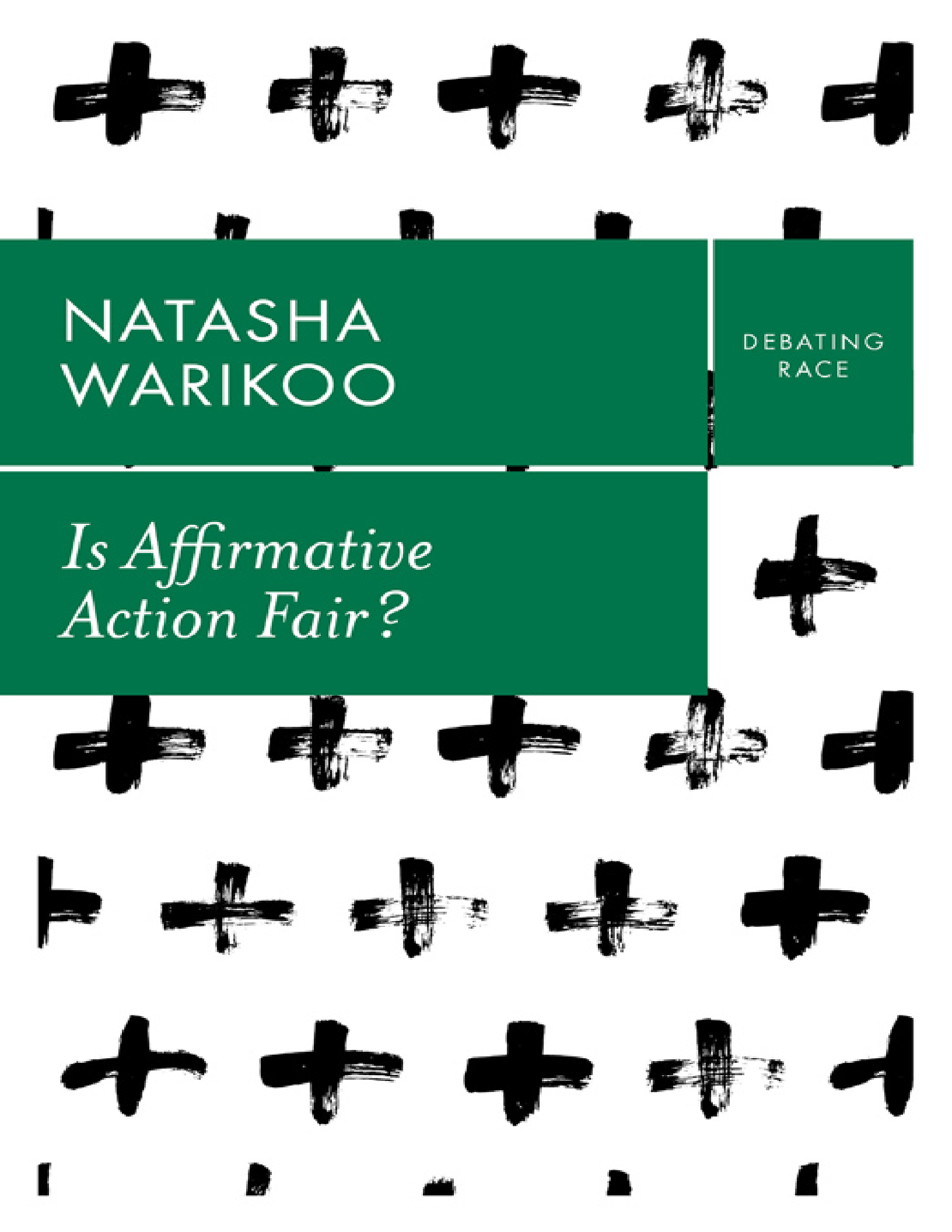

NATASHA WARIKOO

DEBATING RACE

Is Affirmative Action Fair?

Table of Contents

Series Title

Debating Race

David Theo Goldberg, *Are We All Postracial Yet?*

Ghassan Hage, *Is Racism an Environmental Threat?*

Jonathan Marks, *Is Science Racist?*

Laurie Cooper Stoll, *Should Schools Be Colorblind?*

Gavan Titley, *Is Free Speech Racist?*

Natasha Warikoo, *Is Affirmative Action Fair?*

Alford A. Young, Jr., *Are Black Men Doomed?*

Is Affirmative Action Fair?

The Myth of Equity in College Admissions

NATASHA WARIKOO

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INTRODUCTION

For decades, considering whether an applicant is part of an underrepresented racial group when making selection decisions has been a topic of much public debate. When they hear the words *affirmative action*, most Americans have a visceral response. Some think it's essential. Others think it is a violation of their rights. Most will have a view, and a strong one at that. And nearly always, our very strong opinions hinge on a very simple question—whether we think affirmative action is *fair* or not. When we talk about affirmative action, we are nearly always asking questions about core American values: whether we truly are a meritocracy, if we can (or should) legislate against racial injustice, how to best harness the power of education. Like abortion, this issue seems to polarize us even though our views are more similar than we believe they are. My aim is that by the end of this book, whatever your beliefs, you will have a deeper understanding of affirmative action and its value for higher education and for American society, more broadly.

Affirmative action arose in the United States during the 1960s as the federal government and universities attempted to increase opportunities for and representation of African Americans in government contracts, selective colleges, and beyond.[1] It was one practice of the growing civil rights agenda. While affirmative action today is indelibly linked to liberals—and almost universally despised by conservatives—this was not always the case. Democratic President Bill Clinton didn't think that affirmative action should be ended, although he did argue that we should "mend it" (but "not end it"); several decades earlier,

Republican President Richard Nixon actually *expanded* affirmative action in federal employment.[2]

Though affirmative action is a painfully divisive topic, our views on the practice are actually quite complex, and seem to depend on the question we are asked and how the issue is framed. Six in ten Americans respond favorably when asked "Do you generally favor or oppose affirmative action programs for racial minorities?"[3] And when college students are asked to choose from two candidates with similar backgrounds in a simulated admissions decision, even students who say they "oppose affirmative action" tend to pick the one from an underrepresented group.[4] But when posed using the possibility of "reverse discrimination," support drops: in a 2021 survey, Americans were asked:

> *Some people say that because of past discrimination, Blacks should be given preference in hiring and promotion. Others say that such preference in hiring and promotion of Blacks is wrong because it discriminates against whites. What about your opinion—are you for or against preferential hiring and promotion of Blacks?*

Just 23 percent expressed support.[5]

While affirmative action plays a role in private sector hiring and government contracts, we seem to hear the loudest debates when it comes to college admissions. When selective colleges decide whether to admit an applicant, affirmative action means they take into consideration whether an applicant is part of a racial group that is underrepresented on campus. Over 300 of our selective colleges do so.[6] In addition to considering race, most also consider an applicant's SAT or ACT scores, grade point average (GPA), number of advanced-level courses, personal essays, teacher recommendations, and extracurricular

activities. Some also consider an interview, requests from athletic coaches (“athletic recruiting”), ties to the university (“legacy” status), and whether a student needs financial assistance. The most elite colleges are even more specific—they look to have representation from all fifty states, students with a range of intended majors, diversity of parent professions, and much more.[7] These criteria are considered together as part of a “holistic” process—the US Supreme court has prohibited specific points or quotas for racial groups. Applicants from underrepresented groups on selective college campuses—African Americans, Native Americans, and Latinx—are given the benefit of the doubt if, for example, their test scores are marginally lower than similar white applicants.[8]

The increasing demand—within and beyond the United States—for a limited number of seats at the most selective universities means that the question of fairness in admissions weighs heavily on the minds of many. The more parents believe that where their children go to college matters as the first step toward securing their futures, and as a marker of identity as someone “smart” and “worthy” of elite education, the stronger their opinions seem to be on what a fair system of selection entails. Rapidly declining admit rates to top colleges—for instance, Harvard University’s admit rate for undergraduates is now less than 4 percent, down from 6 percent just ten years ago and 12 percent in 1997—fuels this sense of insecurity about the future.[9]

It is not just parents who care. Elite colleges have a sacred quality, even to many of us who have never set foot on their campuses. They symbolize the American dream—something achievable by anyone with some talent and a strong work ethic. And we Americans like it this way—in the United States we believe, more than our European counterparts, in

the importance of meritocracy: that one's standard of living should follow from one's effort and skills, and that addressing inequality means focusing on providing equal opportunities to everyone rather than supporting everyone in society regardless of their level of accomplishment.[10] The very American individualism that French thinker Alexis de Tocqueville identified nearly two hundred years ago seems stronger than ever today.[11] Our persistent individualism means we assume, and even insist, that admissions should be tied to individual achievements.

Political actors, too, have played a role in ensuring loud public debate on affirmative action. Conservative activists have strategically attacked it, employing the language of civil rights and racial justice in their critiques.[12] They argue that affirmative action amounts to racial discrimination toward whites (and sometimes, toward Asian Americans, who are mostly not eligible for affirmative action in college admissions).[13] Aside from organizing and funding multiple lawsuits since the 1970s that have landed in the US Supreme Court, conservative activists have also launched anti–affirmative action ballot initiatives in seven states to date, six of which have been successful. In addition, they have successfully pushed three more state bans by executive order or new state laws.[14] To the question of "Is affirmative action fair?" these actors have voiced a resounding "No!" On the other hand, liberal defenders of affirmative action have loudly defended the policy as a cornerstone of an elite college education.[15] Advocates attempted to repeal California's 1998 ban through a 2020 referendum (but narrowly lost that vote).

Central to the framing of public debates over affirmative action is the notion of fairness. Is it fair to consider race, given our commitments to judging each person on their individual merits and not discriminating on the basis of

race? Is it fair *not* to consider race, given the historical exclusion of certain racial minorities from elite college campuses, and from the American dream? What is a fair system of selection, anyway? The answers to these questions rest, in part, on our understanding of fairness in society. Some see treating everyone as a blank slate as the fairest mechanism, while others think fairness means considering a person's accomplishments in light of the opportunities and roadblocks they have experienced. Some see the lack of significant numbers of Black, Latinx, and Native American students on campus as a sign of admissions gone awry, while others do not. And, in any case, all these perspectives, as we'll see, fail to consider what colleges are trying to *do* when they admit students.

These questions of individual merit can all seem rather abstract and hypothetical; the real reason why affirmative action is so divisive is because it forces us to address America's most divisive issue: race. Our views on affirmative action depend in large part on how we make sense of differences in achievement by race. If you oppose affirmative action, chances are you believe that racial gaps in achievement are related to cultural differences in commitments to academic excellence and willingness to work hard; you might also feel threatened by policies designed to address racial inequality.[16] Your views are likely best described as "colorblind," because in your view the only fair way to address race is to ignore it, even if you feel that racial inequality is a problem.[17] Otherwise, we are strengthening a social category that has been used historically to disenfranchise vulnerable groups, and implying that those groups are inherently inferior. In the words of US Supreme Court Chief Justice John Roberts, "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race."[18] But while you may view your attitudes as philosophical, studies of racial

attitudes have shown, in fact, that opposition to policies like affirmative action are correlated with racial prejudice, even when we compare people with the same political views.[19] Legal attacks on affirmative action rely on non-discrimination laws—designed to protect stigmatized minorities—to make the argument that affirmative action is actually racist toward whites (and, sometimes, toward Asian Americans). Many of these opponents also argue that it sets its supposed beneficiaries up for failure when they enter colleges in which they are not academically prepared to be successful.[20]

If you support affirmative action, chances are you see the world rather differently. You probably believe that race differences are fundamentally rooted in this country's social policies, and that centuries of racial discrimination and exclusion continue to create disadvantage for Black, Native American, and Latinx youth. The history of race in the United States has shaped everything from dramatic wealth differences between white and Black Americans, to which neighborhoods Americans live in, to whether a birthright citizen is perceived as truly American or even personally warm.[21] Given the history of race in the United States, proponents of affirmative action point out that race —due to both historical circumstances as well as present perceptions and economic resources—continues to affect the life chances, lived experiences, material realities, and perspectives of Americans. Most who recognize the ongoing social meaning of race in American society agree that ignoring race alone will not make those realities vanish. Any hope for racial equality requires actively addressing race; thus, affirmative action is important for fostering a more just, democratic society.

In addition to the reality of racial inequality, if you're a proponent of affirmative action you might also recognize