. After all, at the heart of the communitarian vision are not individual purposes but common ones. In this view, it is only through the active and cooperative participation of its citizenry in collective life that these common ends are discovered, legitimated, and executed. To the communitarian, government has a far-reaching responsibility to transform individuals into active citizens committed to deliberation and practical reason, to help form their character by cultivating civic virtue, and to forge communal identities throughout society.

Diversity does not necessarily prevent government from doing these things, but it does render each of them more difficult to accomplish. First and most obvious, diversity tends to make the identification and pursuit of common goals elusive, if not illusory. This attenuation and fragmentation of common purpose, of course, is a matter of degree. Globalization has brought diversity to even the most communitarian societies; indeed, migration, telecommunications, and market culture are increasing diversity everywhere. For example, Japan—a notoriously extreme case of ethnic, cultural, and economic homogeneity—now includes a substantial and growing population of long-term foreign nationals (mostly Korean) and guestworkers who are affecting the society in ways that many Japanese believe, rightly or wrongly, are insidious.

A high level of diversity can undermine a communitarian ethos in any society. Many Japanese fear that it is threatening theirs, and others throughout the world blame globalization, especially global capitalism and labor migration, for the same reason. The American Framers obsessed about the possibility that diversity would endanger their new regime. Assailed as the young republic was by numerous internal and external sources of disorder and fragmentation, it desperately needed a strong civic integument that could bind the national polity together. James Madison was perhaps the most astute in recognizing the threat that diversity posed to the fragile national unity and sound governance. In his Federalist No. 10, Madison famously analyzed the problem of economic and social diversity—its multiplication of narrow interests that might combine to subvert the broader public interest—and he devised a novel remedy. By expanding the polity to include a broader range of interests, he wrote, it would be

45 THE FEDERALIST NO. 10 (James Madison).
harder for a stable and monolithic majority to form that could oppress the rights and interests of minorities whose protection was in the public interest. Ironically, and brilliantly, Madison's solution to the problem of social diversity was for the state to encompass more of it.

Madison, however, was not a thoroughgoing communitarian; he endorsed some of its values only in compromised, quasi-liberal form. He feared that majoritarian or populist governments, no less than monarchical ones, might oppress important interests and liberties, yet he saw the necessity for a vigorous central authority to discharge certain responsibilities. In order for more diversity to serve as the remedy for majoritarian dangers, Madison had to urge a federal republic on a continental scale, one whose powers would largely concern national defense, foreign affairs, regulation of interstate commerce, and certain other areas in which federal authority and initiative were needed to blunt the parochial incentives of individuals and states. Diversity was an attractive remedy, however, only insofar as its risks could be muted. Madison hoped that deliberative, civically engaged, virtuous, and patriotic elites at all levels—he regarded the state legislatures as special dangers—could achieve the requisite harmony, while the dispersal and limitation of governmental powers would tame their dangerous propensities.

Diversity also poses other threats to the communitarian project. Vigorous public participation in civic affairs is the very essence of communitarian citizenship, yet diversity could discourage it. Citizens who for cultural or other reasons do not share the common goals and values that define the political community are likely to feel estranged from it. They may view politics as a futile, frustrating activity that simply compounds their alienation and marginality. Indeed, the more solidaristic the community, the more profound that alienation may be; being (or being seen as) different creates psychological confusion within oneself and conflict with the larger society. This has been the experience, for example, of many long-resident foreigners in Japan and even of Japanese nationals who, because of foreign parentage or otherwise, are viewed as being different. They participate in civic life at low levels, mirroring their lack of social integration.

Reactions of this kind are common among newcomers to any social group who have not yet assimilated, or perhaps actively resist, its norms. Often, they retreat from the dominant communities from which they are alienated into smaller normative enclaves where they can nourish their own values and live by their own rules. This enclave strategy has been studied in many
different kinds of social groups—for example, religious and spiritual sects, street gangs, immigrant neighborhoods, and the like. For all the affective and spiritual consolations of such a strategy, it may actually hinder the group's integration into the larger communal mainstream by accentuating and perhaps institutionalizing what might otherwise be transient or insignificant differences.

Certain radical forms of communitarianism, moreover, demand a more or less resolute ideological commitment to some monistic understanding of society, economy, polity, and history. Classic Marxism, for example, envisioned a future in which social divisions, largely defined by economic classes and their distinctive interests and worldviews, would first sharpen and clash but, once the means of production were socially controlled, would ultimately give way to a harmonious unity of interests and worldviews. Many European socialist movements advanced similar, if less apocalyptic, visions. The broader genre of communitarian utopianism has never had much use for diversity, except perhaps at the margins where it cannot threaten social harmony and collective authority. Indeed, the teleology of these visions was generally one of ever increasing social harmony and unity, as in communism.

Finally, this tension between communitarianism and diversity is even greater at the global level. The diversity of interests among—not only within—states confounds their aspirations for a peaceful international community governed by international law. Indeed, even the growing integration of states into regional blocs that have achieved some degree of harmonization among themselves, as the European Union ("EU") has, may exacerbate the bloc's conflicts and diversity of interests with its outside competitors; the EU's growing tensions with the United States and with Turkey, for example, illustrate this dynamic. In this way, achieving regional uniformity may simply raise the inevitable struggle between community and diversity to a higher, supranational level.

Utilitarianism. In a utilitarian worldview, diversity is no different than anything else. Some people love it, some hate it, and most are somewhere in between. It confers some benefits and imposes some costs, and the definition and incidence of these benefits and costs usually vary from person to person, from domain to domain, and from situation to situation. In this view, all of the possible effects of diversity that I have already discussed, as well as others still to be mentioned, are potentially relevant to the individual's or group's identification and calculation of benefits and costs.
Utilitarianism bears an interesting relationship to liberalism. Individual freedom, liberalism’s ultimate ideal, is to the utilitarian merely an instrumental value, facilitating the enlargement of one’s utility but not necessarily valuable in and of itself. Freedom, in the utilitarian view, is simply one of the innumerable human conditions to which different people will assign greater or lesser values, depending on their own preferences. Diversity is merely one of those conditions. A utilitarian society would produce the amount of diversity (types, levels, and domains) that maximizes social welfare as expressed and measured through voting, market behavior, and other instruments of individual and collective choice.

It is hardly coincidental, of course, that this utilitarian conception of diversity closely resembles the notion of diversity in the economic domain. Economic analysis begins (and ends, some would say) with a utilitarian methodology for measuring benefits, costs, and the efficiency of markets. The difference is that the utilitarian society must also devise some mechanism capable of aggregating these individual preferences into a political-policy decision. Neither markets nor simple majority rule can accomplish this.

Utilitarianism, then, is agnostic about diversity, viewing it as simply one of the conditions of life that may bring people pleasure or pain. But the more diverse a utilitarian society is, the more difficult it will be for citizens to understand and identify with one another and thus to make collective decisions. In this sense, diversity poses much the same kind of political and decision-making problems for utilitarians that it poses for liberals and communitarians.

Functionalism. Functionalism is a theory according to which a society (which functionalists tend to view as an organic whole) orients its norms, practices, and institutions toward ensuring its survival and the successful attainment of its goals, whatever they may be. Every society, of course, is functional in this sense. Indeed, as many critics have noted, vulgar functionalism, like vulgar Darwinism, comes perilously close to tautology—and to a status quo tautology at that. After all, whichever elements of a system exist for a long time must be assumed to be functional, else neither they nor the system of which they are a part would have managed to survive. On the other hand, diversity is not necessarily altogether functional for a society; much depends on that society’s particular values. As we have seen, certain kinds of diversity can, under some common social and political conditions, threaten the prosperity, harmony, governance, and even the survival of human
If we focus, however, on several features that any successful complex organism must possess in order to prosper, we can rescue a functional view of diversity from a tautological circle that obscures its distinctive social advantages and risks. Which are those features? The most important, I believe, is a society’s capacity to learn and to adapt swiftly and creatively to changing conditions. This learning capacity in turn depends upon the society’s ability to generate, aggregate, process, disseminate, deploy, and (as necessary) correct the information it needs in order to discover what its collective purposes are and might be, and then to pursue them effectively.

Social learning of this kind must be a central goal of every group, whether it be liberal, communitarian, or utilitarian. Nevertheless, some groups are far better at it than others. I can best make this point by considering several domains in which diversity can facilitate this social learning process, even though it may at the same time create certain social problems. First, diversity is important, even essential, in strengthening the strength and survivability of biological communities. We might usefully understand this as the functional equivalent of social learning in human communities, albeit in a form that processes and exploits new information through biological processes rather than through cognitive ones. Many people value the invigoration of the biota as an ultimate good, as something to be valued for itself. Some may conceive of this as part of a divine plan or manifestation, while others who are theologically agnostic or even atheistic may believe that humans owe a secular, moral duty of environmental stewardship to ourselves or to future generations. Still others may simply be awed by the sublime, ineffable beauty and power of the living world and feel obliged not to mar it.

Diversity-driven strengthening of the biota can also be valued as an instrumental good, one that serves a variety of fundamental human needs: agricultural productivity, public health, medicinal innovation, natural resource management, and others. Until quite recently, for example, the level of biodiversity was widely thought to be relatively unimportant to the functioning of ecosystems. Darwin and other nineteenth-century scientists viewed the process of speciation as functional for subpopulations seeking a biological niche in which they could survive and reproduce in the face of scarce resources and other hostile environmental conditions. Little discussed was the notion that biodiversity not only benefits the species that occupy those niches and renders the natural world more interesting, exotic, and beautiful for human observers but
also supports and promotes the health of the larger ecosystem. Accumulating scientific evidence, however, now strongly suggests that biodiversity contributes to the stability of larger ecosystems by preventing their "collapse" or degradation into a weakened state that is more vulnerable to temporary ecological disturbances such as droughts or other severe meteorological changes. In extreme cases, biodiversity may even prevent species extinction or accelerate the recovery from the biological effects of such extinctions. Like climate, soil type, moisture, fire, storm, and other such factors, species diversity seems to help cushion the damaging effect of environmental stresses. Recent, well-designed agricultural experiments, moreover, indicate that crop diversification can vastly increase disease resistance and yields, much more so than standard pesticide applications on monoculture crops.

Diversity facilitates social learning in the economic domain as well as the biological. We have already seen how corporations have developed a managerial "diversity rhetoric" that affirms the problem-solving propensities of a diverse workforce and its conduciveness to the so-called new economy. But *homo economicus* finds other virtues in diversity. In approaching their decisions to invest, produce, and consume, individuals confront at every turn uncertainties that would be extremely costly, if not impossible, for them to resolve on their own. The price system in a competitive market, however, elicits, impounds, sifts, and transmits much of the information that they need in order to make these decisions, and it does so at a very low individual cost. Other things being equal, the more numerous the market’s participants are and the more diverse their experiences, the better and more valuable this information is likely to be. First, participants bring to the market diverse local knowledge and preferences that bear on these decisions. The price system can quickly evaluate and aggregate this information, enabling participants to adjust their decisions swiftly in light of it. Second, a competitive market rewards success and punishes failure (defined by participants’ criteria); it encourages experimentation with different ways of seeing and doing things, enabling participants to refine their conduct and decisions in order to attract more resources. In contrast, a monolithic or thin market, or one that is otherwise not workably competitive, tends to weaken and distort these signals, which induces participants to learn the wrong lessons and make the wrong choices.

An interesting contemporary example of diversity’s informational and learning value in the economic realm is
Europe’s administration of its uniform currency, the Euro, which was introduced amid great fanfare and optimism in January 1999. For our purposes, the fact that the Euro plunged sharply against other major trading currencies is less interesting than one of the structural reasons contributing to this decline. Before 1999, when Europe’s currencies were diverse and uncoordinated, going their separate ways (though of course influenced by one another), the market could evaluate the different fiscal, trade, interest rate, and other currency-related performances of each of the eleven EU states and respond accordingly by rewarding or punishing each of those performances. Although interstate differences in these performance dimensions continue to exist, their melding in a common currency means that the relationship of these differences to the market for the Euro is much more attenuated and opaque. That is, the individual performances are now aggregated and thus reveal less discrete information than they did under the old system. This makes it more difficult for the currency markets accurately to reward and punish the performance-relevant and state-specific economic policy decisions. This in turn reduces the markets’ confidence in both the currency and in its underlying state-specific policy environments. Simply stated, the Euro, by suppressing information about interstate diversity, has dulled and confused the market signals that previously provided valuable learning and feedback mechanisms for individual states, signals that interstate diversity had previously thrown into sharper and clearer focus. This suppression of diversity also encourages states with relatively weak currencies to weaken their currencies further, with the advantages this can bring, since their nationals will receive the same valuation for their Euros as will nationals of strong-currency states. Degrading market signals in these ways constitutes an additional cost that the Euro must bear, which in turn drives down its value against other currencies subject to more direct market disciplines.

In the religious realm, diversity in America has fostered social learning in numerous ways. Americans in the colonial period, the Revolutionary era, the Founding, and indeed ever since drew vivid and often-repeated lessons from the destructive cycles of religious conflict and repression that raged throughout Europe during the preceding centuries, indeed even before the Reformation. The

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46 Even here, however, one should not underestimate the shaping influence of technological and market forces. Religious people, organizations, and even doctrine have been greatly affected—for example, the development of so-called tele-churches, mega-churches, mass media religious advertising, and pastoral teachings on the theological status of nuclear testing, child pornography on the internet, and rampant materialism.
earliest American settlers, themselves refugees from the Anglican establishment, were notoriously intolerant of other dissenters, especially in the Massachusetts Bay colony. Nevertheless, constant allusions to the bloody religious conflicts caused by militant proselytizing and sectarian wars in the old countries had discredited orthodoxies by the close of the seventeenth century, when an astonishing profusion of religious communities enjoying an unprecedented degree of social acceptance had established themselves.

Religious diversity also facilitated social learning by fostering many new and different adaptations to the extraordinary conditions of American life. For example, countless local, ethnically defined churches founded by immigrants during the pre-World War I period of high immigration helped to smooth the always rough path of assimilation. These communal enclaves secured for immigrants the essential breathing room that they needed in order to learn English, gain job and social skills, consolidate their families in America, and adapt their distinctive liturgical, linguistic, and ethnic traditions to the mores of their new society. Although most of these religiously conditioned group adaptations succeeded, many failed (at least in secular terms), particularly among the more millenarian and socialistic sects.

American religious sects were perhaps the most ardent promoters of various campaigns of social reform during the nineteenth and twentieth centuries, and remain so today. The burst of evangelical energy known as the Second Great Awakening, beginning in the early 1800s and continuing through most of the century, sought to educate the public on a massive scale about the need for moral regeneration, religious enthusiasm, and social-institution building. Their many causes included abolition of slavery, Bible literacy, temperance and prohibition, control of prostitution and other forms of vice and crime, urban political reform, public health, universal public education, female suffrage and other rights of women, financial support and moral tutelage of the indigent and wayward, missionary work here and abroad, and many others. Different sects deployed diverse approaches to these questions, often operating in a highly decentralized, community-specific fashion. Indeed, disagreements over slavery, female suffrage, and other of these issues caused some sects to fracture, as dissident groups went their own way.

In addition to their work on specific policy issues, religious groups have often served society as a kind of canary in the mine, signaling hard-to-discern trouble ahead. Robert Fogel puts it this way:
Evangelical congregations have been very effective instruments for detecting the negative effects of new technologies and changes in economic structure on the lives of their parishioners and for advancing programs of reform. These congregations might be called America's original focus groups. Such interactions also made it possible for leaders to formulate programmatic demands and develop strategies that could mobilize home and far-flung congregations. It was this process of early program formulation and the preexisting network of organizations with passionate members and earnest leaders that made the evangelical churches the leading edge of populist reform movements.\(^{47}\)

Finally, religious diversity spawned a proliferation of what are now often called "faith-based organizations\(^{48}\) that have functioned as among the most important supports of American family, community, national, and even international life. At least since 1630, when a group of Congregationalist worthies established Harvard College, these private organizations have provided many of the social services and goods—schools, family services, health care, museums, recreation, and many more—that in most other advanced democracies are supplied directly or indirectly by governments. Indeed, without this extensive and growing network of privately provided public goods, America's tradition of limited government could not possibly have been sustained into the twenty-first century, when the public is demanding more of them. Precisely because these religiously provided services are designed to meet society's most fundamental needs, deal with its most intimate relationships, and effectuate its most important (largely noncommercial) transactions, they generate an enormous amount of information about those needs, relationships, and transactions, information that is of incalculable social value and cannot really be obtained in any other way.

Consider, for example, the intensive national and local efforts to improve the education of low-income children, efforts that have greatly increased the fiscal resources devoted to public elementary and secondary schools since the Great Society era. The reform agenda during this period has been shaped to a remarkable extent by knowledge gleaned from studying the strategies of private parochial schools that seem to generate superior academic performance and social behavior from demographically comparable students, and to do so at a lower per-pupil cost. Studies of the relatively successful performance of these schools,

\(^{47}\) Fogel, supra note 30, at 173.

especially in educating low-income children, have sparked educational policy makers' recent interest in expanding principals' managerial autonomy, enhancing teachers' job satisfaction, involving families, motivating and disciplining students, requiring uniforms, extending the school day, and many other educational innovations. Much the same is true of policies directed at rehabilitating criminals and reducing substance abuse. Here too, the relative success of faith-based groups in these areas has drawn the interest of many governmental and private secular organizations seeking more effective techniques. This, then, is social learning in a spiritual form that will be increasingly vital in the twenty-first century.

Social learning is fueled not just by biological, economic, and religious diversity but also by political diversity. The federal system, for example, both enables and encourages the states and other political subdivisions to experiment with their own programmatic approaches to a wide variety of public issues. Louis Brandeis's now-cliched view of the states as "little laboratories" of social learning is probably even truer today than it was in his day. During the 1990s, social and political developments enhanced the states' policy autonomy and fiscal resources, while several new lines of Supreme Court decisions interpreting the Commerce Clause and the Eleventh Amendment to the U.S. Constitution began to constrain federal government authority over the states, authority that had relentlessly expanded since the 1930s until it had come to seem virtually limitless. At the same time, many states have modernized their governance structures and processes in order to increase their effectiveness in policy initiation and implementation. These efforts have borne much fruit; state-level policy innovations now set the agenda for national debates in a host of policy areas. Some examples include term limits, health care regulation, voter registration rules, antismoking efforts, gun control, the death penalty, working conditions, environmental standards, tax law, consumer protection, campaign finance, special education, energy deregulation, conservation, and educational choice.

A particularly interesting and revealing instance is Congress's overhaul in 1996 of the welfare system, a far-reaching reform that followed—substantively as well as chronologically—several years in which different states experimented with different approaches, sometimes under waivers granted by the Clinton administration to relieve those states of federal requirements that all state programs conform to uniform national standards. In Wisconsin and some other states, these experiments showed promising results in
moving welfare recipients into jobs and reducing their dependency without generating the increased homelessness, child abuse, abandonment, and other indicia of immiseration that most commentators had predicted. Although powerful political pressures would probably have ensured a far-reaching welfare reform in any event, these experiments contributed greatly to both the political viability and the specific programmatic content of the 1996 law.

The policy failures of states, of course, can be as influential in shaping national policy debates as their successes. During the 2000 election campaign, the Democrats were able to cite the inability of state programs to attract insurers into the market for prescription drug coverage for the elderly as evidence that could be used to discredit Republican proposals to extend that approach to the nation as a whole. And in the aftermath of the election itself, the failure of Florida's electoral machinery, as well as the strong likelihood of similar failures in other states where the popular vote division was not as close, has spawned a political groundswell in support of national legislation to remedy the problem.

For all of diversity's functional virtues in promoting social learning and adaptation, diversity can also be dysfunctional. Sanford Levinson points to many examples in the decision theory and organizational behavior literatures indicating that diversity can adversely affect group performance in a variety of contexts by interfering with the ability of people to communicate, define common goals, and pursue them effectively. Indeed, the chaos of the Tower of Babel in Genesis made this now obvious point long before social science confirmed it.

Finally, diversity may contribute to another, more ideological kind of chaos, which may be functional or dysfunctional depending on how the society values shocks and disruptions to its normative equilibria. So-called critical theory seeks to create precisely this kind of disruption—one might call it the "shock of nonrecognition"—by insisting that diversity-talk, like other dominant discursive patterns, is a social construct that serves both to advance a particular political agenda or ideology and to disguise it. In the critical view, a discourse does this by normalizing and naturalizing itself, seeming to project a perspective on reality that is value neutral, commonsensical, and unproblematic. Critical theory seeks to unmask this pretentious ruse so as to reveal what is "really" going on beneath the discursive surface.

To mention critical theory under the rubric of functionalism

might seem very odd indeed. After all, opponents of critical theory often attack it for being cynical and nihilistic—a dog that has fun chasing its own tail when it is not busy denying its parents, eating its young, and covering its tracks. For all this, however, a critical perspective on diversity remains functional. It tends to raise important questions about diversity-talk that a smugly integrationist society might otherwise miss. The struggle to answer these questions can help to clarify diversity's various meanings—including some darker ones. A critical take on diversity would emphasize what minorities lose when they assimilate and how and why they often resist doing so. Another would expose the comforting but often unexamined assumptions that make different versions of assimilation and multiculturalism seem more natural, humane, and liberal than they truly are.

III. OUR PUBLIC PHILOSOPHY OF DIVERSITY

Given the variety of contexts in which diversity values influence policy, and given the notorious pragmatism of Americans’ approach to most public issues, it is not at all surprising that our public philosophy of diversity—the patterned ways in which we think about and value it—is decidedly eclectic rather than ideologically pure, analytically crisp, and internally coherent. As Rogers Smith has shown, Americans have always combined both liberal inclusionary and communitarian exclusionary elements in our attitudes and policies toward groups that are ethnically, religiously, and otherwise diverse. Political leaders, he claims, combine these elements in different ways as strategies for what he calls “people-building.” The proponents of racial and religious hierarchy have challenged at every turn America’s traditions of liberal immigration and religious toleration. These challenges have often succeeded. Smith points out that “chattel slavery, race-based immigration and naturalization restrictions, ineligibility of women and the foreign-born for the highest political offices, segregation, [and] many of the other forms of civic hierarchy” he describes have been pervasive indeed:

[W]hen restrictions on voting rights, naturalization, and immigration are taken into account, it turns out that for over 80 percent of U.S. history, American laws declared most people in the world legally ineligible to become full U.S. citizens solely because of their race, original nationality, or gender. For at least two-thirds of American history, the majority of the domestic adult population was also ineligible for full citizenship for the same reasons. Those racial, ethnic, and gender restrictions were blatant, not latent. For these people,
citizenship rules gave no weight to how liberal, republican, or faithful to other American values their political beliefs might be.50

Even today, when we have put the most violent and intolerant opposition to diversities of all kinds largely behind us, Americans exhibit a bewildering, ostensibly inconsistent mix of attitudes toward the social and political value of diversity. For example, we welcome (or at least tolerate) different ways of speaking, dressing, eating, praying, working, speaking, and living—an easygoing, shoulder-shrugging attitude toward cultural differences that seems remarkable, and often attractive, to many first-time visitors. At the same time, however, we increasingly hive ourselves off into gated residential communities and other enclaves in which these differences are muted and concealed, if not banished, by the uniformities of economic class and lifestyle. It is as if we like the idea of diversity so long as we need not live too close to it.

Other seemingly paradoxical attitudes toward diversity abound. Consumers who support the world's richest smorgasbord of goods, services, and communications channels nevertheless patronize vendors that segment them into highly segmented "niche" product and media markets, which in turn construct them and their interests as narrowly and exclusively as possible. The best-educated, most secure, and most cosmopolitan generations of Americans search for, cling to, and project to others the most parochial and self-isolating identities. We honor the universal human rights that our Constitution and laws proclaim, yet we resist recognizing those rights when they might detract even slightly from our national sovereignty. We laud the diversity created by small, entrepreneurial enterprises while also countenancing consolidation and concentration in much of the economy. Our public and private institutions adopt Affirmative Action programs designed to increase certain kinds of diversity (e.g., skin color and language group) while ignoring or even discouraging other diversities that are (or ought to be) more closely related to the goals of those institutions. Law school faculties, for example, evidently have little enthusiasm for viewpoint diversity and even for its closer proxies (e.g., religious tradition), yet their core intellectual mission should be to encourage the clash of viewpoints.

The coexistence of these different attitudes and behaviors may confuse or even unsettle us, but this need not imply that we are irrational or self-contradictory about diversity—though we

may be. Some of them can mesh quite easily with one another; for example, we may prefer that one market be concentrated in order to enjoy scale economies while wanting another to be more fragmented. Other attitudes or practices, however, may be in strong tension—for example, the competing claims of human rights and national sovereignty. Still others, like Affirmative Action policies that ignore the most valuable dimensions of diversity, seem flatly inconsistent or even irrational.

This normative eclecticism leads to a second striking feature of our public philosophy of diversity. Although some minimal social commitment to diversity values seems to span all of the domains I have discussed here, diversity seems to mean different things and carry different valuations in each domain. It carries different valence in economic policy, for example, than it does with respect to immigration, Affirmative Action, and church-state issues. Indeed, even within any single domain—biodiversity, say—its value depends not only on how we define and regulate it (as under the Endangered Species Act) but also on the zeitgeist that prevails there at a given time (e.g., the state of debates among scientists, environmentalists, and politicians).