

Opportunity in Black and White:  
How Affirmative Action Serves the Purposes of Higher Education

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## INTRODUCTION

Affirmative action has become one of the most contentious of political issues of our time, one that has threatened, if not shattered, old allegiances among those who worked together in support of civil rights and racial justice, while at the same time forging new alliances among groups in opposition to affirmative action. In the mid-1960s, colleges and universities around the country had undertaken substantial efforts to extend higher educational opportunity to blacks and other minority group members. Necessarily they took into consideration race of applicants to do so. But by the mid-1970s, gains in higher educational opportunity for blacks, Hispanics and American Indians were being challenged and by 1978 with the Supreme Court decision in the case of *Regents of the University of California v. Bakke*, the use of race in college admissions began to be constrained legally. The Bakke decision permitted the use of race as a consideration in college admissions, but only as one of many factors that might be considered as colleges seek legitimately to create a diverse student body. More recent court decisions and political actions presage an all-out assault on affirmative action. Among the most recent and compelling court decisions challenging affirmative action is the case of *Hopwood v. Texas* in which the United States Court of Appeals for the Fifth Circuit ruled that the University of Texas practiced “reverse discrimination” in its consideration of race when making admissions decisions to its Law School. Of course, this is not the only such challenge as, for example, the University of Maryland’s Banneker scholarship program for minority students has been deemed unconstitutional. In view of the economic status of minority students generally, the denial of a means to offer scholarships to them specifically could prove to be an even more effective way to limit their participation in higher education.

The steady stream of court decisions, adverse political rhetoric, and individual unease concerning affirmative action have combined to sway public opinion away from the broad, though shallow support which the principle of affirmative action enjoyed in its early stages. Certainly with respect to higher education, some of the opposition to affirmative action is the

result of a sense of insecurity about future prospects; some opposition is based in principled disagreement or charges of abuse; there is also opposition based on misinformation, dishonesty and even outright distortion; but some of the opposition may be based on a lack of understanding about higher education itself and its purposes. I will try to address these concerns while arguing the value of affirmative action in higher education.

President Clinton has taken a position that affirmative action should be mended, but not ended. At the same time, the modest gains of minorities which are the direct result of affirmative action policies are being questioned, challenged, even legislated or voted out of existence, for example action by the University of California Board of Regents to end affirmative action in student selection or the passage of Proposition 209 in California. Terms like “racial preferences,” “reverse discrimination,” and “affirmative abuse” are used to describe the set of compensatory measures instituted in prior decades to try to bring about a more just society than the one which existed before the advent of affirmative action. In fact, the racial progress that has been made is one reason some argue for the end of affirmative action. Those opposing affirmative action argue that times have changed since the days of legal and *de facto* discrimination, and the progress blacks have made is clearly visible in modern society. Their reasoning continues that affirmative action policies should be eliminated so that blacks’ achievements can be seen as legitimate rather than stigmatized by a presumption that Black progress is the result of special consideration (Steele, 1992 (p.120)). Another equally powerful position is that racial consideration is morally wrong no matter how lofty its purpose. This reasoning maintains that both law and morality combine to proscribe consideration based on race even if for benign purposes or compelling state interests. They assert that if we aspire to a color-blind society, then we must act in all things consistent with such a philosophy. On the surface, both sets of objections seem to hold merit, but closer examination reveals them to be myopic, disingenuous, and devoid of the very moral base they claim to advance. Affirmative action is but a single and modest strategy for dealing with the complex legacy of racial discrimination that has plagued the United States since its inception and which continues to limit opportunity even today. Affirmative action as a strategy is not perfect

and its implementation requires “good faith” by all, but it is an effective strategy for advancing social justice. Affirmative action is a particularly important strategy for the higher education community as it seeks to fulfill its long held mission of shaping the future through training tomorrow’s leaders today.

This essay will concern itself principally with affirmative action in the higher education system during the last thirty years. It will focus on blacks in higher education, though its conclusions may have broader application. The reason is twofold: first, the historical condition of blacks was clearly the impetus for the origin of affirmative action, though it is recognized as not the only concern; and second, for comparison purposes, the record is most complete for blacks vis-a-vis whites in contrast to other groups who have more recently been included under the affirmative action umbrella. By focussing on blacks and examining the statistical and historical record in higher education, the true impact of affirmative can be placed in perspective. Such perspective reveals that during the affirmative action era, but wholly apart from it, when higher education expanded more than at any other time in the country’s history due to a variety of economic and social factors, the main beneficiaries of such expansion, as measured by college enrollments, have been whites. That is, whites enrolled in college in unprecedented numbers during this period, far outstripping the impressive gains in college enrollment made by blacks. One has to conclude that the economic benefit of higher learning, therefore, has mainly gone to whites as well. This essay will attempt to show why that is so and also will argue that, given the continued disparities between the races, affirmative action has not gone too far, as many opponents contend, on the contrary, it has not gone far enough.

#### WHY AFFIRMATIVE ACTION?

Recent conservative writings have portrayed affirmative action as an affront to American idealism (Eastland, 1996; Sowell, 1996) or even as outright fraud (Bolick, 1996). In contrast, defenders of affirmative action endorse its benefits and its historical necessity (Bergman, 1996)

or suggest modifications in the ways in which affirmative action is practiced so as to make it more consistent with longstanding American ideals as well as law (Edley, 1996).

### The Opponents' View of Affirmative Action

Opponents of affirmative action have raised a variety of arguments against it, but these arguments really amount to four broad objections:

The first involves accusations of abuse or fraud as in the case of a set-aside contract being awarded to a business with a minority "front," but which is actually owned and operated by whites. The legitimate purposes for affirmative action should not serve as sublimation to perpetuate fraud. Both whites and blacks involved in such enterprise should be fined and prosecuted (in that order).

A second argument against affirmative action is that it benefits those who have not been disadvantaged. There seem to be two ways in which this could occur. The first involves recent immigrants to the United States, some of whom may be wealthy, but all of whom may benefit from programs intended to redress past discrimination which they could not have experienced. Thus, recent immigrants from the West Indies or from Latin America could qualify for special consideration by virtue of membership in "protected groups" (i.e., Black, Hispanic, Indian). The second way involves, for example, the children of wealthy parents in "protected groups" who receive the same benefit as a disadvantaged member of the group. Unlike cases of fraud these examples are less readily disposed. In theory, however, both can be addressed by establishing needs tests such as those already in place at every college and which award financial aid on the basis of need.

A related claim against affirmative action is that its purpose has changed from one of seeking compensation (which was never broadly accepted anyway), to one of seeking diversity. This view argues that the original purposes of the civil rights movement were noble and included the creation of a color-blind society where opportunity and integration would flow naturally (Kahlenberg, 1996). This view also maintains that affirmative action goes astray when it focuses

on goals and results, rather than on an ideal. Thus affirmative action becomes perhaps the first government policy ever to be criticized for having a concern with tangible results. But the application of this logic to other government action renders it ludicrous. Imagine the military having an ideal to defend the country, but being unconcerned with the results. On a personal level, who would be willing to invest money with a stock broker who was not concerned with results? Results are important precisely because they inform us about progress made relative to the ideals and goals we have. But another important ideal we hold is that of being a diverse society which has long been a hallmark of American democracy and is enshrined in some of our most cherished symbols, including for example the Statue of Liberty. Diversity also has been a standing goal of colleges and universities as they endeavor to build a student body and to prepare leading citizens of the future. Far from being anathema, efforts to promote diversity, including affirmative action efforts, should be applauded in a multiracial society. Suggestions to end affirmative action for these reasons is rather like throwing the baby out with the bath water. The establishment of needs tests and a commitment to tolerance and making our multicultural society work would do much to fix these objections to affirmative action.

The third argument against affirmative action is the claim that it is nothing more than “reverse discrimination” and as a result causes hostility between the races. It maintains that whites who have not committed discrimination themselves are passed over in favor of minorities. In other words, the innocent are unjustly harmed by affirmative action and so whites generally are justified in being angry at such a practice. Yet, the image of white males being moved to anger and hostility towards minorities by affirmative action is simply without foundation. What is amply supported, however, is that white males were angry anyway and lashed out at any convenient target. Dennis Chin, an American citizen, was beaten to death with a baseball bat by two whites who blamed him for the successes of Japanese manufacturers in penetrating the American automobile market. Whites were angered by rising gasoline prices, inflation generally, losses in union wages and benefits, corporate downsizing, and broadly lowered expectations

about quality of life issues. Moreover, the historical record of segregation and discriminatory practices shows that white hostility towards blacks far antedates the affirmative action era.

Clearly affirmative action did not cause white anger. Does affirmative action unjustly harm innocent whites who are held to account for the sins of their fathers? There are three keywords in this question: “unjustly,” “harm,” and “innocent.” Let us consider a hypothetical situation to illustrate the dilemma. Consider a child day care center that has a policy of parental involvement. At the beginning of the day each parent is expected to help “transition” the child being dropped off by getting for the child a breakfast snack and then getting the child settled at a table in the activity room. Once this routine is established it works well for parents, children and staff at the day care center as the children settle down, the parents depart and the staff takes over. The breakfast snack is to consist of a “mini-muffin,” a cup of fresh mixed fruit, and a small glass of milk. There is enough for every child to have a single serving and even a little extra in case a spare child shows up on a given day. But what if one parent supplies his greedy child with several mini-muffins and multiple fruit cups and also has the habit of wolfing down a few muffins himself in the process before departing? Of course, this leaves not enough breakfast snack for others. When others confront the greedy child with his horde of goodies the savvy child remarks: “These were given to me by my parent and I’ve done nothing wrong.” How will the other children, parents and day care staff react? Is the child simply to be left alone or is the occasion to be treated as a teachable moment during which the child learns about social responsibility and fair play? Will the day care staff have acted responsibly if it did nothing to correct the situation? Would the greedy child’s parent be expected to part with some resources to make amends for the clear wrong? Perhaps the greedy child did nothing wrong, but almost no one would conclude that nothing should be done to correct the situation and the other children should simply suffer without a breakfast snack. There is no question that whites individually and collectively have benefitted from the legacy of racial discrimination both in the past and in the present. Some social action is necessary and appropriate to correct the imbalance and doing so cannot justly be called reverse discrimination.

The fourth argument against affirmative action is that it stigmatizes those who benefit from it in the sense that they cannot take pride in their own accomplishments and also that their accomplishments themselves are suspect. This has to be one of the most disingenuous arguments ever! Affirmative action has a history of just thirty years, but the stigma attached to black accomplishments by whites goes back hundreds of years.

In this regard the argument that affirmative action stigmatizes those who benefit from it is but another step in the long march to minimize black accomplishment. By comparison, are the children of business tycoons stigmatized by the cushiony positions they are awarded in corporations by the accident of birth? Was former Vice President Dan Quayle stigmatized by the intervention of wealthy relatives to ease his admission to law school? Are the children of congressmen and senators stigmatized when their parents usher them into political appointments? Affirmative action may open a door that might otherwise have been closed for malicious reasons. But those who benefit from affirmative action have to walk through the door on their own and generally have to run thereafter to keep up and complete the race. Achieving one's goals is no cakewalk, whether it is completing college or building a successful business and those who do so are justly proud. Those who refuse to acknowledge such hard work and perseverance, which they so readily grant to others who are less deserving, should question their motives. The argument that affirmative action is stigmatizing is an absurd cover for more base instincts.

### A Legacy of Inequality

Unfortunately, as a policy affirmative action is sometimes accompanied by such fervent emotion as to generate misunderstanding and even distortion as opposing sides seek to promote one view over another. Recent legislation and court actions have not proven altogether helpful. Voters in the State of California have passed a referendum outlawing affirmative action and additional efforts to do so nationwide are underway as well. Yet, the Federal Court in California has issued an injunction against enforcing the state referendum. The Federal Appeals Court for the Fifth Circuit in what is known as *The Hopwood Case* struck down the use of "racial



preferences” in college admissions, but the ruling does not apply to other parts of the country which continue to rely upon the 1978 *Bakke Decision* which permits the use of race as a factor in college admissions. Meanwhile, in the State of Michigan, four state legislators have recently openly advertised for anyone to step forward if they feel aggrieved by University of Michigan affirmative action policies. Such frantic activity begs the question: why should affirmative action exist today as a matter of public policy? The historical context for implementing affirmative action policies must be reviewed, even if briefly, as it is connected to the need to maintain affirmative action policy now.

As a policy, affirmative action had its beginnings in an Executive Order by President John F. Kennedy who in 1961 required federal contractors to treat their employees and applicants without regard to race, creed, color or national origin. Rampant inequality and racially discriminatory practices were both obvious and commonplace at the time. It was acceptable, even legal, to bar blacks for sitting at the counter of a restaurant or to place restrictions on their right to vote. Racial discrimination in such areas as employment or public accommodations was practiced openly. The principle of affirmative action and the need to redress social wrongs were reinforced by President Lyndon B. Johnson who in 1965 said, in reference to the historical condition of American blacks:

“You do not take a man who has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say you’re free to compete with all the others, and justly believe that you have been completely fair.”

Later, President Richard M. Nixon promoted affirmative action as a means of bringing blacks into the American mainstream through black capitalism and economic development. Politically Nixon, a republican, may also have sought to create a wedge issue between two traditional allies of the Democrats: minorities and Labor Unions. The central role of education in developing skills and insights essential to both economic and personal development contributed to the creation of affirmative action policies in college and university admissions.

The implementation of affirmative action policies has a history of only about thirty years. For much of this period, the basic notion of affirmative action as a means of ensuring equality of opportunity to those historically denied it has been retained and even expanded in some respects. For example, the protection of groups other than blacks from discriminatory practices. Education has been a major focal point in the quest to expand equal opportunity. This is understandable because education is widely recognized as the path to opportunity and self-improvement.

In *Brown vs. Board of Education* (1954) the civil rights community won a pivotal case to end *de jure* racial segregation in public schools. Affirmative action policies in the 1960s and 1970s were as important to the higher education community as the *Brown vs. Board of Education* case was to public school desegregation in the 1950s. It took a Supreme Court decision that state supported segregation in public schools must end before public schools began in earnest to move towards a policy of integration. Similarly in the 1960's and 1970s it took affirmative action policies at the college and university level, often implemented by administrative fiat rather than through faculty initiative, before significant numbers of blacks were admitted to predominantly white institutions of higher learning.

The need to address the nationwide problem of inequality and social justice that was so painfully obvious in the early 1960s remains with us today, even if less obvious in some quarters and this is why affirmative action is needed even now. As Edley (1996) has pointed out discrimination in housing and employment practices continue today; black income is stuck at less than 60% of that of whites; half of all black children live in officially defined poverty; black unemployment is twice that of whites; a college education promotes employment security as evidenced by the fact that fewer than three percent of college graduates are unemployed, yet whites are twice as likely to have a college degree as blacks. As these statistics reveal, the reality for most blacks in the United States today is vastly different from the circumstance of such luminaries as Oprah Winfrey, Michael Jordan and the other black celebrities who are big in our collective consciousness, but who are quite small in number when compared to blacks in general.

Affirmative action is an effort to redress a societal context in which the United States actively created and maintained social and economic disparity between the races, particularly with respect to access to education. The first “compulsory ignorance” law was passed in colonial South Carolina in 1740 making it unlawful to teach slaves to read. Numerous similar laws were passed around the country serving to trample black educational aspirations; in concert with *de facto* segregation and Jim Crow laws, black personal, social and economic life were severely constrained. The resulting inequalities were intentional and contrary to the democratic ideals espoused in law and in society generally. The historical record supports the harsh conclusion that since at least 1740, whites have extended to themselves preferential treatment in education at the expense of blacks and other minorities, including American Indians, Mexican Americans, and Chinese Americans.

The decades of deliberate deprivation have created enormous black-white disparities that more recent social advances cannot readily overcome; these disparities are evident even today in every measure of quality of life whether one chooses income, employment status, education attainment, quality of health, or longevity of life itself. Oliver and Shapiro (1996), for example, point out that nationwide systematic economic barriers have discouraged many blacks and impaired their ability to accumulate wealth. The barriers include historically low wages, limited access to capital, local and state policies that served to restrict black upward mobility, the rise of the modern suburb and the making of the modern urban ghetto. The cries of inequality and reverse discrimination we hear today against the modest gains of the past thirty years are disingenuous in light of that history. This is particularly true in education which has been the key element in social mobility and individual empowerment.

#### Affirmative Action and the Purposes of Higher Education

The late Edward Boyer, in discussing the undergraduate experience in America, described two goals of college which flow from the needs of society and also the persons seeking education. The twin goals he described are: individuality and community. Expressed differently they are personal empowerment and the common good. According to Boyer, individuality is

served through the personal benefits and utility of education; the pursuit of one's goals and aptitudes for the purpose of becoming productive and self-reliant. But Boyer also recognized the importance of community in the higher education enterprise:

But amidst individuality the claims of community must be vigorously affirmed...[through] an undergraduate experience that helps students go beyond their private interests, learn about the world around them, develop a sense of civic and social responsibility and discover how they as individuals can contribute to the larger society in which they are a part.

Boyer, 1987

Affirmative action serves the personal and social purposes of higher education today by promoting the kind of diversity of people and ideas that balance the private and public obligations of the academy. The broad public support of higher education exists not only for the purpose of providing the means by which one can achieve individual upward mobility (personal progress), but also because of the widely shared sense that higher educational attainment for individuals translates into progress and betterment for society at-large. The public supports higher education in many ways: research grants, bonds for buildings, tuition assistance (grant and subsidized loan), outright appropriation from tax revenues, gifts, bequests and other contributions. Public support for affirmative action, though waning, is another way to endorse the idea that the outcomes of higher education serve society at-large. Moreover, it is important to recognize that the claim to educational opportunity is not absolute; it is not and has not been based solely on individual merit, although merit is recognized and supported; rather higher education is more properly viewed as a balance between the claim of the individual and the needs of the common good.

At base, affirmative action has as its purpose the prevention or reduction of the probability of illegal discrimination, and in particular prevention of the kind of race-based discrimination that for generations served to proscribe the advancements blacks might otherwise

have made (Fleming, et al, 1978). Affirmative steps taken to reduce the probability of discrimination can no more be called “reverse discrimination” than the incarceration of a convicted kidnapper can be called “reverse kidnapping.” Both seek to provide justice while reducing the probability of behavior considered harmful to society. Similarly retailers routinely pass along the cost of losses from shoplifting by raising the prices of goods sold. Thus, all consumers, including those who themselves have never stolen, share in subsidizing theft even while anti-theft measures are employed to reduce the probability of shoplifting behavior. As a matter of public policy, society may take corrective action or spread the cost of harmful behavior across society. What a just society cannot do is acquiesce in the face of blatantly harmful acts and at the same time do nothing to spread the cost of correcting them in which case the cost of such harm is borne only by its victims. Affirmative action can reduce the probability of harmful acts, correct the effects of harmful acts, and spread the cost of harmful acts.

Without affirmative action the probability of old-style race-based discrimination is high and paves the way for systemic discrimination to operate unchecked. At The University of Texas, fewer than one percent of this year’s law school class will be black, a direct result of the Hopwood decision. In education generally, and higher education in particular, the purpose of affirmative action includes reducing the probability of illegal discrimination in admissions and programs, but also the selection of a diverse student body (Rudenstein, 1996). This latter point is the essence of the Bakke decision permitting consideration of race in college admissions. Justice Powell noted that beneficial educational pluralism could be a justifiable reason for considering race of applicants when making admissions decisions. In other words to consider race, or for that matter the gender or state of residence of an applicant, is a legitimate means for making selection distinctions among applicants; that is, in addition to objective measures, personal qualities also may serve as a basis for making discriminations among many applicants for limited spaces.

The term “discrimination” deserves some comment here. Because of its long legal association with bias, there is an understandable tendency to view the term “discrimination” only pejoratively as when one *discriminates against* another. Implicit is an assumption of intentional

harm done to the person who is the object of the discrimination. However, in its most fundamental form, to discriminate means simply to make distinctions. In this sense, we make discriminations all the time. But in making distinctions we do not necessarily engage in malicious discrimination; rather, whenever we have to make a selection we either do so randomly or we engage in a process of making distinctions, that is discriminations, from among our available choices. This is so whether we are deciding on a pair of shoes or who is to be admitted to medical school. Thus, it is not a problem to identify and note differences and then use such knowledge when it's time to execute the decision; rather, it is a problem to identify and note differences for purposes of invidious discrimination. Few instances of invidious discrimination apply to the selection of a pair of shoes, but numerous instances of invidious discrimination may apply when making selections among humans. Thus, when making selections from among humans, the purpose behind the selection is not a trivial matter.

Originally, higher education in America had as its purpose the training of a learned clergy and then gradually the preparation of people for law or medicine (Handlin and Handlin, 1973). Eventually the need of a developing economy for trained leaders and the people's recognition that education afforded opportunities for upward mobility led to an expansion of the higher educational enterprise. Between 1870 and 1930 the number of college students rose from 52,000 to over a million. In the sixty years from 1930 to 1990 the number rose from 1.1 million to over 14 million college students. The number of post-secondary institutions went from 1,400 in 1930 to 3,688 in 1995, with 2,215 of those being four year colleges and universities (Chronicle of Higher Education, 1996). Clearly the nation as a whole recognized the need for a highly trained citizenry in promoting the public welfare as well as the role of higher education in producing them.

During much of this period of massive unprecedented expansion, the numbers of blacks availing themselves of higher educational opportunities were limited. The limitation was partly economic and partly blatant discrimination. Regardless of their academic credentials, relatively few blacks were permitted to attend any college or university, other than those now known as

historically black colleges and universities, until the 1960s. Those who were granted admission to predominantly white institutions were not always afforded the full range of opportunities normally afforded students; for example, some colleges would admit academically outstanding blacks, but would not allow them to live in college dormitories. But between 1964 and 1984, the number of black students rose from a relatively meager 227,000 to over a million, where it has hovered ever since. During this same period, the number of white students rose from about 6 million to over 10.5 million (Carnegie Council, 1990). The growth of black student participation in higher education was due largely to affirmative action policies in colleges and universities, but all the while, due to economic expansion, white student participation continued to grow as well and in numbers much greater than for blacks.

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In fact, the major college enrollment shifts occurred at three key points in American history:

- following the Civil War and the Morrill Land Grant Act and its emphasis on developing the economic and technical skills of a young and growing nation
- following World War II and the GI Bill with its emphasis on re-tooling American society after the worldwide conflagration through extending educational opportunity to returning veterans of the war
- following the ascent of baby boomers through the educational system and concern for educational justice epitomized by affirmative action policies in higher education.

Each massive shift represented the best traditions of the unique American attitude: support for individual development while promoting the common good. But each shift can be seen to have resulted in far greater educational attainment and resulting advantage for whites than for blacks.

Today, educational attainment is a marker of future success and economic empowerment. Yet, blacks continue to lag behind whites in educational attainment and in the economic and social benefits that are expected. Clearly blacks have made substantial gains in the educational

arena. By the 1980s the proportion of blacks who graduated from high school was about equal to that of whites, reversing the two-to-one advantage whites held in the 1950s. Similarly by 1977, the percentage of blacks who graduated from high school and went on to college was about the same as for whites, another clear reversal from the past. But even here the global numbers do not tell the whole story. Although blacks and white went on to college in similar proportions, whites were much more likely to go on to four-year colleges while the majority of blacks went on to two year colleges. Moreover, since 1976, black college enrollment and graduation rates have actually declined. It is clear that in virtually every marker of quality of life, blacks have made substantial gains during the last thirty years, but it is also clear that whites have made even bigger gains and these have been built upon their existing advantage which cannot be separated from the legacy of discrimination and racism that has permeated American society historically.

About a third of all blacks live in poverty today, while only about ten percent of whites do; the infant mortality rate is twice as high for blacks as it is for whites; one in four blacks are without health insurance or medicaid coverage; in comparison to whites with similar incomes, blacks are more likely to live in overcrowded or substandard housing often segregated from more desirable housing; it is harder for blacks to get a mortgage than whites and blacks pay higher mortgage interest rates than whites. Whites inherit wealth from their forefathers, while blacks inherit the disadvantage of racism. *Given the country's history, we have every reason to believe that without affirmative action the situation would be even worse.*

Economic empowerment, upward social mobility, improved quality of life are all representative of the tangible effects of increased educational attainment and so people are justified in pursuing higher learning precisely with these goals in mind. Yet, education also has a more global, philosophical purpose. The ultimate purpose of education is the socialization of the individual in such a way as to preserve the culture of a society. Higher education in particular has the task of serving a "privileged few" (Milne, 1990) to prepare them for leadership roles in society, business, and the professions. As such, higher education holds a singular position with



respect to the twin goals of developing the individual while at the same time preserving the culture.

Many of those taking the fight to affirmative action seem to be of a mindset that higher education's purpose is solely the development of the individual. This view alone is misguided, but the error is compounded by connecting to it the notion that higher education is to be peopled only by those who score highest on some objective criterion such as standardized test scores. The result is to limit access to higher education based on the meritocratic imperative which is, in fact, a relatively new notion in American higher education and one whose application is selective. That is, exceptions to established college admissions criteria, for example, are widely used. Everyone is aware of exceptions that are made for athletes, but fewer people seem to note that admissions exceptions are made for faculty children, geographic location, children of alumni and VIPs, and at the behest of members of college boards of trustees who just happen to take an interest in neighbor's child. While the interest of trustees in the progress of individual applicants is common, one wonders if there an admissions director anywhere in America who has ever gotten a call from a trustee urging special consideration for a black applicant.

More importantly though, college admissions, particularly at selective institutions, is considerably more involved than the simple application of numerical formulae. Instead, much of the consideration to admit or not is based on subjective evaluations that are not easily quantifiable. Of course test scores and previous grades are important considerations, but they serve to establish a floor defining the pool of applicants who will receive serious consideration. Subjective evaluations, with all their imperfections, take over at this point. Consideration is given and decisions made based on the impressions left by letters of reference, the student's communication skills (including basic enthusiasm), the student's levels of motivation, maturity, and commitment; how much the student has matured in high school, how much of a leader the student appears to be. Perhaps most important is a judgement about the degree of fit between what the student claims to be seeking and what the institution feels it has to offer.

Paradoxically, although these considerations may focus on “how much” of a given trait a student may have, there is really no way to quantify them, except arbitrarily so. The traits themselves are not mutually exclusive, they are not evenly distributed among applicants, they are not all present in every student, nor do they add up to 100 percent. Of course, there is nothing to preclude one from having high test scores and other desirable characteristics as well, but focus on test scores alone or quantifiable factors alone will not tell the whole story. College admissions must rely on flexible good judgement as it always has in the past. For example, prior to World War II the selection among applicants to medical school sought “mainly young men and women of good character and a broad liberal education” (Wolf, 1997). Burgeoning applications to college along with the establishment of the Educational Testing Service in 1947 led to the relatively recent focus on test scores in college admissions decisions of all sorts. Today, there is need to maintain a broadened basis for college selection which includes good judgement that may consider characteristics previously scorned, such as race. The purposes of education include matters other than a given individual’s empowerment through higher learning and so the notion that one is entitled to attend one’s first choice of college is simply misguided. If one applies to and is not admitted to a large number of colleges, it is likely that a combination of factors are at work, including both objective and subjective factors *other than* affirmative action considerations. Thus, affirmative action as a policy should not be held responsible for the envious disenchantment expressed by those who wish to believe that they “deserved a place” at a given college.

Early on in this essay I suggested that affirmative action had not gone far enough. On what basis can such a claim be made? I submit two reasons. The first is that during the affirmative action era, whites have continued to outgain blacks in every quality of life measure and in higher education attainment in particular. But second, the purposes of higher education dictate an obligation to prepare a diverse labor and leadership force for the future. Such preparation is concerned not only with empowering of different kinds of students to serve tomorrow’s needs, but also the provision of opportunities for different kinds of students to learn

from each other as they develop intellectually and personally from their college experiences. Such opportunity cannot be provided if whites as a group monopolize educational opportunity. The true test for our society is not whether blacks are getting an unfair share, it is whether whites are. The big question is more provocative than whether affirmative action is helping blacks to obtain opportunities they don't deserve, rather it is how to prevent whites from usurping a disproportionate share of the resources, benefits and privileges of American life. Why should whites monopolize 95% of medical school admissions or law school spaces? Why should whites control 90% of America's resources as measured by income? Why should whites represent 99% of corporate management positions? Why should whites represent 95% of faculty positions in universities and colleges? And of what benefit is there to society as a whole by such skewedness? About the only place that blacks seem to be visibly represented in the national consciousness is within certain segments of the entertainment industry (i.e., some sports and music), but even here there is little serious representation for blacks in the management and operation of these industries.

What is clear is that the thirty years of affirmative action effort in higher education has produced progress, but has not significantly altered the effects of past discrimination for large segments of the American population. That is, even as blacks and other minorities have experienced gains, whites have gained even more. This is not only true in higher education, but in essentially every other area of quality of life as well, whether social, economic, or personal. For example, the mean black household income has actually declined relative to that of whites over the last twenty years-or-so (Oliver and Shapiro, 1995; Hacker, 1992). Danziger and Gottschalk (1997) show that despite dramatic economic changes in the entire post World War II era, the disparity between black and white median income has persisted over that 45 year period and that black median income has been stuck at 53% of white income for the last 25 years. Their research reveals that the median standard of living for blacks is much lower than that of the white majority. In particular, they show that for the nation as a whole over the last twenty years growth in family income has been slow while the poverty rate has hardly changed at all. In fact, the

percent of males aged 25-34 with earnings below the poverty line is about the same today as it was in the 1950s. But for black males this rate stands at about 55% and is about twice what it is for whites.

As we approach the millennium, the United States is still vexed by the problem of race. The problem is one of including all citizens in the life of the nation and ensuring equality of opportunity. Despite its technological and intellectual prowess, the solution to this centuries old problem has eluded the most powerful country on the face of the earth. One of the most promising solutions, that is, one that has achieved substantial results, has been the use of affirmative action in hiring and in higher education enrollment. As a policy, however, affirmative action historically has suffered from lukewarm support and even blatant hostility from the white majority. It often becomes a political football seized upon by all sides for political advantage. Nevertheless, moving this country forward and creating a society based on equality of opportunity is certainly within reach and affirmative action policies in higher education should be an important element in the effort. Regrettably, affirmative action as a policy has been under increasingly vituperative assault for political reasons in recent years. It is regrettable because the educational arena is perhaps our last best hope for shaping the next generation and for preparing them to live productive lives on an equal footing.

There can be no doubt that affirmative action has resulted in substantial gains for minority populations with respect to access to higher education. On this score the numbers speak for themselves. For example, black participation in higher education was five times higher in 1990 than it was in 1960. Clearly such students benefit individually from the socialization and intellectual development that is the hallmark of higher education. But society in general benefits as well due to the higher productivity, higher wages and tax contributions, and higher attainments typically ascribed to those who earn college degrees.

By the year 2000, overall minority student enrollment is projected to account for about a quarter of all college students. The white student contribution to overall enrollment during this period goes from about 96% to about 75%. Such global numbers are often seized upon to

suggest that whites are not getting their fair share. But interpreting the changes caused by affirmative action policies requires both a more thorough and a more cautious observation of the numbers. The reason is based on the nature of numbers themselves: the addition of a large percent to a small number remains a small number; on the other hand the addition of a small percent of a large number results in an even bigger larger number. With regard to minority enrollments, the dramatic increases of the last thirty years are an example of a small number getting larger, but remaining relatively small.

At the same time relatively modest percentage increases in white student enrollment just as clearly illustrate that white gains have far outstripped minority gains. In absolute numbers, over the last thirty years the *increase* in white student participation in higher education is four times greater than the total number of blacks currently enrolled in college. The increase in white college student enrollment is over four million students between about 1960 and 1995, while black enrollment increased by about 800,000; the total number of black students is about one million today. To express this another way, for every black benefitting from access to higher education today, *four more whites will so benefit than was the case in 1960 when whites already predominated college enrollments.* Since 1960 white college student enrollment has more than doubled its already large and stable base and continued to increase. Black college enrollment in contrast experienced dramatic increases initially, following passage of the 1964 Civil Rights Act, but soon plateaued and began a reversal by the end of the 1970s. The nature of numbers also means that taking a big percent of a small number reduces that number dramatically, while taking a small percent from a large number leaves it relatively unchanged. Without affirmative action, a large percent of blacks currently enrolled in college simply would not be there. Yet, black students continue to comprise a relatively small percent of total college enrollment which remains overwhelmingly white.

Thus, affirmative action practices can make for substantial gains for individual blacks, for blacks as a group, and for society at-large, while having virtually no effect for individual whites and only a small effect on whites as a group and even then only in terms of their percentage share

of total college enrollment which itself continued to increase. Moreover the benefits ascribed to the putative displaced whites who could not attend the college of their choice because of growing black enrollment are non-existent in reality. In other words, it is highly unlikely that a white future Nobel Laureate is languishing somewhere in America today without the opportunity to obtain higher education. Furthermore, the qualitative nature of college admissions undercuts the argument that one's test scores should be the deciding factor alone. Nor should race alone be the determining factor. The Bakke Decision which permits race as one factor among many to be taken into consideration when making college admissions decisions seems both appropriate and necessary in light of past racial discrimination and current racial inequities. In contrast, the meritocratic imperative simply is not as strong as its proponents claim.

Affirmative action in higher education, justly administered, is an effective way to address past wrongs and prepare for a better future. The notion that individual whites are innocent in the massive racial discrimination conspiracy that has characterized both historical and contemporary society in the United States in both unfounded and disingenuous. Moreover, nowhere is it considered harmful to take social action to meet societal imperative. For example, our social security system is based on a trans-generational shift of resources from the group of young workers to the group of elderly retirees without regard for the individual circumstances of the young worker or the retiree. It is something we do as a matter of social policy.

### Conclusion

American social policy is often thought of as based on the idea of the equality of persons which gives rise to the symbolism of a color-blind society. Some argue that affirmative action is deleterious to the ideal of a color-blind society. Yet, both historical and contemporary racial inequalities attest to the myth of color-blindness. Can anyone look at the Chicago Bulls standing next to the Chicago Black Hawks and note only that the Bulls are taller? How can something that doesn't exist be harmed? One true paradox of affirmative action is that only by attending to race can we hope to transcend it. An analogy with ecology may prove illustrative. We cannot expect to see change in a polluted waterway by ignoring the sources and nature of the pollution. We

cannot reasonably expect to see change by agreeing from now on not to make the mistakes of the past and simply wait for the water to cleanse itself in time. Only by focussing on the pollution and taking affirmative steps to correct it can we hope to return polluted lakes and streams to health. This is precisely how progress in cleaning up lakes and streams has been made over the last two decades, along with vigilant legislation to prevent relapse. With respect to matters of racial equality American society is not healthy; only by focussing directly on the problem, by taking affirmative steps to correct it, and by vigilant commitment to prevent recurrence can we hope to heal the racial lesions and diseases of our past.

Affirmative action is not about preferences as so many of its opponents want to claim; affirmative action is about balance; it is about leveling the playing field; it is about providing opportunity where it has been intentionally denied. But even so, a number of preferences are built structurally into the fabric of society without objection: farm product price supports or the home mortgage-interest tax subsidy are but two of the most obvious. Clearly, preferences are considered appropriate when they serve the broader purposes of society. These latter examples actually get to the crux of the matter on affirmative action and its impact. In essence, the arguments against affirmative action in higher education are based on a meritocratic imperative, on the presumed adverse impact for individuals, on a concern that it entrenches racial thinking instead of moving us towards color-blindness, and a misguided view that affirmative action is about preferences which are themselves anathema. Not only are these concerns unsupportable, they also ignore concern for the broader goals of higher education, namely that which benefits the common good.

In this essay I have described the considerable progress that has been made in access to higher education as well as the inequities that remain. I have explored arguments for and against affirmative action and come down squarely on the side of supporting it despite its flaws which seem to be me quite correctable. But opponents of affirmative action are likely to remain so, raising their now familiar question: Precisely because of the progress that has been made, why should affirmative action be maintained today? The statistics presented earlier demonstrate that

despite progress, the chasm between the races remains enormous and clearly the opponents of affirmative action know this. Thus, what may be needed most in order to advance society's goals is a tolerance for ambiguity that seems to escape us as we search instead for clear-cut path that everyone can agree is right. There can be no simple, clearcut, and singular solution to the question of affirmative action because the problems that spawned it have no simple, clear-cut, and singular cause. Rather there are multiple and complex causes of the social inequalities between races. Producing the kind of society that represents the best of America's ideals will require multiple strategies, flexibility in their implementation, tolerance for ambiguity, and good will. True progress in closing the racial divide and improving race relations, cannot be achieved by reducing the issue to the kinds of either-or propositions we have come to expect from pollsters. What if the nature of our legislative branch had been determined by a pollster's question:

Question: *Do you prefer a legislative branch with representation determined by the population in a state or an equal number of legislators for each state*

Choices: *a) representation determined by state population*  
*b) representation should be the same for each state*

Most would agree that we are fortunate the Founding Fathers had the good wisdom to tolerate ambiguity and to recognize that different measures may be needed to achieve national priorities. Such diverse measures need not be framed as a zero-sum game in which the implementation of measure precludes the other. So, why should affirmative action be maintained today? Because the need is great to diversify our leadership so that as a nation we can benefit from the contributions our varied population has to make; because the need is great to inspire and reinvigorate our inner cities with an educated citizenry of professionals, business entrepreneurs, and workers who want to enjoy urban life, not flee from it; because the need is great to replace



despair caused by generations of invidious discrimination with hope and aspiration for a better life. All of these goals are attainable through continuing education; affirmative action is an effective, though not perfect means by which to promote them.

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Table 1.0 Selected Educational Attainment Statistics

	1960	1965	1975	1985	1994
<b>College Enrollment (in 1,000s)</b>					
Black	227	358	948	1,049	1,449
White	3,342	5,317	8,516	9,334	10,427
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<b>Bachelors Degrees as % of Population</b>					
Black	3.1	4.7	6.4	11.1	12.9
White	8.1	9.9	14.5	20.0	22.9
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<b>% of All Bachelors Degrees Awarded</b>					
Black			6.4		7.1
White			89.1		81
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<b>% of Group enrolled in college</b>					
Black	7.0				20.8
White	22.0				26.3
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<b>Change in College Enrollments</b>					
	<u>1960</u>	<u>1993</u>	<u>Increase</u>	<u>%change</u>	<u>% of Total</u>
Black	227	1,261	1,033	455	13.2
White	3,342	9,366	6,024	180	76.8
Total	3,570	11,409	7,839	220	100*

\*By 1993, Blacks and Whites accounted for about 90% of all college enrollments the remaining ten percent is attributable to other racial/ethnic categorizations, such as Asian, Native American, or Hispanic.