

# **The Miner's Canary, by Lani Guinier and Gerald Torres**

reviewed by [Helen Sterk](#) in the [October 23, 2002](#) issue

Deep underground, miners need a way to monitor the purity of the air. Before technology offered precise monitoring instruments, miners brought canaries with them. When the air became toxic, the canary would be affected long before the people. Just so, Lani Guinier and Gerald Torres argue, problems faced by people of color, poor people and women indicate danger in the cultural environment. What affects them first eventually affects us all.

Guinier, a professor at Harvard Law School, and Torres, a professor at University of Texas Law School, creatively envision ways to change toxic cultural and political environments so that the "canaries"--and, by extension, everyone--can thrive. Instead of putting tiny gas masks on the canaries, they say, cleanse the air so that both miners and canaries can stay healthy.

One method of air purification calls for race awareness. Currently, Guinier and Torres argue, people of seeming goodwill say they are colorblind when it comes to race. This colorblindness, the authors suggest, identifies race with skin color, believes that naming race is rude, and holds that racism is a personal problem rather than a systemic or institutional one. Colorblindness serves those who are not raced black (meaning perceived and treated as black). It does a disservice to those who are because it tells them, "Don't think or operate in terms of your race." It puts people of color in a bind and places white people in the position of deciding which people of color can be recognized and which ones cannot. "Such thinking makes all of its beneficiaries objects rather than subjects of policy."

However, when race becomes a "political space for pursuing a democratic agenda" rather than a biological category, it opens up possibilities for political agency for people of color. Throughout the book, Guinier and Torres use narrative to open not only each chapter but also new ways of thinking. They tell the story of the University of Texas, in which both people of color and poor, rural whites were

underrepresented. Two criteria were used for admission to the top schools in Texas: scores on standardized tests such as the SAT and, for the law school, both applicants' LSAT scores and the median LSAT scores of all applicants from their undergraduate institutions. The latter criterion was intended to recognize the level of rigor of the undergraduate institution. In effect, these standards excluded blacks, Mexican-Americans and poor rural whites.

It took a race-conscious theoretical lens to show that the standards did not judge what they were believed to judge: people's potential for success in law school, as lawyers and as future state leaders. The SAT and LSAT scores actually correlated more highly with family income than with success in life. As a result of the selection criteria, students (mainly affluent and white) from 10 percent of the high schools in the state filled 75 percent of the seats in the freshman class.

A coalition of grass-roots groups worked out a solution, one that, although race conscious, benefited the entire state. Instead of grounding the solution in a race-based quota, the groups proposed that the University of Texas admit students in the top 10 percent of each high school in the state. That solution served poor whites from rural counties as well as African-Americans, allowing representatives from these counties to become allies of those operating from a race-conscious perspective. In this case, race consciousness brought about a selection criterion that served everyone.

Another means of clearing the air, say Guinier and Torres, is to resist power. By this, they do not mean avoiding all use of power. Instead, they refer to using power in the sense suggested by Michel Foucault, the sense in which power is understood as influence exerted from all sides, not just from the top down. It is not power over people, but power with people, shared rather than hoarded.

The second great metaphor of *The Miner's Canary* is its comparison of power to an egg rather than a pyramid. An egg's oval shape, its ability to get even stronger when heated, and its generative power make it an apt symbol for the kind of power that can change people and policies.

One example of how power-with can transform situations and people is the teaching strategy used in a calculus class by Uri Treisman. He realized that his African-American students were not performing as well as his Asian-American and Caucasian-American students. Instead of deciding that African-Americans just aren't

good at math, he took a look at how his other students learned. He found that his African-American students studied alone and asked few questions of each other and in class. In contrast, the Asian-American students clustered together in and out of class, talking about how calculus worked. Treisman decided to change his teaching methods to serve all his students better by creating learning groups that reported to the larger class.

Finally, Guinier and Torres move to the national level, discussing how the practices of democracy can and should change to bring about greater good for everyone. They endorse participatory, inclusive, race-conscious policy-making. The two arenas they address include political districting and the relative funding of prisons and education. On political districting, Guinier and Torres extend an argument that caused much controversy in the early days of the Clinton administration. They work out an analogical case for race-conscious districting in relation to the current practice of party-conscious districting. Just as the Supreme Court has ruled that district boundaries must change if districting can be shown to harm one political party, so too, they argue, must boundaries change in case of harm to raced people.

Applying a race-conscious analysis to the funding of prisons in relation to the funding of education, Guinier and Torres argue that the priorities need to change because current policies do not make things better for the "canaries." Especially in the case of incarceration for drug possession, prisons lead to recidivism while rehabilitation programs lead to better options for life. Pragmatically, when the costs and outcomes of the two possibilities are compared, education always comes out on top. Yet prisons receive the funding. As Guinier and Torres show, those who benefit from prisons are not those living within them.

They end the book as they begin it, with a definition of racism. Colorblindness is cloaked under the rhetoric of equality, but instead of guaranteeing equal opportunities and rights, it functions as racism. Guinier and Torres define racism as "acquiescence in and accommodation to racialized hierarchies governing resource distribution and resource generation." When resources can be made and spent by all, including people of color, then racism will recede. As they so ably show, the mine needs restructuring more than the canaries need gas masks.