In its landmark decisions on affirmative action at the University of Michigan this past June, a severely divided Supreme Court laid bare the complexities of pursuing diversity in higher education. Here the Court affirmed the narrow use of race as a plus factor in university admissions but only in the interest of achieving a broadly diverse population of students. This was not diversity for its own sake or to compensate for past wrongs, nor was it solely for its immediate effects on students, but rather for the larger and longer national good. Among its educational, social, and economic benefits, a racially diverse student body would expand the pool of qualified national leaders and further promote cross-racial understanding. In the end, according to the Court, diversity prepares students for citizenship in an increasingly diverse workforce and society.

This essay explores this rationale beyond the admissions process per se and examines its implications for the intensity, style, and frequency of student interaction in the classroom. The essential point to be made is...
that if the Court’s vision is to be fully realized, then faculty members must understand the power of language and the role they must play in drawing out and mediating diverse voices in the classroom.

DIVERSITY, LANGUAGE, AND POWER

The first of the Court’s stated goals, that is, to prepare racial minorities for leadership roles, is appealingly benign. It is hard to refute its importance. Moreover, the recruitment of underrepresented minorities is reasonably likely to achieve that end. The second goal, however, has proven far more contentious and has taken on a distinctly empirical tone. Public discussion continues to swirl around whether a student population of diverse backgrounds does, in fact, deliver on its promise to improve interracial relations and dispel racial stereotypes. Certainly that issue is not new to the public forum. Over the past two decades, a number of researchers have examined various aspects of race relations on campus. As leaders in higher education have visibly and optimistically supported diversity, their critics have painted a troubling picture of racial tension, intolerance, and balkanization.

This ongoing debate has reached a new intensity in the aftermath of the Michigan decisions. While politically salient, however, the discussion seems to be missing a crucial although not clearly obvious thread in the Court’s reasoning. The Court was looking not only at inputs in terms of student selection and outputs in the form of social relations on campus and beyond, but implicitly at the educational process that mediates between the two. And therein lies a compelling assertion that remains largely unexamined among Court commentators—that the interchange among students with “widely diverse … cultures, ideas, and viewpoints” generates classroom discussion that is “livelier, more spirited, and simply more enlightening and interesting.” While seemingly self-evident, this claim merits serious reflection for its implied supposition of how that interchange actually occurs in college and university classrooms and the implications of that reality for improving racial harmony.

This is not to deny that the Court’s overall reasoning does have arguable merit. The more diverse the mix of students, the richer and more textured the discussion, and the closer the classroom approaches the true “marketplace of ideas” model. And the better students come to appreci-
ate and respect each other’s views and acquire the tools for civil discourse, the more comfortably they can live together both now and in the future. When we scratch beneath the surface, however, we find that the reality of classroom talk often falls short of the rich and robust exchange envisioned by the Court. Underlying the diversity rationale is the questionable assumption that all individuals within this mélange of racial, ethnic, religious, gender, geographic, and other differences are equally situated to throw their ideas and opinions into the hopper of discussion. Yet as research has proven, classroom talk is largely a function of power layered with socialization as it flows from certain background characteristics including race and ethnicity as well as gender and social class.

The connection between power and personal traits is tied, in fact, to the very grounds on which the diversity argument rests. Those who feel empowered speak with an intensity, style, and frequency that afford their views greater importance and at the same time chill the contributions of others. Language not only reflects power relationships; it helps to sustain them. And while empowerment is relative and contextual, in most cases those students who enjoy it most for any number of reasons are not necessarily the ones whom the diversity project is designed to include. Meanwhile, different groups of students, such as those from certain ethnic or religious cultures, bring to the classroom certain social and communicative norms that may constrain them from speaking openly or from challenging authority. Others simply have no experience with this style of talk. And so they position themselves from the outset in a linguistically subordinate role. As the more verbal students, often unintentionally but nonetheless inevitably, begin to dominate the conversational space, the others become increasingly more silent, and the cycle continues.

GENDER AND LANGUAGE IN THE CLASSROOM

In sorting through the nuances of this problem, the case of gender provides a useful point of departure. Here we find a rich body of research opening a window onto the social and cultural construction of linguistic style and how it influences the dynamics of classroom interaction. Researchers still describe elementary and secondary school settings where
language and gender are intricately intertwined despite 30 years of gender-equity programs and a whole sea-change in social attitudes toward women. There is still evidence that boys tend to ask more questions and shout out more answers than girls do. Yet girls’ questions, while less frequent, are typically more constructive. The problem is particularly visible in subject areas, such as math and science, that traditionally have been considered “male” and where the gender gap in achievement and interests persists. On the other hand and not surprisingly, girls frequently take the lead in subject areas like English that are conventionally marked as “female.”

This last point, although subtle, is critical as it underscores the need to look at the big picture. If subject matter seems to affect linguistic behavior and interaction between females and males, then why not class size, classroom organization, teacher background, or any number of student attributes including race, ethnicity, and social class as well as religion, disability, age, or sexuality, not to omit English language skills? That line of inquiry leads to the research on higher education. Here we find a number of widely referenced studies based on observations or student self-reports confirming that, generally speaking, males still dominate classroom discussion, particularly in traditionally male disciplines, even though females are now in the numerical majority among entering college students.

It further appears that the gender mix within a particular classroom
may have little if any bearing on women’s participation although the racial mix might affect participation on the part of racial minority students. Meanwhile, both the gender and race of the professor seem to prove significant. Women students tend to more actively engage in classroom discussion when the professor is also a woman. The same goes for African-American students where the professor is African-American. The question, therefore, may depend on a combination of institutional factors including the profile of the professor—race, gender, —and the student composition of the class, in addition to the style of discourse used (formal or informal) and even the status of the school.

Women students tend to more actively engage in classroom discussion when the professor is also a woman.

One might expect that women students of the post-feminist generation would prove more confident and assertive in expressing their views. Certainly the media has driven hard the point that females are now outstripping males on most measures of academic success, including course grades and college attendance. The apparent disconnect between academic and linguistic performance is, therefore, a bit confounding. There are any number of behavioral reasons why women remain at what researcher Catherine Krupnik calls the “bottom of the conversational heap”—men tend to have a more competitive style of talking, are willing to take risks, and are more prone to respond spontaneously; women are more vulnerable to interruptions, are more comfortable speaking in small groups, or need time to prepare a reasoned response. These rationalizations suggest that “rewards” for classroom participation are at least partly a matter of numerous factors, including speed, other than intellectual depth.

In their groundbreaking studies, psychologists Eleanor Maccoby and Carol Nagy Jacklin note that, even among preschoolers, talking serves a palpably different function. For girls, it is a matter of maintaining relationships and interpreting what others are saying. For boys, it is about attracting an audience and establishing themselves in the social pecking order.

The popularized work of linguist Deborah Tannen puts yet another spin on this story. As Tannen sees it, males tend to engage in ritual opposition, with a blatant statement followed by challenge and argument. Women, she tells us, find this communicative style adverse to the way that they prefer to learn. In observing college students, Tannen found that females and males as a group have different “ethics of participation.”
Students who speak frequently in class, many of them men, assume that those who are silent have “nothing to say,” while those who “rein themselves in” assume that the talkers are “selfish and hoggish.” Of course, one can question whether women are exercising a real preference here, in the sense of exercising individual autonomy, or simply behaving the way they have been socially conditioned.

Whatever the underlying causes, the observations reported by others have a qualified ring of truth when I consider my own experiences over a decade and a half in law school teaching. I must admit that as the incoming classes have become more gender balanced, I have noted a gradual increase in the level of class participation among my female law students. Even in large classes, women as a group now appear more willing to volunteer and join in the discussion. This is particularly the case in the evening program where students tend to be more mature, self-assured, and certain of their goals. Women students in general also demonstrate greater ease and confidence when I call on them than they did a decade ago.

Yet there is still something qualitatively different about the interaction style of women and men. Particularly in large classes, proportionately more males formulate their own questions and comments and challenge me as well as other students both during and after class. Female students, on the other hand, are less likely to raise their hand to ask a question, express their own opinion, or challenge anyone. Typically they contribute by way of answering my questions—directly and thoughtfully. More often than men, female students appear to speak with a certain hesitancy, prefacing their comments with “I think,” or “Perhaps I’m mistaken but . . . ,” or ending with a tag like, “Isn’t it?” Unfortunately, others reasonably may conclude that those who use this style are less clever or less knowledgeable. I sense that some women students might lack confidence while others are just being modest, deferential, or polite. Even in small seminars, female students tend to save their peripheral questions and comments for an after-class one-on-one informal chat with me or send me an e-mail message.

I cannot recall a female student who has ever dominated classroom discussion or tried to absorb my total attention as male students occasionally
do, even in small classes with women in the overwhelming majority. One striking example that comes to mind is a seminar that I taught in which all the students except one were female, many of whom had some practical experience in the area I was teaching either before law school or through internships. Yet the lone male was still the most verbally assertive participant. The women were equally enthusiastic and thoughtful but their contributions were consistently more concise, more topical, and more supportive of others.

Yet again, the same students, both male and female, who are “ghosts” in large classes are often far more visible and verbally engaged in small seminars where the pace is slower, the tone is less formal, the discussion is more reflective, the opportunities for student talk are more frequent, and the expectations are clearly understood.

Now it could be that only those students who enjoy a certain comfort level with public speaking or engaging in class discussion enroll in seminar classes in the first instance. But I have observed remarkably similar patterns in non-seminar courses, both required and elective, with lower enrollment. My observations over the years in classes taught by colleagues, both male and female, confirm my own experiences. I also have found women students to be especially active participants in online discussions carried through a Web site that I now regularly establish for use only by students enrolled in each seminar or course. The medium, in contrast to typical classroom dynamics, permits them to prepare a thoughtful and measured response.

I realize that this discussion can easily assume an air of linguistic determinism. I should make it clear, therefore, that these are not universal patterns. There are always some female students who exhibit traditionally gendered “masculine” behavior and some males who exhibit traditionally “feminine” behavior in the classroom. There are also many female and male students who fall somewhere in-between these two extremes. Nevertheless, there still remains an overall sex polarity in style, developed possibly as early as preschool, that tends to position “attitude”—questioning, challenging—as masculine in opposition to “academic application”—diligence, pleasure in learning—as feminine. Yet this dichotomy is both false and damaging. Attitude is useless without application but is also essential to deep learning.16
This is not to suggest that classroom participation is inexorably related to academic performance. There are always students, many of them women, who seldom speak out in class yet who, in the end, earn the highest grades in the course. The reverse is also true. At times the most lively participants, more typically men, receive disappointingly mediocre grades. One could validly argue that grades are not necessarily an accurate measure of learning. And students who actively engage in the give and take of classroom discussion have the opportunity to develop the abstract reasoning and communication skills necessary for advanced scholarly and career pursuits even if those skills are not reflected in their final grade. But those arguments, while significant, have little if any bearing on the present discussion. The diversity rationale as laid out by the Court is not simply about learning and academic achievement; it is primarily about the exchange of ideas, intercultural understanding, and the breaking down of stereotypes. And to achieve those goals, verbal interaction is crucial.

Now admittedly the law school, steeped as it is in male tradition, may not offer the most representative setting for comparing male and female classroom interaction. The Socratic method feeds on a competitive and quick response style of discourse more common to men. Status hierarchies with clear rewards are institutionalized in the very system of rank-ordering law students by grade point average. Perhaps undergraduate and graduate programs in literature or sociology—conventionally female disciplines—would yield different results. Context matters.

DIVERSE VOICES IN THE CLASSROOM

When researchers compare verbal interactions between females and males, they impliedly are drawing generalizations from a normative view of white middle-class subjects. The same can be said of my own classroom observations as just described. Obviously, that focus increasingly presents an incomplete and therefore inaccurate picture. And so at this point I would like to place more texture into the argument and return to the question of diversity and race. The discussion of whether students of different backgrounds have equal access to the conversational space of the classroom must also account for the fact that individuals have multiple identities. There is no “essential” female or male student, or African-
American, Latino, or Asian-American student for that matter. Gender, race, ethnicity, and social class interact with each other and with other personal characteristics in numerous ways that shape attitudes and behavior. Certainly the middle-class, male, African-American Andover graduate with professional parents sees life through a different lens from the male, African-American, scholarship student who was raised in public housing by a single mother and attended public schools in Harlem.

This is not to deny that race has influenced both of their experiences but to recognize that it has done so in decidedly different ways. The Court implicitly gave credence to this view by emphasizing each individual’s “unique experience in being a racial minority,” and insisting that institutions seriously consider “all the ways [an applicant] might contribute to a diverse educational environment.”

Not surprisingly, I have noted a stylistic pattern similar to females among minority law students, including African Americans, Latinos, and Asian Americans of both sexes, as well as among a certain number of less confident white males and non-traditional—older—students (although again, evening students often are the exception.) I have no doubt that these differences have something to do with status and power, which often are related to a fluid mix of background traits and cultural norms. For the growing number of Spanish-speaking, Asian, Arab, and other immigrant students whose native language is not English, linguistic gaps confound the issues even further.

As immigration from around the globe continues to render the U.S. population more deeply diverse, the concept of an “underrepresented” group will inevitably expand and with different implications. Meanwhile, the question of classroom interaction is bound to become more critical and more complicated. We have already reached the day when geographic diversity, for example, no longer means the 18-year-old white male accepted into Harvard from the Iowa farm. It now could mean the 30-year-old Muslim woman accepted into Iowa State from Iran, along with the racial, linguistic, religious, and cultural differences all that entails. Together with the Court’s emphasis on “individualized consideration,” such changing demographics will ultimately make the diversity project more possible, but at the same time more challenging. In the end, it could also set race-conscious admissions and the diversity rationale on
a collision course.

In the meantime, to be meaningful and effective, diversity as the Court has conceived it does not merely support a narrowly targeted affirmative use of race in the admissions office but rather implicitly requires an affirmative institutional commitment to create a classroom climate that affords all students an equal opportunity, comfort, and enthusiasm to participate in discussion. Students must believe that what they have to say matters and that it will be received openly and respectfully. And so if the diversity project is to serve higher education’s mission to prepare citizens for an increasingly diverse society, as the Court acknowledges, then faculty must consciously mediate classroom discussion with sensitivity to an intricate web of differences, sending a clear message that each individual’s views and opinions, within the bounds of civility, are equally valued.

This means listening to all students with the same attention, building on their ideas, drawing them into dialogue, waiting for the more hesitant to formulate a reasoned response, and asking not just factual but harder and more open-ended questions of everyone. It might mean strategically assigning students to work collaboratively in small groups and affording them the opportunity to share their views with classmates in supervised online discussions. For some faculty members, it might even mean adopting a less confrontational style while opening their minds to new and unsettling ideas. In some cases, this task could prove particularly arduous. At times it will demand modifying course materials and long-held teaching patterns while overcoming among students deeply entrenched cultural norms, social expectations, personal insecurities, and English language deficiencies.

This being said, no matter how one views the value of student diversity in general or race-conscious decisions in particular, the Court has set the permissible outer bounds for college and university admissions probably for another generation. Some states may join California and Washington in using ballot initiatives to prohibit the state’s preferential use of race and other factors including sex, ethnicity, and national origin. Within two weeks of the Court’s decision in the Michigan cases, the principal sponsor behind California’s Proposition 209 announced a nationwide campaign that would place a similar initiative on the Michigan ballot. Yet even absent such legal maneuvering at the state level, some public institutions may find themselves in court defending their specific admissions policies against the Court’s narrow tailoring principle. In most cases, however, the Court’s word will stand if not in law, then in spirit. And even where it falls and admissions decisions must be color-blind under state law, the sheer force of demographics will continue to drive the process in a multiracial and multicultural direction. Faculty members must be ready and willing to accept the challenge.
As we embark on this new era in which diversity is not just academically embraced but judicially sanctioned and sociologically impelled, it is not enough merely for higher education leaders to manage it in the admissions process. Faculty must consciously mediate diversity so that their students do not simply “look right” but actually “perform right.”

And to do that successfully, all must fully understand the power of language and the crucial role that classroom dialogue can play in negotiating differences and breaking down racial, cultural, and other barriers. If not, then diversity in the name of citizenship and the national good will become an empty promise at best and an engine for greater polarization at worst.

ENDNOTES

2. Grutter, 123 S.Ct. 2390.
7. Grutter, 123 S.Ct at 2340.


16 Becky Francis, Boys, Girls, and Achievement (London: RoutledgeFalmer, 2000), 139.

17 Grutter, 123 S.Ct. at 2341 (emphasis added).

18 Id. at 2342.

19 In November 1996, California voters adopted Proposition 209, an amendment to the state constitution, entitled “Prohibition Against Discrimination or Preferential Treatment By State and Other Public Entities.” It states as follows: ‘The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.” Cal. Const. Art. 1, § 31 (a).

20 In November 1998, voters in the state of Washington enacted Initiative 200, entitled “The Washington State Civil Rights Act,” which similarly states that “[t]he state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.” Chpt. 49.60.400 Rev. Code. Wash.


23 Grutter, 123 S.Ct. at 2362 (Thomas, J., dissenting) (suggesting that race-conscious admissions policies do not help unprepared students succeed academically: “The Law School seeks only a façade—it is sufficient that the class looks right, even if it does not perform right.”)
WORKS CITED


**C A S E S**
