

THE MINER'S CANARY

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*On November 12, 2004, Professor Lani Guinier (Bennett Boskey Professor of Law, Harvard University) spoke to the law school on *The Miner's Canary*. The Center for Social Justice and Public Service sponsored her visit.*

Miners used to take canaries into the mines as a diagnostic tool to gauge when the mine environment was becoming toxic and lacking oxygen. Once the canary began to heave for lack of breath, the miners knew that the environment could not sustain the canary or themselves for very much longer. In her book *THE MINER'S CANARY* (written with Gerald Torres), Lani Guinier claims that the canary was the visible indicator of a problem that applied to *all* living things in the mine, *not solely* to the canary.

For Guinier, the miner's canary is a metaphor for the racial environment surrounding affirmative action in education. In today's "mine," the "canary" represents minority racial and ethnic groups and the "miner's" attitude represents the dominant white outlook toward these groups. Furthermore, she asserts that affirmative action currently acts as a metaphorical gas mask for the canary. Society pathologizes these minority groups and attempts to fix *them* rather than acknowledging the overarching societal and educational problem and fixing this environment. It follows that we must eventually recognize the toxicity and fix the "mine" environment if we are to progress.

Guinier thinks that institutions of higher learning have a public mission to train future leaders, but actually they are acting as little more than legacy institutions. She focuses on overrepresentation of individuals coming from wealthy (especially, white) families in the university environment as representative of this trend. In discussing admissions to college, she argues that the SAT launders wealth under the guise of merit.

Guinier asserts that the current social and political debate over race and affirmative action is a decoy that distracts us from the real issue, which is the economic monopoly of education. She thinks that pathologizing racial and ethnic minorities and attempting to "fix" them through programs of racial preference does little to address these groups' relatively low numbers in higher education because it tries to fix the wrong problem. Instead of taking steps to equalize access to higher education by examining wealth and class, the current debate focuses solely on race. In sum, we need to address economic disparity in order to move toward increased equality in education (and, eventually, in positions of leadership and power).