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Timothy D. Lytton

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Assessing Peter Schuck's *Diversity in America: Keeping Government at a Safe Distance*

Introduction

Timothy D. Lytton[†]

Peter Schuck's *Diversity In America: Keeping Government at a Safe Distance* makes a thoughtful and provocative contribution to debate over the value of diversity in society and how government should regulate it. He argues that while diversity is a valuable resource, government should play a limited role in managing it, protecting diversity where it exists but not actively promoting it. Thus, he supports laws that protect existing or emerging diversity—such as laws against discrimination in education, employment, and housing—while criticizing government policies that seek to create, certify, or cultivate diversity—such as government-mandated affirmative action, diversity visas, and most forms of bilingual education.

At one point, in a brief aside, citing the biblical story of the Tower of Babel as a cautionary tale about the dangers of diversity, Schuck suggests that the debate over diversity is as old as society itself:

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.¹

This passage is characteristic of the book in several respects. First, following as it does a lengthy discussion of diversity's benefits, it exemplifies Schuck's circumspect and nuanced approach to the topic. Throughout, he elucidates competing perspectives on controversies about diversity in the contexts of immigration, citizenship, multiculturalism, bilingual education, affirmative action, residential segregation, religion, school vouchers, and

[†] Professor of Law, Albany Law School. I wish to thank Albany Law School Dean Thomas Guernsey for generous support of the symposium on *Diversity in America* held at the law school on May 13, 2004. In writing this introduction, I received helpful advice from Dan Moriarty, Peter Schuck, and Steve Wasby.

1. PETER H. SCHUCK, *DIVERSITY IN AMERICA: KEEPING GOVERNMENT AT A SAFE DISTANCE* 71 (2003).

religious-based social services, embracing, rather than denying, the complexities of these difficult issues. Second, the passage shows how he deploys knowledge from an impressive array of disciplines, acknowledging and building upon the work of other scholars as he develops his own views. Third, the passage illustrates how he supports his general theoretical claims with concrete evidence from case studies. Schuck's examination of case studies constitutes the core of the book and provides essential support for his theoretical claims about diversity. While merely an aside, Schuck's citation of the Tower of Babel story as illustrative of his theoretical claims about the dangers of diversity is instructive, and I shall return to it at the end of this Introduction.

Diversity in America begins with a conceptual analysis of diversity and a brief history of the diversity ideal in America. The first two review Essays in this Symposium highlight the importance of Schuck's detailed conceptual analysis and historical perspective. Drawing on empirical research about law school faculty hiring, James Lindgren shows how the failure to clarify the underlying rationales for diversity can render policies designed to promote it incoherent and self-defeating. William Galston builds upon Schuck's introductory analysis, exploring how the value of diversity depends upon how diversity is defined and the goals that its proponents seek to advance.

The core of *Diversity in America* consists of four case studies designed to support Schuck's claims about how government should manage diversity. Schuck examines diversity visas and bilingual education (chapter 4),² affirmative action in university admissions (chapter 5),³ court-ordered housing integration in three different communities—Mt. Laurel, Chicago, and Yonkers (chapter 6),⁴ and government subsidies for religious schooling and social services (chapter 7).⁵ The Essays by Robert Post and Vicki Been challenge the lessons that Schuck draws from his examination of affirmative action and housing integration.

The final chapter of *Diversity in America* offers general principles that enhance our understanding of diversity and define a limited role for government in managing it.⁶ Schuck's conclusions rest upon an underlying theory of liberalism whose core elements include: state ideological neutrality, limited governmental regulation of private choices, and faith in decentralized democratic politics to resolve conflict. The essays by Stephen Macedo, Orlando Patterson, and Peter Skerry address each of these principles in turn.

² *Id.* at 75-133.

³ *Id.* at 134-202.

⁴ *Id.* at 203-60.

⁵ *Id.* at 261-308.

⁶ See also Peter H. Schuck *Affirmative Action: Past, Present, and Future*, 20 YALE L. & POL'Y REV. 1, 78-90 (2002).

Schuck's critics have engaged him on both the level of theory and practice. That they can challenge him on both fronts attests to Schuck's success in writing a book that is not limited merely to abstract theoretical claims about diversity or anecdotal evidence. Instead, throughout *Diversity in America*, Schuck grounds his theoretical claims on empirical data and case studies and develops his interpretations of these cases to the point where they yield useful principles of general applicability. Thus, the persuasiveness of his conclusions rests largely on whether one agrees with his interpretations of attempts to manage diversity.

This brings us back to Schuck's citation of the Tower of Babel story. According to Schuck, the story offers support for the view that diversity can impede communication and coordination among the members of a society, eroding social solidarity and group performance, potentially leading to the breakdown of social order. The story might, however, be interpreted in quite a different way. Whereas Schuck suggests that linguistic diversity among the tower builders results in social chaos, one might instead view the introduction of linguistic diversity as a means of advancing God's plan for repopulating the earth following the great flood. "Go out of the ark," God commands Noah after the waters recede, "you and your wife and your sons and the wives of your sons with you . . . Be fruitful and multiply and fill the earth."⁷ Defiantly, however, the tower builders refuse to go out and "fill the earth;" instead they choose to remain clustered in one place. "Come," they exclaim, "let us build ourselves a city with a tall tower to make a name for ourselves, lest we be scattered all over the earth."⁸ In response, God causes them all to speak different languages, leading them to abandon their central city and go out to populate the world. Read in this way, the story illustrates how active promotion of diversity can be an effective policy tool. Thus, whether the Tower of Babel story is a case that supports Schuck's claims about the dangers of diversity or instead suggests something quite different about the effectiveness of government promotion of diversity in advancing policy goals—a lesson quite at odds with Schuck's views—depends on how one interprets the story.

The mark of significant scholarship is not how much agreement it inspires, but rather how much discussion it engenders. The diverse Essays in this Symposium issue, and Schuck's thoughtful responses to them at the end, are evidence of the importance of *Diversity in America*. Despite all of the disagreement expressed in the following pages, however, there is one conclusion about the book upon which all fair-minded readers can agree: Unlike the results of God's efforts in Babel, Schuck's efforts have helped to

7. *Genesis* 8:16, 9:1.

8. *Genesis* 11:4.

build a common language which is likely to advance our understanding of diversity and, ultimately, of each other.