

Defending Affirmative Action

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As the dust settles on the 2006 elections, one news item should not be lost in the ensuing discussions. Affirmative action is again under attack, this time in Michigan. Voters there approved a proposal banning affirmative action programs that give preferential treatment based on race, gender, color, ethnicity or national origin for public employment, education or contracting purposes. Michigan joins Washington and California in banning the use of affirmative action programs. Such success in Michigan is likely to spark efforts in other areas of the country for similar bans.

I am concerned about the damaging effect of this proposal, especially on the field of higher education. Narrowly tailored affirmative action programs continue to be necessary to ensure the kind of racial and ethnic diversity that is essential to the education process.

It is noteworthy that in previously upholding Michigan Law School's affirmative action program, the Supreme Court described the educational benefits of such diversity as "compelling" and "substantial." These benefits include promoting cross racial understandings, diminishing stereotypes, exposing students to a variety of perspectives, preparing students for a diverse work environment, preparing students for their role as citizens, ensuring that all racial and ethnic groups are prepared for effective participation in the civic life of our nation, cultivating future leaders, and ensuring that the path to that leadership is open to individuals of every race and ethnicity.

In response to assertions that affirmative action programs somehow reinforce stereotypes Justice O'Connor stated, the "Law School does not premise its need for critical mass on 'any belief that minority students always (or even consistently) express some characteristic minority viewpoint on any issue.' To the contrary, diminishing the force of such stereotypes is both a crucial part of the Law School's mission, and one that it cannot accomplish with only token numbers of minority students."

It is not surprising that leaders of major businesses as well as high ranking retired military leaders joined Michigan Law School in supporting the use of affirmative action programs in higher education. The business leaders recognized that the skills needed to compete in the global marketplace can be developed only through exposure to diverse peoples and cultures. Similarly, military leaders stressed the need for college based programs that train and educate a diverse officer corps.

Neil Rudenstine, a past president of Harvard, once wrote that the purpose of diversity in higher education is not to achieve some abstract goals but rather represents "positive educational values that are fundamental to the basic mission of colleges and universities. It is . . . extremely important to the development of civic virtues –and of future leaders—vital to the health and effective functioning of our democracy."