The Changing Shape of the River

Affirmative Action and Recent Social Science Research

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Recent social science research has not been kind to supporters of affirmative action. Though little known outside a narrow circle of specialists, over the past several years a growing body of research by sociologists, economists, and political scientists has been accumulating which seriously calls into question many of the most cherished assumptions of affirmative action supporters regarding the effects of race-based preferences in university admissions. The great irony in the matter is that much of the research that has proved most damaging to the case for racial preferences in higher education has come from studies sponsored by some of the very same organizations that have been the most active in the past in their support of the affirmative action initiatives at our nation's leading universities and colleges.

Organizations like the Andrew W. Mellon Foundation, which funded William Bowen and Derek Bok's *The Shape of the River* (the academic establishment's unofficial defense of affirmative action[1]), the liberal Ford Foundation, the Russell Sage Foundation, and the Princeton-based Council of Ivy Group Presidents, have been uniformly supportive of affirmative action in higher education, and have often been in the forefront of efforts to convince a generally skeptical public of the great social and economic benefits of greater "diversity" in university admissions. That some of the most important research these organizations have funded in recent years would turn out to refute several of the key arguments in favor of the policies they have long cherished was no doubt something the organizations themselves never bargained for. And at least in the case of the deep-pocketed Mellon Foundation, they don't seem to have accepted what their own researchers have discovered with any degree of grace or candor.

To get a sense of the irony of the matter, imagine a situation in which the Cato Institute, the Heritage Foundation, the Independent Institute, and the American Enterprise Institute all shelled out big chunks of money to sponsor a major research project on the relationship between tax policy and economic growth only to have their researchers discover that countries with very high marginal tax rates and large public sectors had much higher growth rates and more lavish living standards than countries following a low-tax, small-government model. One would perhaps not be too surprised if they reacted in the same way that Mellon and the rest have done: keep quiet about the matter; do little to publicize their researchers' findings; and hope that nobody outside a circle of reliable ideological soulmates ever reads their researchers' report.

1) Attending an Elite University: No Special Ticket to Ride

One of the most damaging pieces of research to the case for affirmative action that is made in *The Shape of the River* comes from a study by economists Stacy Berg

Dale and Alan Krueger. The study, which was funded by the Mellon Foundation, bears the prosaic and disarmingly unsensational title "Estimating the Payoff to Attending a More Selective College: An Application of Selection on Observables and Unobservables." It was first published as a Working Paper of the prestigious National Bureau of Economic Research, and later, in slightly modified form, as an article in the *Quarterly Journal of Economics*, a peer-reviewed economics journal jointly published by MIT and Harvard[2] The "insider" nature of those writing the article is well reflected in the fact that Dale was employed at the time as a full-time Mellon Foundation research associate working out of the organization's Princeton office, and by the fact that the College and Beyond survey used by Dale and Krueger was a "restricted access database" compiled by the Mellon Foundation itself.[3] Indeed, the C&B database formed the basis for most of the analysis in *The Shape of the River*. Its prosaic title notwithstanding, the Dale/Krueger study is a real blockbuster in terms of its authors' iconoclastic conclusions and the sobering implications of these conclusions for the affirmative action debate.

What Dale and Krueger set out to determine in their study is the effect on a student's post-graduation income that can be attributed to the level of selectivity of the particular college or university that a student attends. In terms of future earnings, what difference does it make, the authors ask, if one attends a first-tier institution like Yale, Princeton, Duke, or Swarthmore, where the average SAT scores are the highest, rather than a second-tier school like Vanderbilt, Northwestern, Kenyon, or Emory, where the degree of selectivity is considerably less? Are there advantages to attending these second-tier schools rather than the third-tier and fourth-tier schools immediately beneath them on the selectivity scale? It is well known -- and well-established in the economics literature -- that attending a more selective college is positively correlated with at least a moderately greater lifetime earning potential, but much of this difference can be easily attributed to the fact that smarter people with higher grades and higher standardized test scores -- and often with wealthier and better-connected parents -- are the people who attend these schools. People who already have the highest earning potential often attend the most selective colleges, and much of their post-college success can be attributed to the superior talents and special personal factors which they bring with them to college rather than to the superior schooling or superior contacts which they make while in school. Assuming one attends some four year college or other, after controlling for initial input factors, how much of a difference does it really make whether one attends a school that warrants a Most Competitive, a Highly Competitive, a Very Competitive, a Competitive, or a Less Competitive rating in the Barron's *Profiles to American Colleges*? These are the kinds of questions that Dale and Krueger set out to answer, and their answers clearly undermine the notion that elite universities provide some sort of unique pathway to wealth, power, and occupational prestige in America.

A major aim of the analysis presented in *The Shape of the River* was to show that for both whites and blacks -- but particularly for the blacks -- the "school effect" of attending an elite college was very substantial even after controlling for SAT scores and other obviously important input factors like a student's high school grades, race, gender, family socio-economic status, and the like. At any given SAT level, the Bowen and Bok data showed, both blacks and whites who attended a more selective institution incurred a

substantial earnings advantage later in life. "Black students admitted to the most selective of the [twenty-eight] C&B schools[4]," Bowen and Bok wrote, "did not pay a penalty in life after college for having attended such competitive institutions. On the contrary, the black (and white) matriculants with academic credentials that were modest by the standards of these schools appear to have been well advised to go to the most selective schools to which they were admitted. … After holding SATs constant, black students who attended the more selective schools gained an earnings advantage."(144)

In addition to this earnings advantage, black students who attended the more selective colleges among the twenty-eight C&B schools were also shown in the Bowen and Bok study to incur many other advantages (after controlling for initial input factors), including increased graduation rates, increased participation in certain civic and community affairs, and increased student satisfaction with their college experience. It was these advantages that were at the heart of the Bowen and Bok defense of racial preference policies at elite universities, and without these policies, it was suggested, the black community would have been deprived of a large segment of its leadership, business, and professional class. The message of *The Shape of the River* was as stark as it was clear: eliminating affirmative action at elite universities would decimate the black middle class.

Long before the Dale/Krueger research, critics of the Bowen and Bok study were quick to point out that only a small segment of the black middle class and of black political and business leaders are the products of Ivy League colleges or other first-tier universities in America. Many more black congressmen, black business leaders, black professionals, black mayors and the like are the product of state universities and comparable private institutions than of the kinds of elite universities with which William Bowen, former Princeton president, and Derek Bok, former Harvard president, are most intimately acquainted. It has been estimated, for instance, that the one-hundred most selective colleges and universities in America turn out only about 4% of the approximately 100,000 black BA's produced in the United States annually, the remaining 2,500+ four-year colleges turning out the other 96%.[5] The vast majority of black college students attend institutions where racial preferences are either very small or don't exist at all.[6] Bowen and Bok, critics charged, were employing a British "Oxbridge" model to understand upward socio-economic mobility in the United States, though the model is invalid because of the many diverse avenues to wealth, power, education, and occupational prestige in America.[7]

Whatever truth may have remained in the Bowen and Bok claims after such criticisms (which were never really answered by the authors of *The Shape of the River*) has been called into question by Dale and Krueger's subsequent inquiry. Dale and Krueger proposed a simple hypothesis: since admissions committees seek to admit to their institutions not only students with the highest grades, standardized test scores, and other easily measurable academic indicators, but also those who most excel in such not-so-easily-measurable personal qualities as maturity, motivation, self-discipline, and the like, could it be that these latter qualities are at least partially responsible for the positive school effect on future earnings of attending elite universities that past researchers have

found? Common knowledge and common experience show that these personal qualities play a major role in terms of achieving one's occupational goals, and it just might be the case, Dale and Krueger surmised, that part of the advantage of attending an elite institution was simply a reflection of the fact that the most selective colleges and universities were able to choose students with the highest levels of these difficult-to-measure attributes. Admissions officers have before them, Dale and Krueger point out, an array of documents, including essays by applicants, recommendation letters from teachers and guidance counselors, personal interview material, etc., by which they try to ascertain these important personal qualities, but none of this information figures in the regression models economists and sociologists usually construct to figure out an independent school effect of attending a more competitive institution. Such analyses may thus seriously overstate the elite-college advantage. What may appear to be an independent school effect may really be a simple reflection of the fact that people who attend the most selective colleges often have qualities that would make them more likely to succeed financially and occupationally regardless of the institutions they attend.

The Dale/Krueger theory sounds plausible enough, but how is it to be tested? Here is where Dale and Krueger got creative. Using two different types of econometric models, they tried to incorporate as best as possible proxy measures for these important personal motivational factors that are usually not observable by the social scientists looking at a typical database (hence the designation "unobservables"), but may be vaguely known and partially ascertainable by both admissions officers and the applicants themselves. In what they call the Matched Applicant Model (which they present in three variants), Dale and Krueger take advantage of the fact that many students do not attend the most selective colleges they were admitted to, but, for a variety of reasons, often choose instead to attend an institution lower on the selectivity list than one in which they could have enrolled. Whether for financial reasons ("they gave me more money"), geographic reasons ("it's much closer to home"), or a host of personal reasons ("my father went there," "my two best friends are going"), some people who are deemed worthy by admissions officers of attending a first-tier college wind up at a second- or third-tier institution, just as many deemed worthy by admissions officers of attending a second- or third-tier institution often wind up at colleges less selective than these. Why not, Dale and Krueger ask, match students who were admitted to, and rejected by, an array of schools of comparable selectivity but who wound up attending differently-ranked schools? Look at just these matched students, consider all the other factors that influence future earnings contained in the C&B database, and see if the positive school effect on future earnings of attending a more selective institution still holds. Are students who could have attended a more selective institution but chose not to, at a future-earnings disadvantage over similar students facing similar choices who went to the most selective schools to which they were accepted?

These are the questions Dale and Krueger address in their Matched Applicant Model and their results were startling -- probably to themselves and most certainly to the Mellon Foundation which funded their work. Although they use three separate measures for matching school selectivity (SAT-score intervals, Barron's rankings, an exact-match model), in none of the three matched applicant models they developed could they

discover *any* independent, positive effect on future earnings associated with attending a more selective school. In fact, the one model they did construct which showed a statistically significant selectivity effect -- the Exact-Match Model -- showed a *negative* effect on future earnings of school selectivity. Other things equal, attending a more selective college was associated with a 10.6 % *lower* future income! Dale and Krueger sum up their findings in the following words:

> A major concern with past estimates of the payoff to attending an elite college is that more selective schools tend to accept students [who already come] with higher earnings capacity. This paper adjusts for selection on the part of schools by comparing earnings and other outcomes among students who applied to, and were accepted and rejected by, a comparable set of institutions. …. Since college admissions decisions are made by professional administrators who have much more information at their disposal than researchers who later analyze student outcomes, we suspect that our selection correction addresses a major cause of bias in past wage equations. After we adjust for students' unobserved characteristics, our findings lead us to question the view that school selectivity … is an important determinant of student's subsequent incomes. … The effect of school-SAT score was not significantly greater than zero in any version of the matched-applicant model that we estimated. … Students who attend more selective colleges do not earn more than other students who were accepted and rejected by comparable schools but attended less selective colleges. (QJE, pp. 1523, 1509).

To many these results sound counterintuitive. Others things being equal, it seems as if attending a more elite institution should count for something. One would assume that the higher prestige of a more selective school and the more intense academic atmosphere provided by such an institution would impact positively on future earnings, at least to some degree. Dale and Krueger, however, offer powerful rejoinders to such conjectures. First of all, they say, most schools have a large array of student peer groups that range from those primarily focused on studying hard, getting good grades, and advancing student career potential to those minimally focused on these things. At whatever institution they attend, students will be able to seek out their own kind and spend their time encouraging each other to do what they are most inclined to do, be it working hard or partying. Thus the overall atmosphere of the school probably doesn't matter much, Dale and Krueger conclude. "An able student who attends a lower tier school can find able students to study with, and, alas, a weak student who attends an elite school can find other weak students to *not study* with." (1520)

That a degree from a more selective college has more prestige than one from a less selective college is something Dale and Krueger hardly doubt, nor do they deny that employers often look at a college's level of selectivity when making initial employment decisions. But Dale and Krueger find that students who attend a more selective college incur a considerable disadvantage in terms of their relative grades and final class ranking because of the increased academic competition in such schools. In all three of their matched applicant models they found that students who attended a college whose average

SAT score was just one-hundred points higher than those of student matches incurred a rank-in-class penalty of between 5 and 8 percentile intervals. And they show clearly that students who graduate with a higher rank in class earn more money than those of lower ranking. Thus students who attend a less prestigious institution may offset any earnings disadvantage that derives from this fact by the premium that accrues to the higher rank in class they are likely to attain in such an institution. "The improvement in class rank among students who choose to attend a less selective college," Dale and Krueger write, "may partly explain why these students do not incur lower earnings. Employers and graduate schools may value their higher class rank by enough to offset any other effect of attending a less selective college on earnings."(1512)

As an alternative means of accounting for motivational factors, Dale and Krueger employ what they call the Self-Revelation Model. This model assumes that students who are more aggressive in the application process in terms of applying to schools that are more difficult to gain admission to are more likely to rate high on any scale of motivation and ambition even if they don't get accepted to the most selective schools to which they apply. The example they give is Steven Spielberg, who attended the California State Long Beach film school though only after trying unsuccessfully to gain entry to the more prestigious UCLA and USC film schools. From an early age Spielberg had ambition, drive, and a high opinion of his career potential, and this was clearly reflected in the stretch of his application net. Whereas the Matched Applicant Model assumes college admissions officers may know more than econometricians about a student's motivation, ambition, and future potential, the Self-Revelation Model assumes that the applicants themselves may reveal important information about these qualities through the very patterns of their application. The model takes into account both the number of applications submitted (assuming the more applications, the more persistence and drive the student has), and the average selectivity of the schools applied to.

When the number and selectivity of the schools applied to are entered into the regression equation as rough proxies for unmeasured personal qualities, and these are then added to the other student inputs known to affect future income, Dale and Krueger find that the advantage of attending a more elite university shrinks almost to zero. In terms of future earnings the more highly motivated and ambitious are no less successful for having attended a non-elite institution than an elite one. The result of the Self-Revelation Model thus reinforces the conclusions drawn from the three matched applicant models.

Because of the relatively small numbers of blacks attending the institutions surveyed, Dale and Krueger were not able to construct a separate Matched Applicant Model that was limited to blacks. They were, however, able to construct a separate Self-Revelation Model for black students. The results of this model were similar to those for white applicants: the positive school effect on future income drops precipitously when a proxy measure for motivational "unobservables" in the form of student application behavior is added to the statistical model. And since admissions officers at selective institutions look for the same motivational factors in black and Hispanic applicants as in whites and Asians, there is every reason to believe that the results of the three matched

applicant models would apply to all races. "There is no evidence," Dale and Krueger conclude, "that the relationship between school selectivity and subsequent earnings is different for black students." (NBER Working Paper, 28)

The Dale and Krueger study is in one sense very narrow in scope. It looks almost exclusively at future income as the thing to be explained, and is not concerned with most of the other benefits that supporters of affirmative action attribute to racial preferences in higher education. Nevertheless, their conclusions cast doubt on one of the most important benefits that affirmative action policy is said to confer. Their bottom line is that *all* of the differences in terms of future income of attending a more selective college or university is attributable to the initial differences that entering students bring with them -- including both the easily quantifiable factors like academic skills, aptitude test scores, and parental income, as well as the not-so-easily-quantifiable factors like motivation, maturity, ambition, and self-discipline. The implication of their findings for affirmative action policy is clear: if the black and Hispanic students who now get preferentially admitted to places like Harvard, Princeton, and Yale wound up instead under a color-blind admissions policy at schools like Tufts, Vanderbilt, and Tulane, they wouldn't do much worse in terms of future earnings than they would at the top-rated schools. They might even do a little better. And at the lower-tiered schools most would wind up with substantially higher grades and class ranks than at the more prestigious institutions. Although Dale and Krueger do not speculate beyond earnings outcomes, there is reason to believe that at least some of the other benefits of attending a more selective university claimed in the Bowen and Bok study, including certain leadership advantages and increased graduation rates, may also be the result of the "unobservables" that entering students bring with them rather than any independent school effect of attendance at an elite institution. Although former presidents of Harvard and Princeton may be loath to admit it, elite universities seem to offer no special ticket to wealth, power, and influence in America, though they are, of course, a source of great social prestige for those attending them.

2) Why Do So Few Blacks Become Professors?

The Dale and Krueger study touched only briefly upon the fact that students entering elite universities with lower-than-average high school grades and SAT scores generally wind up with lower-than-average college grades and class ranks. This issue would attain greater prominence in another study sponsored by the Mellon Foundation titled *Increasing Faculty Diversity*: *The Occupational Choices of High-Achieving Minority Students*, which was published in 2003 by Harvard University Press. Conducted by sociologists Stephen Cole and Elinor Barber, the study represented another blow to defenders of affirmative action at elite colleges and universities, and immediately touched off efforts by Mellon and other sponsoring organizations to distance themselves from some of its analyses and central conclusions.

The Cole/Barber study owed its inception to conversations in the early 1990s between Elinor Barber, a research associate in Columbia University's Provost Office, and

Neil Rudenstine, then the president of Harvard. Like many academic administrators, Rudenstine and Barber were concerned about the very small number of blacks in university teaching -- at the Ivy League institutions blacks typically make up only 2 to 3 percent of the faculty. They agreed that a thorough study of the problem was in order, and an initial grant of $80,000 was obtained from the Council of Ivy Group Presidents to review existing literature on the problem and prepare a formal proposal for a larger study. Stephen Cole, a seasoned sociologist on the faculty of SUNY-Stony Brook, who had worked previously in the area of the sociology of education, was recruited to work with Barber on the project. The bulk of the funding for the study was provided by a $400,000 grant from the Mellon Foundation, and a subsequent grant of $75,000 was obtained from the Ford Foundation. The Russell Sage Foundation in New York City also kicked in by providing Cole with a Visiting Scholar appointment that allowed him to complete the data analysis and write up the final report. Barber died unexpectedly in 1999 just as the final research results were being completed and written up, leaving Cole to fend for himself in the face of the heated controversy that the study touched off among affirmative action-supporting administrators and foundation heads.

A major conclusion of the study – i.e. that affirmative action policy was contributing to the lower grades received by black and Hispanic students, which in turn discouraged many from pursuing careers in academia -- was so distasteful to those who had funded the project that some tried to discredit its authors and findings. The executive director of the Council of Ivy Group Presidents, for instance, obliquely suggested to a reporter for the *The Chronicle of Higher Education* that Cole and Barber -- both liberal academics -- might have some kind of biased "ideological position" that explains their final anti-affirmative action conclusions. "There are a whole lot of data in here," he told the *Chronicle*'s reporter, "and if one started out with an ideological position -- whatever it was -- you could find a whole lot to support that."[8] Similarly, the vice president of the Mellon Foundation warned readers of the report to be "cautious about putting much weight on certain findings." None of the four Ivy League presidents that the *Chronicle*'s reporter contacted were willing to comment on the study.

Cole himself told the *Chronicle* reporter that there was "no chance" he will ever receive Mellon money again, "and I don't care." Despite his attempt to put up a strong front, however, Cole seems to have been deeply hurt by the criticism of his work from the funding organizations and has come to see *their* stance, not that of himself and Barber, as politically and ideologically driven. "I was trained at a time before social science became so politicized," he told the *Chronicle*, referring back to his graduate student days in the early 1960s when he was a student of Robert K. Merton and Paul Lazarsfeld at Columbia University. "I believe that social science should be objective and value-free, and you should design a study to answer a question and whatever the answer is, that's what it is."

The Cole/Barber study was based on the results of an extensive questionnaire ultimately filled out by 7,612 graduating seniors at 34 colleges and universities, most of which were considerably above the national norm in selectivity. The study focused on these higher achieving students and institutions since it was known from past research

that lower achieving students rarely seek careers in university teaching or research. Four types of institutions were included in the study: all eight Ivy League institutions; thirteen of the most selective liberal arts colleges (e.g. Amherst, Williams, Swarthmore, Bowdoin); nine large state universities (e.g. Rutgers, Stony Brook, Chapel Hill, University of Virginia); and four historically black institutions (Xavier, Howard, Florida A&M, North Carolina A&T). The questionnaires were given only to arts and science majors since the purpose of the study was to determine how to increase faculty diversity in these areas, and in the case of the state universities and historically black institutions, only those students with a 2.8 average or higher were included. This latter restriction was intended to conserve scarce project resources and was based on the sensible assumption that students with grades lower than this would almost certainly not choose a career in academics. The response rate -- and hence reliability of the survey -- was high, with seven out of ten students contacted responding to the questionaire.

Many of the results and conclusions of the Cole/Barber study are non-controversial and generally well-known. For instance, the small number of blacks and Hispanics in academics is seen primarily as a "pipeline problem" resulting from the much lower levels of academic performance of African American and Hispanic students at every level of the American educational system from elementary school through graduate school. Unless this situation changes, the authors suggest, we will never see the black and Hispanic presence in the better colleges approaching the levels that liberal administrators would like. The pipeline problem, however, is not one that universities can do much to fix, at least not in the short-run, so Cole and Barber focus much of their attention on those aspects of current academic practice that can affect the number of black and Hispanic students choosing academia as a career. Affirmative action policy comes under scrutiny in this context because their research shows that it makes an inevitably bad situation (given the pipeline problem) significantly worse.

The Cole/Barber reasoning goes something like this. People who seek to become college professors are overwhelmingly recruited from those who were excellent students in their undergraduate institutions in terms of their *relative* grades. Whereas students who get mainly B's and C's are likely to choose careers in business or in teaching at the primary or secondary school level, those who choose careers in academia -- like those who choose careers in medicine -- are usually drawn from students who get mostly A's and A-'s and outshine in their academic performance a large portion of their peers. The critical factor, Cole and Barber believe, is the relative standing students have among their immediate classmates. Among those black and Hispanic students who expressed an initial freshman-year interest in becoming a college professor, Cole and Barber found that there is a much greater persistence with this intention at the somewhat less selective schools in their study than at the Ivy League institutions and the most highly selective private colleges. The lower relative grades received by the black and Hispanic students at these latter institutions, Cole and Barber contend, convinced many that they were not smart enough for a career in academics and that they had best choose a less intellectually demanding occupation. Had these same students -- many with SAT scores in the 90th percentile or higher in terms of national norms -- attended institutions that were somewhat less selective than the top-rated schools that they actually attended, they would

have gained more academic self-confidence and would have been more likely to persist in their desire to become a college professor. A student with, say, a 1350 SAT score who had a freshman-year intention to become a college professor, is much more likely to follow through with this intention, Cole and Barber found, if that student attended an upper-middle-level school like Rutgers or Stony Brook than a top-ranked school like Columbia or Yale where they are more likely to have received a lower class ranking.

To illustrate with a few numbers: of black students receiving 1300 or higher on the SAT, Cole and Barber found that only 28 percent received grade point averages of A or A- at the Ivy League universities, and an even lower number -- 12 percent -- received such averages at the elite liberal arts colleges in their study. Among this same group of high-SAT blacks, however, fully 44 percent of those attending the state universities in their study, and 55 percent of those attending the historically black colleges and universities (HBCUs) attained A and A- level grade point averages. The *relative* grade problem is even greater than that suggested by these figures since grade-inflation has been a stronger trend at the elite colleges and universities than at less selective institutions. Blacks with 1300+ SAT scores are thus getting proportionally fewer grades of A or A- at the very institutions where A and A- grades are most prevalent. Cole and Barber show that blacks with high SAT scores were likely to attain substantially higher grades and a much higher rank-in-class rating if they attended a university with students more similar to themselves in terms of past academic performance than one where most students exceeded them in this department. For this reason, Cole and Barber found that of those black students who indicated having a freshman-year interest in pursuing an academic career more than 30 percent of those attending the less selective institutions in their study persisted with this interest through senior year, while the comparable figure for those expressing the same freshman-year interest who attended the Ivy League universities and elite private colleges was only half this. The falloff in interest, in other words, was much greater for those attending the most elite colleges and universities compared to those attending less selective institutions.

Cole and Barber summarize their findings in the following words:

> The best-prepared African Americans … are most likely to attend elite schools, especially the Ivy League. Because of affirmative action, these African Americans (those with the highest scores on the SAT) are admitted to schools where, on average, white students' scores are substantially higher, exceeding those of African Americans by about 200 points or more. Not surprisingly, in this kind of competitive situation, African Americans get relatively low grades. It is a fact that in virtually all selective schools where racial preferences in admission is practiced, the majority of African American students end up in the lower quarter of the class. … African American students at the elite schools -- the liberal arts colleges and the Ivy League -- [who have similar levels of academic preparation] get lower grades than African American students at the nonelite schools (state universities and HBCUs). Lower grades lead to lower levels of academic self-confidence, which in turn influence the extent to which African American students will persist with a freshman interest in academia as a career. African

> American students at elite schools are significantly less likely to persist with an interest in academia than are their counterparts at the nonelite schools. (124, 212)

Cole and Barber thus found considerable evidence in support of those who have claimed that affirmative action "mismatches" black students in terms of institutions and SAT scores, and that this has a harmful effect on the ability of those students who expressed a desire to become college professors to persist with their initial intentions. This was a far different message from *The Shape of the River*, which had pooh-poohed the "mismatch" theory and claimed that the effects of placing black students in institutions where most of the white and Asian students were academically better prepared was almost wholly salutary for the black students.

3) Stereotype Vulnerability and the Black Underperformance Problem

The "pipeline problem" that Cole and Barber devote many pages to explaining is generally well-known, at least in barest outline. In terms of scholastic performance, black and Hispanic students at every level of the educational system do much worse on average than their white and Asian counterparts, with the blacks usually doing worse than the Hispanics. The discrepancy begins even in preschool, where black three- and four-year olds score a full standard deviation behind whites on simple word-recognition tests like the Peabody Picture Vocabulary Test. The average black child enters elementary school with significantly weaker counting, vocabulary, and reading skills than the average white child. The gap widens throughout the K-12 years such that by the age of seventeen the average black high school student achieves scores in math, science, and English on the comprehensive National Assessment of Educational Progress test that are roughly comparable to those of the average white and Asian 13-year-old. The black/white and black/Asian gap on the SAT is equally stark, with blacks trailing whites and Asians by an average of 200 SAT points.

Because of these persistent discrepancies between the test scores of blacks and whites -- and more recently blacks and Asians -- many critics of standardized testing have said that such tests do not measure the true ability of members of the lower-scoring minority groups. The SATs and other standardized tests, it is frequently charged, are culturally biased and do not reflect the true potential of those who have not grown up in a white, middle-class household. The implication of much of this criticism is that blacks, on average -- and probably Hispanics as well -- will do better in terms of their college performance than their lower test scores would indicate. This question was dealt with extensively by economist Robert Klitgaard in an outstanding study of affirmative action policy at elite universities that was published in 1985.[9] Klitgaard surveyed all the research that had accumulated up until this time on the relationship between scores on SAT tests and student performance in terms of college grades, and found -- what many later researchers have also found -- that the SAT is not predictively biased against blacks. Blacks do not do any better in college in terms of their grades and class ranks than whites with the same SAT scores. On the contrary, Klitgaard found that when blacks and whites are matched for SAT scores, the blacks in college do significantly *worse* than

whites in terms of their college grades. The SATs, in other words, *over*predict black performance in college, and in this sense are biased in favor of blacks not against them. Put another way, blacks do not seem to do as well in college as one might expect given their measured scholastic ability as determined by the SAT. Whites and Asians substantially outperform blacks with the same SAT score. "If a black and a white have the same test scores and prior grades," Klitgaard found, "the black will on average do about a third to two-thirds of a standard deviation worse in later academic performance than the white" at the most competitive academic institutions. (161)

Since Klitgaard's seminal work, which focused primarily on the most selective of America's universities and colleges, two problems have come into focus regarding black college students which have come to be designated the "underpreparation problem" (i.e. before entering college blacks and Hispanics do not learn as much in high school or score as high on standardized tests as whites and Asians), and the "underperformance problem" (i.e. blacks and to a lesser extent Hispanics do not do as well in college as whites and Asians with the same SAT scores and high school grades). Although many college administrators are reluctant to admit it, both common sense and recent research suggest that affirmative action policy is deeply implicated as a contributing source to both of these problems, particularly as they affect the higher-scoring blacks who enter our more competitive universities and colleges.

The underperformance problem was a major concern of Bowen and Bok in *The Shape of the River*, and considerable attention was devoted to it. "At almost every college in our sample," Bowen and Bok write, "black students are not only performing less well academically than whites but also performing below the levels predicted by their SAT scores. In fact, this underperformance turns out to be even more important than lower [entering SAT] scores in explaining the gap in class rank between blacks and whites." (88) Bowen and Bok found that in terms of their final grade point average the average black student in the twenty-eight selective colleges in their survey graduated at only the 23rd percentile, while the average Hispanic graduated at the 36th percentile (the average white graduated at the 52nd percentile). Only about half of this rank-in-class gap they found could be attributed to the lower SAT scores and lower high school grades that entering black and Hispanic freshmen brought with them to college. The rest was the result of "underperformance." If blacks and Hispanics had performed equally well in college with whites of the same SAT scores, the average black graduate, their statistical model predicted, would have wound up at the 38th percentile instead of the 23rd -- a very large difference -- while the Hispanic students would have raised their average percentile ranking from 36th to 44$^{th.}$ For some reason many of the black and Hispanic students at the highly selective colleges studied in the C&B survey seemed not to be living up to their demonstrated potential, and for the black students especially, the degree of underperformance was huge.

Just why this underperformance should exist has been the source of much speculation, though the theory that has gained widest acceptance in recent years is that propounded by Stanford psychologist Claude Steele. In a series of articles based on experiments carried out at Stanford and other universities, Steele and his colleagues have

focused on what they call "stereotype vulnerability" to explain why blacks often do worse in college courses than their SAT scores would indicate. Steele has shown that higher achieving black students at competitive universities like Stanford are often sensitive to the fact that white students and faculty sometimes hold negative stereotypes about their academic competence. This problem, says Steele, is most acute among those black students who have most closely identified with the domain of academics in their previous education -- rather than, say, the domain of sports or social life -- and it is for this reason, he says, that stereotype threat and the resulting underperformance it produces is most acute among the higher achieving members of the black cohort at elite universities.

Stereotype vulnerability can negatively impact black students according to Steele either by causing them to "disidentify" with the domain of academics -- that is, to invest less in learning and getting good grades, and more in non-academic activities -- or it can lead to heightened anxiety and psychological stress, which have a demonstrated harm on a student's test performance. Through a series of ingenious experiments Steele and his colleagues have shown that when black students at Stanford are given a difficult verbal test and told that it is designed to measure "your verbal abilities and limitations," they do substantially worse than their white classmates of similar SAT scores. When the same test is given to Stanford blacks and told by the experimenter that the test is specifically *not* designed to "evaluate your ability" but merely to help understand better "the psychological factors involved in solving verbal problems," the black students did just as well as comparable white students. Test anxiety caused by fears of being negatively stereotyped by whites, Steele concludes, causes many blacks to "choke" on important exams, and this he believes, is a major cause of much of the black underperformance seen at elite institutions of higher learning.[10]

Steele is reluctant to speculate on whether affirmative action policies at competitive institutions exacerbate the "stereotype threat" problem, though the answer would seem self-evident.[11] It is hard to see how lowering the standards of admission to highly competitive colleges and universities for a people long thought of as intellectually inferior can fail to have the effect of reinforcing negative stigmas and negative stereotypes regarding the intellectual competence of those people. And by its very logic the current system of racial preferences guarantees that the typical black and Hispanic student on elite college campuses really will be intellectually inferior to his typical white and Asian classmates, at least in terms of past academic performance as measured by things like SAT scores and high school grades. This can hardly be a confidence-builder for the black and Hispanic students.

Shelby Steele -- Claude Steele's brother and a long-time critic of affirmative action policy -- has no trouble seeing the obvious here. "The accusation that black Americans have always lived with," Shelby Steele writes, "is that they are inferior … and this accusation has been too uniform, too ingrained in cultural imagery, too enforced by law, custom, and every form of power not to have left a mark." He continues:

> So when today's young black students find themselves on white campuses, surrounded by those who historically have claimed superiority, they are also

> surrounded by the myth of their inferiority. … And today this myth is sadly reinforced for many black students by affirmative action programs, under which blacks may often enter college with lower test scores and high-school grade point averages than whites. "They see me as an affirmative action case," one black student told me at UCLA. … A black student at Berkeley told me that he felt defensive every time he walked into a class and saw mostly white faces. When I asked why, he said, "Because I know they're all racists. They think blacks are stupid."[12]

Bowen and Bok saw clear evidence of stereotype vulnerability at work in their study of blacks at the C&B colleges. The black/white rank-in-class gap followed the pattern suggested by Claude Steele whereby those black students with the highest SAT scores -- and thus presumably most committed to the domain of academics -- showed the poorest performance when matched with whites of similar SAT scores. A subsequent study by the Mellon Foundation of eleven of the most selective colleges and universities in their database, which Bowen co-authored with researcher Fredrick Vars, showed a similar pattern: as one moved up the SAT scale black underperformance increased.[13] In both *The Shape of the River* and the Bowen and Vars study it is suggested that stereotype vulnerability has something to do with this pattern, but none of the authors of these studies are willing to acknowledge the obvious -- i.e. that across-the-board racial preferences at America's most select universities almost certainly exacerbates this psychological problem and the harmful academic effects that flow from it.

In *The Shape of the River*, however, Bowen and Bok do acknowledge that "the academic performance of a number of black students [in the C&B schools] seemed clearly affected by difficulties in adjusting to new environments." They then quote a statement by a black student in one of these schools -- a statement which they say is "similar to many others." "When I arrived at campus for the first time," the student explains, "I was a little bit intimidated. I said, 'Wow, I wonder if they made a mistake accepting me; am I going to fit in?' [I had] those kinds of feelings. And will I be the dumbest person here?" (82-83) Bowen and Bok spend a good deal of effort in their book trying to refute Thomas Sowell's "fit" hypothesis, but it seems difficult to deny when reading such statements that affirmative action policy places many black students in competitive academic environments where they have doubts about "fitting in" because of the superior academic credentials of their white and Asian classmates. In Sowell's terminology, they are severely "mismatched" for the institutions they attend. If this doesn't contribute to heightened stereotype vulnerability it is difficult to imagine what would.

Twenty years ago, the dean of Harvard College, John B. Fox, jr., noted that black students who enrolled in Harvard in the 1970s -- the first full decade of affirmative action preferences -- seemed to suffer much more from self-doubt about their academic competence than other Harvard students. "In the 1970's," he explained,

> when [Harvard] College first found itself with a significant number of minority students, it began to seem that certain problems of self-confidence -- shared to

> some degree by most students -- afflicted minority students disproportionately. Minority students reported experiencing even more academic stress than their non-minority counterparts. … Dr. Jeffrey Howard has described it as "in the first year … a rapid and unchecked erosion of their confidence in their capacity to compete."[14]

Things haven't changed much since the 1970s, but it is at least clear now through Claude Steele's work that "a rapid and unchecked erosion" in minority students' "confidence in their capacity to compete" can have severe consequences in terms of their ability to learn. "Underperformance" is a direct consequence of institutional mismatch, just as Thomas Sowell told us it would be more than thirty years ago. The villain here is clearly affirmative action, however reluctant certain educators may be to acknowledge this fact.

4) Recent Research on Stereotype Vulnerability

At least two studies in recent years -- both funded by the Mellon Foundation -- have taken up the issue of stereotype vulnerability, and both have concluded a) that at least for a certain portion of black college students stereotype vulnerability is a major reason for their relatively poor academic performance in college in comparison to whites and Asians with similar past levels of academic achievement; and b) that affirmative action policy plays an important role in intensifying the stereotype vulnerability to which these student's are subjected. The first results come from the Cole/Barber study already mentioned. Like all other researchers who have looked into the problem, Cole and Barber found that when black students are matched with white students for SAT scores, the black students wind up with substantially lower grades in most of the colleges they surveyed. This performance gap persisted pretty much intact even after controlling statistically for all sorts of additional background variables such as family socio-economic status, field of major, gender, type of high school attended, and the like. They also found -- again consistent with other researchers -- that the performance gap was greatest for blacks with the highest SAT scores. As SAT scores rise, so does the black/white performance gap.

The most interesting finding of the Cole/Barber study, however, was the huge difference between institutions in terms of the degree of black underperformance. The underperformance problem, they found, was most acute at the most elite colleges and universities in their study, while it was much less severe at the less selective state universities, and didn't exist at all at the historically black colleges and universities.[15] For instance, among white students who had SAT scores in the 1200-1299 range, 33% earned grade point averages of A or A- at the predominantly white institutions in their study. Among blacks with comparable SATs, however, only 14% of those attending the elite institutions earned A or A- level GPAs, while 23% of those at the state universities earned grades in this range. At the HBCUs more than a third -- 38% -- of blacks in the 1200-1299 SAT range achieved A or A- level GPAs (i.e. 5 percentage points *higher* than comparable whites at the predominantly white colleges and universities).

Cole and Barber conclude that something at the predominantly white institutions was retarding black performance and it seemed to be greatest at the most selective schools. After surveying a variety of possible explanations, they come to the conclusion that Claude Steele's stereotype vulnerability dynamic seemed to be at work, and that the degree of harm done by stereotype threat was directly related to a school's level of selectivity and the corresponding degree of affirmative action preferences it accorded to minority students. They write on this:

> Just as Claude Steele argues that an unintended consequence of remedial programs is to trigger a fear of stereotyping, we believe that an unintended consequence or side effect of affirmative action programs is also likely to do so. … One condition that can contribute to the fear of activation of this negative stereotype [about the intellectual ability of African Americans]is the possible belief on the part of minority students that they were admitted to a selective school because of affirmative action programs and that they "don't really belong" in these schools. (209, 249)

Cole and Barber offer a number of possible ways that the stereotype threat problem and resulting underperformance may be reduced, including better mentoring and advising, closer supervision of student progress, more pep talks, additional tutoring, etc. But they also suggest that high school guidance counselors should direct black students, like all students, to those institutions where they are likely to shine academically. "Instead of recommending that minority students go to the most prestigious school they can get into," they write, "high school guidance counselors … should try to reduce some of the lack of fit between the level of academic preparation of minority students and the schools where they enroll." (249) At least in terms of the underperformance problem and depressed black grades, they find much to support Thomas Sowell's mismatch theory and propose better matching of students and institutions as a simple remedy to the problem.

While Cole and Barber do not recommend scrapping affirmative action programs wholesale, they do recommend that, if they are retained, more successful efforts must be made at concealment and deceptive labeling lest knowledge of the very existence of such programs lead to the activation of negative stigmas and stereotypes about the academic competence of the intended beneficiaries. "If colleges and universities continue to practice race-sensitive admissions," they advise, "they should try to reduce to a minimum any negative psychological effects that affirmative action programs may have. We suggest that scholarships that are earmarked for minorities not be labeled as such, but rather awarded in the same way as non-affirmative action scholarships are awarded. The idea is to increase the minority students' belief that they have been admitted to the college because of their high academic qualifications and ability, rather than because of the need of the college to maintain ethnic diversity among the student body." (250)

Hearing such recommendations, some may conclude that Cole and Barber are immoral Machiavellians with little concern for academic integrity or truth. In regard to affirmative action they seem to be recommending the administrative equivalent of plagiarism or advertising fraud. It can be argued, however, that they are merely

proposing that elite colleges and universities carry out more successfully the policies of concealment and obfuscation in regard to racial preferences that almost all of them have been practicing from the very beginning of their introduction of affirmative action programs. Bowen and Bok, for instance, openly acknowledge that most elite institutions employing racial preferences have been reluctant to admit what they are doing out of a concern to avoid controversy and to prevent stigmatizing the intended beneficiaries of their programs. "The very existence of a process that gives explicit consideration to race," Bowen and Bok write, "can raise questions about the true abilities of even the most talented minority students ('stigmatize' them, some would say). The possibility of such costs is one reason why selective institutions have been reluctant to talk about the degree of preference given black students. … Some of these institutions may … be concerned that the standing of black students in the eyes of white classmates would be lowered if differences in test scores and high school grades were publicized."(264-5) Bowen and Bok, however, do not say whether they approve of this reluctance on the part of academic institutions to talk honestly and openly about their affirmative action policies, but from the general tone of their comments it would seem that they acquiesce in the practice. Cole and Barber seem to do likewise, though apparently with many more misgivings than *The Shape of the River* authors.

Evidence confirming stereotype vulnerability theory also comes from a recent study carried out by sociologist Douglas Massey and his colleagues. The study sets out to solve "the puzzle of minority underachievement" by establishing the first leg of a long-range longitudinal survey that will follow the trajectories of 3,924 students who first began their college careers as freshmen in one of twenty-eight selective colleges and universities in the fall of 1999. Each student was initially interviewed in a face-to-face format and asked to respond to more than 150 separate interviewer questions. Topics included the students' neighborhood background, high school experiences, attitudes towards people of different races and ethnicities, self-esteem -- to name just a few. A roughly equal number of blacks, Hispanics, whites, and Asians were included in the survey. The preliminary results, which extend to the completion of the students' first semester of their freshman year, were published in 2003 in a volume by Princeton University Press titled *The Source of the River*, the title reflecting the fact that most of the colleges chosen in the survey were the same as those included in the Bowen and Bok study.

Most of the students in the Massey study did reasonably well during their first semester, with 97% passing all their courses and less than a third having to drop a course. Nevertheless, there were substantial differences in ethnic group performance with the results repeating a familiar pattern: whites and Asians did the best, Latinos did significantly worse, and blacks wound up at the bottom. "During the very first semester of college," Massey and his colleagues write, "there are clear and significant differences in academic performance that emerge between groups. Whether measured in terms of grade point average, courses dropped, or courses failed, whites and Asians perform significantly better than Latinos and blacks. In general, the grades earned by Latinos in their first college courses averaged about a quarter of a grade point lower than those of whites, whereas the grades earned by black students were more than a third of a point

lower. Likewise about a quarter of all Latinos and a third of all blacks ended up dropping a fall-term class, compared with only a fifth of white and Asian students." (193-4) Overall, the average white and Asian student achieved a B average (roughly 3.30/4.00), the average Latino a B- (3.05/4.00), and the average black a C+ (2.95/4.00).

Much of the difference in the grades of the four ethnic groups, Massey and his colleagues found, could be attributed to differing levels of entering preparation as measured by such things as high school GPA, the number of AP courses taken, and the students' self-estimate of their academic preparation. The white and Asian students admitted to the twenty-eight colleges they surveyed were on average simply better prepared for academic work than the blacks and Latinos. But these differences in initial preparedness explained only part of the first semester grade-gap that the Massey team found. Few of the other factors that they included in their statistical model to explain the gap seemed to make a big difference but there was one exception -- a positive score on one of their two indicies of "stereotype threat" showed a substantial and statistically significant effect in depressing black and Latino grades. Those students who expressed both a lack of self-assurance regarding their ability as students as well as a high level of concern about what their teachers thought of them were found to be most at risk for the grade-depressing effects of stereotype threat. While the number of students who fell into this category was small (only around 9% for blacks and an even lower percentage for Latinos), the effects of stereotype threat for these students could be severe. The Massey team writes:

> We found clear and consistent statistical evidence that stereotype vulnerability worked to undermine the academic performance of black and Latino students above and beyond whatever deficits they experienced with respect to academic, financial, social, or psychological preparation for college. … For those students possessing the relevant psychological dispositions … the effects on performance can be profound. … Our analysis suggests that stereotype vulnerability has a pronounced influence on the risk of course failure. …. In their first term of college work, those who [were most predisposed to stereotype vulnerability] earned significantly lower grades and failed courses at much higher rates than other minority students. (195)

Although they never criticize affirmative action policy directly -- in the introductory chapter of their study they characterize it as "the great social experiment of affirmative action" -- the Massey team found clear evidence that racial preference policies, and the considerable resentment they provoke among whites and Asians, is a major contributor to the saliency of stereotype threat on campus. Stereotype threat, they say, "may be particularly salient in selective colleges and universities, where minority students are widely perceived by white faculty and students to have benefited from a 'bending' of academic standards because of affirmative action." The psychological harm to black students, they believe, may be particularly strong because of the negative stereotype of black intellectual ability that is so deeply ingrained in American culture and history. African Americans, they explain, "are stereotyped as being intellectually

inferior in U.S. society, … [and] every time black students are called upon to perform academically in the college setting, they are at risk of confirming this negative valuation, both to themselves and to others." (10-11)

The bottom line for Massey and his colleagues is that the "puzzlement of minority underachievement" is best explained by two overarching factors: "To a great extent," they write, "early differences in grades earned is explained by different susceptibilities to stereotype threat and by the different levels of preparation for college that students in different [racial and ethnic] groups bring with them when they arrive on campus." (191) Blacks and Hispanics lag behind whites and Asians in their freshman college grades, Massey and his colleagues contend, primarily because they enter college with lower high school grades and SAT scores, and because they have debilitating doubts about their academic competence.

One could, of course, with equal truth say that to a great extent the freshman year differences in grades earned at selective colleges by members of different racial and ethnic groups is a direct result of affirmative action policy. Abandon affirmative action and everything would change. Replace the racial preference regime with a more meritocratic system based on past academic performance and in one fell-swoop the initial preparation problem (blacks and Hispanics enter selective colleges with much lower grades and test scores than whites and Asians); the stereotype threat problem (blacks and Hispanics fear being thought inferior by higher-scoring white and Asian classmates and by college profs); the underperformance problem (blacks and Hispanics choke on exams and don't put their all into academic work as a result of their fear of failure and fear of being negatively stereotyped); and the white and Asian resentment problem (whites and Asians don't like affirmative action and act condescending towards, if not contemptuous of, its black and Hispanic beneficiaries) -- all these problems would disappear in an instant, or at least be greatly mitigated, if affirmative action policy were abandoned. And as we shall see, the additional problem of "perverse incentives" (blacks and Hispanics know they don't have to achieve at the same level as whites and Asians to get into good colleges and professional schools) would disappear as well. There's a bonus here, too: abandon affirmative action and college administrators would no longer feel compelled to tell lies about what they are doing. With affirmative action ended, the "pipeline problem" could then come into view as the real 800-pound gorilla in this show and the problem most worthy of focusing public attention upon.

5) Diversity, Yes; Racial Preferences, No! -- Racial Attitudes on Campus

One of the most unexpected findings of the study by Massey and his colleagues was the discovery of the considerable degree of resentment which white and Asian students often harbor towards the black and Hispanic beneficiaries of racial preference policies. Students were asked to rate how close they felt to whites, blacks, Latinos, and Asians "in terms of your ideas and feelings about things." Besides giving their closeness ratings to members of "the group in general," eight other subcategories within each group were given including the middle class, the rich, the poor, professionals, business owners,

young women, young men, and "affirmative action beneficiaries." Most students regardless of their own racial or ethnic background gave relatively high closeness ratings to the middle class and professional members of all of the four ethno-racial groups, and there was no indication of any "extreme outgroup distance" felt by one ethno-racial group for another when the target being assessed was "the group in general."

Nevertheless, there was a considerable amount of social distance expressed by many white and Asian students both to the black and Latino poor and to blacks and Latinos who had benefited from affirmative action. "Whites and Asians," Massey and his colleagues report, "tended to perceive a great deal of distance between themselves and blacks who benefited from affirmative action." (143) They also tended to rank each group in terms of their academic promise "with Asians on top, followed by whites, Latinos, and blacks." (152) Blacks and Latinos tended to be seen as "academically underqualified," while Asians were seen as overqualified.

Massey and his colleagues consider these findings deeply troubling for two reasons. First, they believe that if whites and Asians think of blacks and Latinos as intellectually inferior to themselves, the demon of stereotype threat will be fed and nurtured in a powerful way. In such an environment, blacks and Latinos will develop defenses and anxieties that are sure to have a harmful effect on their academic performance. But beyond this, the quality of race relations as a whole on campus, Massey and his colleagues believe, will surely be impacted negatively if such perceptions are widespread. If whites and Asians look upon black and Latino students as their intellectual inferiors, and assume an attitude of condescension or resentment, racial tensions on campus will surely increase. "Such perceptions of distance from 'affirmative action beneficiaries,'" Massey and his colleagues write, "carry important implications for the general tone of race relations on campus because one stereotype that emerges … is that without affirmative action most black and Latino students would not be admitted. To the extent that such beliefs are widespread among white students at elite institutions, they will not only increase tensions between whites and minorities on campus; they will also increase the risk of stereotype threat by raising anxiety among minority students about confirming these negative suspicions." (143, 145)

The problem Massey and his colleagues draw attention to here may even be more serious than they think. For the question asked on their social distance survey was specifically worded in terms of "affirmative action" rather than "racial preferences," "racial quotas," or other terms more clearly associated with special consideration or special privileges based on race. We know from many years of polling that the phrase "affirmative action" means different things to different people, and for some people, at least, it is not associated with any kind of controversial policy or with a policy that any reasonable person would oppose. It is a nice sounding phrase that is sometimes responded to positively even by people who indicate strong opposition to any kind of racial preferences, even the most modest in scope. For many, "affirmative action" seems to mean nothing more than outreach or welcoming policies, or such policies combined with rigorous enforcement of nondiscrimination norms. A 1996 Roper poll,

for instance, asked a random sample of 1001 University of California faculty members the following question:

> The term "affirmative action" has different meanings to different people. I'm going to read two definitions of the term "affirmative action." Please tell me which one best describes what you mean by the term. First, affirmative action means granting preferences to women and certain racial and ethnic groups. Second, affirmative action means promoting equal opportunities for all individuals without regard to their race, sex, or ethnicity.

In the Roper survey, 37 percent of respondents chose the first statement (the preferentialist understanding) as best describing what "affirmative action" means to them, while a larger percentage -- 43 percent -- said the second statement (the color-blind and gender-blind meaning) is closer to what they understand by the term (14 percent said neither statement captured what they mean by "affirmative action"). For many of the respondents "affirmative action" thus meant nothing more controversial than a systematic policy of nondiscrimination, which was the original meaning of the phrase in a famous executive order issued by Lyndon Johnson in 1965.

A more recent Gallup poll (June, 2003) captures the dilemma even more forcefully. Respondents in a representative national sampling of 1,385 adults were asked the following question: "Do you generally favor or oppose affirmative action programs for racial minorities?" Almost half of all whites who had an opinion on the matter expressed support for "affirmative action programs for minorities" -- 47 percent favoring, 53 percent opposing -- while a clear majority of all the respondents expressed such support.

In the same survey, however, Gallup asked the following question about race-based admissions to colleges and universities:

> Which comes closer to your view about evaluating students for admission into a college or university?
>
> a) An applicant's racial and ethnic background should be considered to help promote diversity on college campuses, even if that means admitting some minority students who otherwise would not be admitted?
>
> b) Applicants should be admitted solely on the basis of merit, even if that results in few minority students being admitted.

To this question only 23 percent of whites among those expressing an opinion chose alternative "a" (i.e. that racial and ethnic background should be given special consideration in college admissions to help promote diversity), while the remaining 77 percent -- a substantial majority -- opposed this idea. Though 47 percent of whites had said they supported "affirmative action programs for minorities," only half this amount -- 23 percent – said they favored special consideration of race to enhance diversity on

college campuses. Among Hispanics who had an opinion only 38 percent supported alternative "a", though 77 percent had said they favored "affirmative action programs for minorities." Here too, there were twice as many supporters of "affirmative action programs" as those saying they favored special consideration for race in admissions to college. (Only blacks showed majority support for race-based college admissions, though just barely, with only 53 percent of those who had an opinion supporting alternative "b").

What it all adds up to is this: questions that ask about "affirmative action" do not really capture the full level of public opposition to racial preferences, whether in college admissions or elsewhere. Many people who will respond favorably to an "affirmative action" question ("Sure, I support it") are thinking of things like outreach and aggressive nondiscrimination -- if the phrase conjures up anything at all in their minds -- and do not support even the mildest forms of race-based preferences. If Massey and his colleagues had asked their student respondents to express their level of closeness to "beneficiaries of racial preferences in college admissions" it is almost certain that they would have gotten responses expressing much greater social distance than even the very substantial level of such distance which their question did evoke. Indeed, student responses would probably have indicated a greater level of social distance towards "racial preference beneficiaries" than that found in any of the 140 response categories listed in Massey's tables (the current leader on the social distance scale is that expressed by blacks towards "rich whites" and "rich Asians," who are apparently seen as objects of disdain).

The level of student disapproval of race-based preferences may be gauged by the results of a survey conducted in 1999 by the research firm of Angus Reid.[16] In telephone interviews with a representative sample of 1,643 students in 140 different American colleges the study found overwhelming opposition within this group to racial preferences in employment and college admissions. To the statement "No one should be given special preferences in jobs or college admissions on the basis of their gender or race," almost one in five student respondents said they "moderately agreed" with the statement (18.7 percent), while fully two out of every three (66.7 percent) said they "strongly agreed" with the statement. Less than 15 percent said they disagreed with the statement, with more than two out of three of these saying they disagreed only moderately not strongly (a mere 4.6 percent said they "disagreed strongly"). In all, 85 percent of the students in the survey disagreed with granting racial and gender preferences in employment and college admissions, with most saying they disagreed strongly.

The high level of student opposition to both racial and gender preferences is no doubt a reflection of the triumph of the meritocratic ideal in America. It gains a special poignancy among students in the most selective colleges and universities since most have gained admissions only after an arduous four-year trial-by-ordeal in which they have had to struggle through demanding high school honors and Advanced Placement courses, countless hours of study, harrowing exams and standardized tests, and a senior year of applications and personal essays, to be followed by months of anxious waiting. The universal expectation is that if you have academic talent, work hard, and focus your

energies on your school work, you will be appropriately rewarded and your reward will be commensurate with your academic performance. That's the basic trust and many students view it as the fundamental social contract under which they live.

For many high-achieving students affirmative action in college admissions dashes this trust, and nowhere does this become more evident than in the early spring of senior year when high school students receive final word on whether or not they have been admitted to the colleges of their choice. It is at this time that many students first learn of the enormous degree of racial preference that elite universities often accord to black and Hispanic students. They watch with bewilderment and dismay as some of their much better qualified white and Asian classmates get the thin letters of rejection from some of the very same elite institutions that have sent out the fat letters of acceptance to some of their much less qualified black and Hispanic peers. "It's not fair," they say, and their resentment can oscillate in its focus between the individual students who benefit from racial preferences and the institutional policies which support them.

The great social distance regarding "affirmative action beneficiaries" which Massey and his colleagues found among the entering white and Asian freshmen in their study is no doubt explained by many individual high school experiences such as these. The resentment and perception of unfairness which such experiences can evoke is well captured in a recent description by a Princeton undergraduate of his own experiences in the college admissions process. The account is taken from the concluding paragraph of a term paper the student wrote, which was highly critical of affirmative action policy in America:

> I'll close with a personal anecdote. In my high school graduating class, five were admitted into the class of 2005 at Princeton. Of those, one was of a minority. While I was lucky enough to be one of those five, many others in my high school with much higher grades and SAT scores than the admitted minority were passed over. In many ways, the situation disgusted me. I knew that countless students had worked much harder than the minority student, but they had not been admitted *only because* they were not black. While I had never fostered any ill will towards that student, I found that I resented the fact that she could matriculate because she was black; really, though, my anger could only be directed at the cause of the problem -- race-preference -- and not the minority student. We seek a society where race does not matter, but affirmative action, as my high school experience testifies, only intensifies the importance of race. I look forward to the day when affirmative action ends and race truly *does not matter*. In the meantime, society seems vigorously keen on becoming *more* race-conscious in a misguided attempt to become *less* race-conscious.

Although they do not pursue the matter any further, the conclusion of Massey and his colleagues that white and Asian students have negative attitudes towards affirmative action beneficiaries, and that this will have negative consequences not only for the academic performance of the stereotype-vulnerable students but also for the quality of

race relations on campus, has obvious implications for the affirmative action debate. For one of the major arguments of those who support "race-sensitive admissions" is that such policies produce an enriching racial diversity on campus which contributes to the overall educational experience of students of all races and ethnic backgrounds. A more racially representative student body, it is maintained, helps to further tolerance and racial understanding, facilitates interracial friendships, and improves the overall educational environment of all students on campus, not just the minority students. Students, it is said, learn from one another, and by working and studying together students of different races and ethnicities learn important lessons which they will carry with them through life. If the findings of Massey and his colleagues are correct, however, this rationale for race-based admissions policies would be seriously undermined. There are good diversities and bad diversities, and affirmative-action-created diversities appear to be in the latter category.

An attempt to test the "diversity rationale" for affirmative action policies was carried out recently by social scientists Stanley Rothman, Seymour Martin Lipset, and Neil Nevitte.[17] Using the Angus Reid telephone survey previously referred to, the Rothman group explored the relationship between the degree of enrollment diversity on college campuses as measured by the percentage of black students and several important outcome variables, including student satisfaction with their university experience, the overall quality of education, the strength of the work ethic on campus, and the proportion of students complaining of having personally experienced discrimination. The survey utilized the random sample of students, faculty, and administrators at the 140 colleges and universities polled by the Angus Reid group.

What Rothman and his colleagues found was deeply disturbing to affirmative action supporters. Virtually none of the promised benefits of larger black enrollments was supported by their study's findings. Not only did increased black enrollment not have the intended beneficial outcomes, on balance it seemed to have clearly harmful effects:

> When student evaluations of the educational and racial atmosphere were correlated with the percentage of black students enrolled at a college or university, the predicted positive associations with educational benefits and interracial understanding failed to appear. The statistically significant associations that did appear were the opposite of those predicted. … As the proportion of black students rose, student satisfaction with their university experience dropped, as did their assessments of the quality of their education and the work ethic of their peers. In addition, the higher the enrollment diversity, the more likely students were to say that they personally experienced discrimination. The same pattern of negative correlations between educational benefits and increased black enrollment appeared in the responses of faculty and administrators. Both groups perceived decreases in educational quality and academic preparation as the number of black students increased. Faculty members also rated students as less hard-working as diversity increased.

Rothman and his colleagues found more mixed results in regard to discrimination and minority relations than in regard to some of the other items surveyed. "Among faculty and administrators," they write, "higher minority enrollment was significantly associated with perceptions of less campus discrimination and among administrators, more positive treatment of minority students." These findings, however, were offset, they say, "by the absence of similar results among students, who reported more personal victimization as diversity increased." Students, Rothman and his colleagues found, were generally much less enamored with the greater "diversity" on college campuses (i.e. higher percentage black) than college administrators, with college faculty positioned somewhere between these.

That affirmative action policy is involved in this negative assessment of greater black enrollment is suggested, Rothman and his colleagues believe, by the very different assessment given of the value of larger Asian enrollments. Unlike a larger black and Hispanic presence, a larger Asian presence on campus, they found, was sometimes viewed in a positive light. "The increased presence of Asian Americans," Rothman and his colleagues report, "seems to have at least some positive impact" in terms of the outcome variables that were explored. They speculate that the difference lies in the absence of racial preferences given to the entering Asian students. "Since higher percentages of black and Hispanic students," they write, "are produced in part by affirmative action, while the same is not true for Asian-American students, it may be that affirmative action places students in academic environments for which they are unsuited, leading to tension and dissatisfaction all around." Once again, we see evidence confirming Sowell's "mismatch" hypothesis.

Rothman and his colleagues see their study as providing strong evidence against what they call the "diversity model" of campus relations put forth by Bowen and Bok and other defenders of current affirmative action policy in higher education. They criticize much of the previous research in this area for asking questions that are often too vague to interpret meaningfully (an example from a study directed by Harvard researcher Gary Orfield: "Do you feel that diversity enhances or detracts from how you and others think about problems and solutions in classes?"), and for failure to appreciate the effect of political correctness and socially expected response patterns on the level of candor with which respondents will answer questions pertaining to race. They claim their own study rectifies these problems.

Perhaps the worst shortcoming of the Bowen and Bok study is its tendency to equate a generalized support for the value of demographic diversity on college campuses, with support for all elements in that diversity and for all policies intended to achieve that diversity. "The vast majority [of the respondents in our study]," Bowen and Bok write, "believe that going to college with a diverse body of fellow students made a valuable contribution to their education and personal development." (280) It is well and good to know all this, of course, but a vague genuflection before the value of "diversity" really tells us very little about what students really think about the more important and controversial issues dealing with race and college life.

It is clear from the recent work of both Massey et al. and Rothman et al. that white students view the presence of Asian students on campus very differently than they view the presence of black students, and that the difference is almost certainly due to the lower academic qualifications of many of the black students and to the sense that many blacks have benefited unfairly from affirmative action programs. Incredibly Bowen and Bok never thought to place on their lengthy questionnaire any kind of question soliciting the views of their respondents to affirmative action policy and its beneficiaries. Their respondents were never even asked the crucial question of whether or not they favored "race-sensitive admissions" as a way of increasing racial diversity on campus. They were never asked how distant or close they felt to "beneficiaries of racial preferences in college admissions." They were never asked whether they believed that the average black or Hispanic student they met in college was equally qualified academically with the average white or Asian student, and if not, whether they thought this situation had any effect on the quality of race relations on campus. One suspects that the reason for the omission of such crucially important questions from Bowen and Bok's survey was simply a fear of the answers.

Bowen and Bok, along with most other defenders of the diversity rationale, proceeded as if no difference existed in public perceptions between the kind of diversity that a merit system might produce, and the contrived, artificial, result-oriented type of diversity that comes about through a process of conscious racial engineering and racial preferences. An analogy with professional sports might be helpful here. Most sports fans appreciate the ethnic diversity that exists nowadays on professional baseball teams, where more Hispanic and Asian players have added to a racial makeup at one time dominated exclusively by whites, and subsequently by a mixture of blacks and whites. Many sports fans would no doubt be pleased if basketball (a black-dominated sport), ice hockey (a white-dominated sport), and horse-racing (an Hispanic-dominated sport) became more baseball-like in this regard. Sports fans seem to appreciate the fact that blacks like Tiger Woods and the two Williams sisters have gained prominence in such traditionally all-white country club sports as golf and tennis. Many fans of women's golf seem to like the ascent of Asian women into their favorite spectator sport.

But how many sports fans would thrill at the prospect of greater diversity in any of these sports if it meant lowering entrance standards for the members of underrepresented racial and ethnic groups or otherwise departing from meritocratic standards? What would professional athletes themselves think of such an arrangement? Would they revel in the greater "diversity" of their sport? How would white hockey players, for instance, respond to an affirmative action program in which being black or Asian was considered a huge "plus-factor" in determining who makes the hockey team? Would the situation be any different if diversity on college and high school sports teams was at issue rather than diversity in professional sports? How, for example, would high school athletes react to an aggressive affirmative action program that sought to enhance racial diversity on their high school sports teams? How would their classmates and parents react? Would it make any difference whether the target of the affirmative action

program was a varsity or a junior varsity team? Would it make any difference if the target were intramural teams?

It doesn't require any special genius to figure out the answers to any of these questions. In all cases a policy of race-based preferences would have a disastrous effect on the morale of the teams involved; those selected under the higher standards would look down upon those who made the team by way of racial preferences; the beneficiaries of the racial preferences would acquire an inferiority complex and become vulnerable to "stereotype threat"; and everywhere disappointed aspirants from the "overrepresented" groups would decry the system as "unfair." And for all these reasons those implementing the preference system would have a powerful incentive to speak in euphemisms and prettifying obfuscations and to lie about what they are actually doing.

More than fifteen years ago political philosopher Allan Bloom gave an acute description of the pattern of black/white relations on elite college campuses that he had observed during his many years of teaching under the affirmative action regimes at Cornell and the University of Chicago.[18] Bloom saw clearly that the phenomenon that would later be called "stereotype vulnerability" or "stereotype threat" unleashed a powerful dynamic on college campuses that not only had a negative effect on the academic performance of the beneficiaries of racial preferences, but had a chilling effect on the quality of social relationships between the lower achieving blacks who were preferentially admitted to elite colleges, and the higher achieving whites and Asians.

At the nation's premier universities, Bloom observed, "white and black students do not in general become real friends with one another." This is a terribly disappointing development, he says, especially when one considers the great success universities have had since the Second World War in integrating members of formerly excluded groups, including Irish, Jews, Catholics, Asians, and women. The black/white divide, he says, is "the one eccentric element in this portrait, the one failure." (91) The better universities, he explains, are formally integrated, and blacks and whites are used to seeing each other on campus and act politely in each other's company. "But the substantial contact, indifference to race, soul to soul, that prevails in all other aspects of student life simply does not usually exist between the two races." (92-3)

Bloom blames the situation on affirmative action. "Affirmative action," he says, "now institutionalizes the worst aspects of [racial] separatism." (96) In the better universities, Bloom explains, "the fact is that the average black student's achievements do not equal those of the average white student … and everybody knows it." Those who know it best are the black students themselves, who react to the situation with defensiveness and self-segregation on campus. The black students know "that everyone doubts their merit, their capacity for equal achievement," and, as a result, they "avoid close associations with whites, who might be better qualified than they are and who might be looking down on them." They adopt a simple defensive strategy: "Better to stick together, so these subtle but painful difficulties will not arise." (96) Segregated cafeterias and eating clubs are but one manifestation of this phenomenon. Whites too, says Bloom, react to the situation with their own form of self-segregation and try to avoid

intimate black/white contacts and discussion topics that will be fraught with tension and uneasiness. The result, he says, is a bad situation all around. The intimate inter-racial friendships and better understanding between the races which affirmative action is supposed to produce does not come about.

Anyone with intimate knowledge of the racial scene at elite colleges and universities in recent years will detect a powerful ring of truth in what Bloom says here. For example, John McWhorter, a professor of linguistics at Berkeley, has described black/white relations on his own campus in the mid-1990s in terms that are almost identical to those of Bloom --- though McWhorter, who is black, writes with an even greater sense of sadness and disappointment than does Bloom. "At Berkeley," McWhorter explains, "I have had occasion to teach large numbers of both black and other students. I spent a long time resisting acknowledging something that ultimately became too consistent and obvious to ignore, which was that black undergraduates at Berkeley tended to be among the worst students on campus, by any estimation." This, he says, has had horrible consequences for the quality of black/white and black/Asian relations on campus. He explains further:

> With it widely known among a student body that most minority students were admitted with test scores and GPAs which would have barred white and Asian applicants from consideration, it is difficult for many white students to avoid beginning to question the basic mental competence of black people as a race. This is especially true when most black students are obviously of middle-class background … A white person need not be a racist to start wondering why black students need affirmative action even when growing up no poorer than they did. … This can only leave many young whites with a private suspicion that blacks simply aren't as swift, which will in turn encourage suspicion in black students, and thus perpetuate interracial alienation on campus and undermine the mutual respect that successful integration requires. … [Alienating encounters] like these subvert the goal of peaceful integration, and importantly, unexpressed renditions of these encounters lurk underneath interracial contacts campus-wide all year long.[19]

There is one arena, however, where the kind of critique offered by Bloom and McWhorter clearly does not apply and where true black/white friendships really do flourish on elite college campuses. These are among the recruited college athletes on the varsity sports teams. In this arena, however, such contacts flourish precisely because the participants can escape the harm done by race-based affirmative action programs and devote much of their energies to activities where strict meritocratic principles reign supreme. However negatively one may view contemporary policies of athletic recruitment on college campuses, they clearly do produce the rare oases of integration amidst the desert of self-segregated student social groups.

Recruited athletes on college campuses are generally certain of two things. First, they know, a) that they have been recruited to play a college sport under the same highly relaxed set of academic standards that applies to all athletic recruits regardless of their

race or ethnicity (i.e. admissions officers at selective institutions will reach down just as far academically for a top quality white or Asian athlete as for a comparable black or Hispanic athlete); and they know, b) that both their recruitment to the team and their subsequent play will be based purely on performance, not on their capacity to contribute to a team's "diversity." On the sports teams black and Hispanic athletes work together with white and Asian athletes in a common project under a set of standards that all can consider fair. No one has any reason to look down upon the members of any racial or ethnic group as athletically inferior because all have been judged by a common set of standards. No one has any reason to experience "stereotype threat."

It is perhaps no accident that two of the most prominent white politicians over the past thirty years who have had the greatest rapport with black people -- i.e. Jack Kemp and Bill Bradley -- were both products of the college and professional sports world. In an earlier generation the intimate contact between blacks and whites that so many yearn to see on college campuses and elsewhere was most prominently displayed in another arena of strict meritocracy -- the world of jazz musicians (it is partially for this reason that the saxophone-playing Bill Clinton seems to have such natural rapport with many black people). The conclusion seems inescapable here and recent social science has confirmed it more and more: if true friendships -- "indifference to race, soul to soul" -- are to flourish between blacks and whites on college campuses, they must be based on mutual respect and a system of race-blind selection that focuses on genuine talent and performance -- not on race.

6) Perverse Incentives: Rewarding Underachievement

As previously noted, each year black students typically score about 200 points lower than whites and Asians on the SAT. The gap was even greater in the mid-1970s when data on the matter first became available (the gap then was about 250 SAT points), but it began to close after this time until the late 1980s, when progress in this direction stopped. Hispanics too, score substantially lower on the SATs than whites and Asians, with average Hispanic scores much closer to the black mean than to that of the whites and Asians. These SAT-gap figures actually understate the real distance between the achievement levels of the four racial/ethnic groups since a substantially smaller proportion of the lower scoring groups take the SAT. Compared to whites and Asians, a much larger portion of black and Hispanic students either drop out of high school before the period in which the SAT is normally taken, or do not take the SAT because they do not intend to go to college (or intend to go to a non-competitive institution which does not require the SAT). Students in these latter categories, of course, would be among the lowest achievers. If the same proportion of black and Hispanic students took the SAT as whites and Asians the existing gap would be much larger.

The racial gap at the highest SAT levels where the "right-tail" colleges and universities recruit most of their entering classes is even more extreme. In 1995, for instance, for every thousand Asians taking the SAT, 18 scored 700 or above on the verbal test, as did 13 out of every thousand whites. The comparable figure for blacks was less

than 2 per thousand. The results on the math portion of the SAT were even more ethnically skewed. More than 140 out of every thousand Asian test-takers scored above 700 on the math test, as did 58 out of every thousand whites, while only 6 out of every thousand black test-takers scored this high. Although the total number of blacks taking the SAT in 1995 was considerably greater than the total number of Asians taking the test, among those scoring 700 or above Asians exceed the number of blacks by a factor of eight to one on the verbal portion (1,476 vs. 184), and on the math by a factor of more than eighteen to one (11,585 vs. 616).[20]

Tempting as it may be for some to think so, these huge racial gaps cannot be explained simply by differing levels of family income or family education. Even after taking all such factors into consideration, huge gaps remain. On the 1995 test, for instance, white students whose parents never went farther than high school outperformed in their SAT scores black students from families in which at least one parent had a graduate degree (873 vs. 844) A similar situation obtained between Asians and blacks with these same family characteristics, where the gap was even greater (890 vs. 844). Blacks from relatively affluent families earning more than $70,000 per year scored 849 on the SAT in 1995, while whites from very poor families earning less than $10,000 per year scored twenty points *higher* (869). Not surprisingly, poor Asians, many of whose parents were immigrants and who often lived in households where no English was spoken, performed much more poorly than the affluent blacks on the SAT verbal (343 vs. 407), but they significantly outscored them on the math portion of the test (482 vs. 442).[21]

It is because of numbers such as these, coupled with the near-universal belief among the higher-level administrators at elite colleges and universities that their institutions must have a "decent" representation of black and Hispanic students, that the degree of racial preferences given to members of these groups is so great. By checking off the box that says "Black" on their college applications, high school students in effect are accorded roughly 200 SAT points and a .5 GPA boost as "plus-factors" in the college admissions process. Absent affirmative action, the proportion of blacks at the most elite universities would probably plummet -- at least in the short run -- from the current 5-10% range to the 1-3% range. Hispanic declines would be somewhat less, though still very steep.

The reason for these huge differences in group performance are multiple and controversial, and the theories that are out there to explain them include in their focus everything from culture, to genes, to family structure, to group psychology, to child rearing practices.[22] Differences in nutrition, neo-natal care, public health, the neighborhood crime situation, and the ambient levels of lead and other toxic environmental pollutants have also been suggested by reputable researchers as contributing to these pronounced racial differences in academic performance. Whatever other constellation of factors may be involved, however, it is becoming increasingly clear that the racial preference regime which has been in place now for over thirty years is not only a result of these persistent racial gaps, but a major contributor to their perpetuation and seeming intractability. Mention has already been made of the tendency of racial

preferences to reinforce negative stigmas and stereotypes about the academic competence of their intended beneficiaries, and about the harm this can have in terms of heighten "stereotype threat" and similar vulnerabilities. The harm done by preferences, however, may be much greater in terms of their tendency to distort the incentive structure under which black and Hispanic students work for admission to the more prestigious colleges and graduate schools.

Considering the central importance that incentive structures have in the analyses of economists and other social scientists, it is remarkable that so little has been done in this area in attempting to illuminate the effects of across-the-board racial "plus-factoring" on student motivation and work ethic. Bowen and Bok hardly take up this issue at all -- they mention in a single paragraph of their 400-page book the possibility that "the willingness of leading graduate and professional schools to admit black candidates who did not rank at the very top of their classes" may reduce the incentive for black students at the better colleges to strive for top ranking, but they quickly drop the issue saying that they "know of no way to test this hypothesis." (85) One suspects that here, too, a fear of the answer drives the reticence of Bowen and Bok (and others) to face this issue squarely.

It is difficult to see how an across-the-board system of racial preferences could *not* have a harmful effect in terms of student motivation and work ethic. Affirmative action supporters sometimes claim that even with racial preferences in place at all major universities, colleges, and graduate programs, there is still a marginal payoff to getting higher grades for the minority students who receive the racial preferences.[23] Whether in high school or college, black and Hispanic students, it is argued, will always find that their higher grades are rewarded by acceptance to more highly rated colleges and graduate/professional schools, even if they are automatically given a substantial boost in the admissions process. They will thus have every incentive to strive to do their best, it is claimed, and thus there is no "perverse incentives" problem with current affirmative action practices.

Such arguments would make sense if most high school and college students were singularly focused on putting all their efforts and energies into attending the most prestigious colleges and graduate programs to which they could gain admission. But this is not how most adolescents and young adults, including many of the most academically talented, typically conduct their lives. For even the most highly motivated of students, school work is often dull and demanding, and less appealing certainly, than alternative ways to spend one's time such as sports activities, socializing with friends, partying, pursuing a hobby, or watching television or movie videos. If a talented black or Hispanic student knows that he need not work as hard or perform as well in the classroom as an equally talented -- or more talented -- white or Asian student to get into the same college or graduate school, the black and Hispanic student will have every reason to work less hard and devote more time to more fun-producing activities than school work. The logic here is simple and common-sensical and is well laid out by John McWhorter in his reminiscence about his own days as a student in a Philadelphia private school. "I can attest," McWhorter writes,

> that in secondary school I quite deliberately refrained from working to my highest potential because I knew that I would be accepted to even top universities without doing so. Almost any black child knows from an early age that there is something called affirmative action which means that black students are admitted to schools under lower standards than white; I was aware of this from at least the age of ten. And so I was quite satisfied to make B+'s and A-'s rather than the A's and A+'s I could have made with a little extra time and effort. Granted, having the knack for school that I did I was lucky that my less-than-optimum efforts still put me within reach of fine schools. However, there is no reason that the same sentiment would not operate even in black students who happen to be less nerdy than I was … If every black student in the country knows that not even the most selective schools in the country require the very top grades or test scores of black students, that fine universities just below this level will readily admit them with even a B+/B dossier by virtue of their "leadership qualities" or "spark," and that even just a better-than-decent application file will grant them admission to solid second-tier selective schools, then what incentive is there for any but the occasional highly driven student to devote his most deeply committed effort to school? (233)

McWhorter's final verdict on affirmative action is devastating: "In general," he says, "one could think of few better ways to depress a race's propensity for pushing itself to do its best in school than a policy ensuring that less-than-best efforts will have a disproportionately high yield." (233) McWhorter does not believe that affirmative action is the cause of all the problems that blacks have with academic achievement. At the heart of these problems, he believes, is what he describes as a "cult of anti-intellectualism" and a preoccupation with victimhood in the black community that severely undermines the strivings of black students to perform to their maximum in the intellectual arena. He also agrees with Claude Steele's theory of "stereotype vulnerability," but believes it has been greatly exaggerated as a factor in explaining the poor academic performance of blacks. Cultural factors -- or what we might better designate historio-cultural factors since they are rooted in a particular African-American historical experience -- are more important, McWhorter contends, than the psychological factors that Steele stresses.

While affirmative action may not be the underlying cause of all the difficulties blacks face in the intellectual arena, it nevertheless greatly exacerbates these difficulties, McWhorter believes, by skewing the incentive structure black students face, especially the more talented black students who aim to go to the more prestigious colleges and professional schools. Since the degree of racial preferences given in colleges, universities, and graduate/professional programs is known to vary directly with the ranking of the institution (i.e. the more prestigious the institution, the greater the degree of preferences), McWhorter's theory here would offer a further explanation (along with "stereotype threat") for why the degree of "underperformance" among black college students increases as black SAT scores rise. The better a black student is in relation to his black classmates the greater the degree of preference he can count on receiving in relation to his white and Asian classmates, and the less need he thus has to match those non-preferentially treated classmates in terms their academic performance. Since black students respond to the incentive structure in which they have been placed, the

performance gap between blacks and the non-preferentially treated whites and Asians -- i.e. the degree of "underperformance" -- will increase the higher a black student stands academically among his black peers.

Outside the affirmative action context, few have any difficulty understanding the compelling logic of what McWhorter has to say here. To give a recent example: Nancy Weiss Malkiel, a leading academic dean at Princeton University, has led a protracted and in many ways courageous effort over many years to put an end to the continuing grade inflation that has plagued Princeton, like most other elite universities, since the early 1970s. Her efforts culminated in late April of 2004 when the faculty senate passed a resolution recommending a limit on A+, A, and A- grades to 35% of all grades. In a *New York Times* interview published shortly after the faculty vote, Dean Malkiel, who hopes that Princeton will set an example in the national effort to combat grade inflation, explained the logic behind her anti-grade inflation stance. Grade inflation and grade compaction, she told the *Times*, must be seen as "part of inflationary patterns of evaluation in the larger culture. …. When students get the same grade for outstanding work that they get for good work, they are not motivated to do their best." (NYT, 5/6/2004, B-2)

Malkiel explained further to the *Times* interviewer how her early experiences as an undergraduate at Smith College at a time before grade inflation -- when As and A-s were very few and Cs very common -- had taught her the value of an honest grading system in motivating students "to do their best." The ironic fact here is that Malkiel has been a leading defender of Princeton's affirmative action policy over the years, though one suspects, more out of occupational necessity than passionate conviction. In any case, the logic of her anti-grade inflation position bears at least some resemblance to the logic of McWhorter and other opponents of affirmative action. The McWhorter position could be rephrased as follows: If, because of affirmative action, good work by black and Hispanic students receives the same level of reward from undergraduate and graduate school admissions committees as outstanding work by their white and Asian classmates, the black and Hispanic students will not be motivated to do their best.

Essayist Shelby Steele has made a similar point. "The top quartile of black American students," Steele writes, who often come "from two-parent families with six-figure incomes and private school educations, is frequently not competitive with whites and Asians even from lower quartiles. But it is precisely this top quartile of black students that has been most aggressively pursued for the last thirty years with affirmative-action preferences. Infusing the atmosphere of their education from early childhood is not the idea that they will have to steel themselves to face stiff competition but that they will receive a racial preference, that mediocrity will win for them what only excellence wins for others. Out of deference, elite universities have offered the license *not* to compete to the most privileged segment of black youth … And because blacks are given spaces they have not won by competition, whites and especially Asians have had to compete all the harder for their spots. So we end up with the effect we always get with deferential reforms: an incentive to black weakness relative to others."[24]

Another way to think about the problem is this: Imagine that admissions committees throughout the United States at both the undergraduate and graduate/professional school level adopted the strictest of race-blind admissions policies and did not even know the race or ethnicity of their applicants. Applicants were always judged on the basis of their scores on standardized tests and their grades in high school or college. Assume that these policies were generally well-known and understood by all. But imagine too, that it became the general practice in all mixed-race secondary schools and colleges for classroom teachers to automatically raise by a substantial degree the grades of black and Hispanic students on all tests, term papers, and classroom work. A paper or test that was of a quality that would earn a B if handed in by a white or Asian student would automatically be given an A- if handed in by a black or Hispanic student. Similarly, the standard of quality that would garner a B+ for a white or Asian student would garner a straight-A for a student who was black or Hispanic. Assume that the Educational Testing Service followed a similar policy. Although ETS never revealed to colleges and graduate schools the race of their test-takers, they automatically added to the scores of black and Hispanic test-takers a 200 point bonus factor on the SAT and a comparable boost on the other standardized tests ETS administers (GRE, LSAT, etc.). As in the case of the color-blind admissions committees, imagine that students everywhere understood how this "plus-factoring" system worked in both the classroom and at ETS.

The incentive structure faced by black and Hispanic students under this imagined system would be identical to that of our current affirmative action regime. At least for those who are focused on going to a good college or graduate school, it makes little difference whether the automatic boost one gets for being black or Hispanic takes place at the classroom level and on the ETS scoring system, or in the admissions offices of the nation's undergraduate colleges, graduate schools, and professional schools. The perversity of the system in terms of undermining the incentives for blacks and Hispanics "to do their best" would be the same in both cases. Under both systems all but the most highly self-motivated black and Hispanic students – or those receiving the greatest degree of grade pressure from home -- would have good reason to cut themselves a good deal of slack and leisure time in their academic pursuits and let the whites and Asians toil away to get their good grades. Under both systems, a talented black or Hispanic student need not work as hard or perform as well as a comparably talented white or Asian student to get into a good college or graduate school. Under both systems one would expect a substantial black and Hispanic "performance gap" to develop even if there were no harmful cultural or psychological factors at work to make matters worse. And under both systems one would expect the black-white and black-Asian difference in learning and performance to increase as one ascended the scale of black talent.

When the perverse incentives of the affirmative action system are added to the "cultural disconnect" that McWhorter and others have drawn attention to, and when to these two factors are added the "stereotype threat" dynamic that Claude Steele has explored, the result can be the extreme gaps in learning that we see among so many black students, even those from economically and educationally privileged backgrounds. Berkeley anthropologist John Ogbu was asked a few years before his untimely death in

2003 to come to Shaker Heights, an affluent mixed-race community in suburban Ohio, to find out why black students in the Shaker Heights public school system did so poorly in comparison to their white counterparts. Ogbu holds a "cultural impediments" view of black underachievement similar to that of McWhorter -- he is the researcher who first brought attention to the fact that for many black youngsters in the inner city ghetto working hard in school was shunned not only as nerdy and "uncool" but as "acting white." And he saw much of his cultural impediments theory confirmed even among the middle class black students in Shaker Heights whose parents were well-educated and economically quite comfortable. The title of Ogbu's study of the situation, *Black American Students in an Affluent Suburb -- A Study of Academic Disengagement*, summarizes his findings.[25] By all accounts, including those of several black teachers, black administrators, and the black students themselves, black students in Shaker Heights, Ogbu found, take their academic work much less seriously on average than do the whites, they are less focused on their studies, and they display what Ogbu calls a "low effort syndrome" or working just hard enough to get by. Ogbu does not speculate on the effect that the affirmative action policies at America's better colleges may have on these tendencies, but it is hard to imagine that such policies do not negatively impact the work ethic of the more academically talented black students in communities like Shaker Heights and other integrated suburbs.

Ogbu's findings are also consistent with those of a much larger research project carried out by developmental psychologist Laurence Steinberg and his colleagues. The Steinberg team, which consisted of psychologists, sociologists, psychiatrists, and educational researchers from Stanford, Temple, and the University of Wisconsin, surveyed more than 20,000 students and their families in nine largely middle-class high schools in Wisconsin and Northern California.[26] One finding of the Steinberg team, which is consistent with much other research, is that the typical American high school student doesn't work very hard and is only moderately interested in doing well in school. What Ogbu calls "low-effort syndrome" and "academic disengagement" were found to be the norm, not the exception, in the typical American high school, and this is true for whites as well as blacks. The typical American high school student works as hard as need be to avoid academic trouble, while only a minority strive for academic excellence or are focused on getting into a highly competitive college.

Of the minority who are academically focused, however, Steinberg and his colleagues found -- much to their surprise -- huge ethnic differences. "Of all the demographic factors we studied in relation to school performance, ethnicity is the most important," they write, with Asian students clearly outshining all other groups in terms of the amount of time they spend on homework, how attentive they are in class, how strongly they value academic success, and how likely they are to have academically-oriented peers. (86ff) White students stood considerably behind the Asians on these measures, and the Hispanics and blacks considerably behind the whites.

Paralleling these trends, the Steinberg team found clear differences in the level of the demands that parents placed upon their children in terms of acceptable school performance. Asked what would be the lowest grade they could come home with without

their parents getting angry, the typical Asian said A-, the typical white somewhere between B and C, and the typical black or Hispanic C-. (161) Steinberg also found a yawning gap between the Asian students, on the one hand, and the black and Hispanic students on the other, in terms of their belief in how harmful not doing well in school would have on their future. While members of all groups expressed belief in the value of a good education, "many Black and Latino students don't really believe that doing poorly in school will hurt their chances for future success." (91)

Other researchers, including most recently Abigail and Stephen Thernstrom,[27] have found similar patterns distinguishing the four racial/ethnic groups studied by the Steinberg team. Asians seem to work the hardest in high school and to be least focused on social life, partying, television watching, and other kinds of diversion that compete with school work, while Hispanics and blacks display the opposite pattern (whites usually come out in the middle). Blacks seem to be particularly enamored of television watching and spend twice as many hours before the tube as whites. While it is beyond question that there are important cultural, psychological, and historical factors at work that account for much of these differences, it is also difficult to avoid the conclusion that the disincentives of the affirmative action system also come into play. Asians work harder, in part, because they and their parents know that to get into a good college they have to work harder than an equally talented black or Hispanic student. But like John McWhorter, the more academically talented black and Hispanic students, along with most of their middle class parents, know that there is this thing called “affirmative action” which allows blacks and Hispanics to attend highly rated colleges and universities with much lower grades and test scores than their white and Asian peers. To repeat McWhorter's indictment, "one could think of few better ways to depress a race's propensity for pushing itself to do its best in school than a policy ensuring that less-than-best efforts will have a disproportionately high yield." Perhaps, too, it is no accident that the black respondents in the Bowen and Bok study, looking back many years later upon their days as undergraduate students, were much more likely than their white counterparts to say that they wish they had studied more in college. The affirmative action regime clearly seems to be part of the problem here.

7) Mismatching Students in Law School

The affirmative action preference regime doesn't, of course, end at the undergraduate college level. Law schools, medical schools, business schools, and many graduate programs in the arts and sciences pursue goals of racial and ethnic "diversity" with equal or greater zeal than those championed at the elite undergraduate institutions. And as at the undergraduate institutions, "diversity" and "affirmative action" at the graduate and professional level come to be defined primarily in terms of blacks and Hispanics. A "diverse" student body according to an unwritten rule of thumb is one in which black and Hispanic students each comprise at least 7%-8% of a school's overall enrollment. A school with a substantially smaller proportion of these two targeted minorities would not be considered "diverse" by academic administrators, and a decrement involving blacks and Hispanics cannot be made up by increased enrollment of other underrepresented groups. (Poor whites, military veterans, Mormons, Italians,

Muslims, born-again Christians, rural area residents, married students with children, and members of several other demographic groups may be grossly underrepresented at elite graduate and professional schools, but they count for little or nothing in the way most academic administrators set their "diversity" goals. An increased number of the members of these other groups will not be seen as offsetting a low black or Hispanic enrollment).

Affirmative action programs at graduate and professional schools are like their counterparts at undergraduate institutions in yet another way: such programs have been shrouded in secrecy and are routinely misrepresented to the general public by academic administrators. As in the case of undergraduate programs, supporters of affirmative action policies at graduate and professional schools have generally shown little interest in a fair evaluation of the costs and benefits of the policies, and little in the way of high quality research has been done on the effect they have on those they are intended to help. An exception is the recent research by law professor Richard H. Sander.

Sander, an economist and professor of law at UCLA Law School, published a pathbreaking study in the November 2004 issue of the *Stanford Law Review* on the effect of affirmative action policies on blacks seeking to enter the legal profession (he will later publish a similar study on Hispanics). A lifelong Democrat who has been active in the enforcement of anti-discrimination housing law -- and who is also the concerned parent of an inter-racial, black/white child -- Sander was troubled by the unwillingness of most law school administrators to discuss openly the nature of their affirmative action programs or to submit them to honest evaluation by competent researchers. Sander's own view on affirmative action is pragmatic in the sense that he believes racial preference policies at law schools would be fully justified if they can be shown to work in the way their defenders claim they do, and if they actually produce more and better minority attorneys. His research, however, has led him to conclude that the conventional wisdom propounded by affirmative action supporters is totally mistaken, and that at least in the case of blacks in law schools, current affirmative action policies do great harm to the career prospects of many of those they are supposed to benefit.

Sander's research is based on analysis of several large databases including the huge Bar Passage Study (BPS) compiled in the period from 1991 to 1997 by the Law School Admission Council. This study contains extensive information on over 27, 000 students who first entered law school in 1991. Almost 95% of the nation's accredited law schools participated in the study, which tracked the progress of the 1991 cohort of law students over a six year period -- enough time for most to graduate, take the bar exam (in some cases multiple times), and land their first job. Included in the BPS database is information on the entering students' race, undergraduate grade point average, score on the Law School Admissions Test (LSAT), grades and class rank obtained in law school, and performance on state bar exams. What Sander found in his analysis of the BPS data was riveting.

For instance, at all but the few historically black law schools, from the most elite national institutions down to the lowest state schools, the black/white gap in the academic

credentials of entering students is enormous. Using a 1000-point scale that gives 400 points for a perfect undergraduate grade point average (4.0 x 100) and 600 points for a perfect LSAT score -- a formula which Sander says is similar to that used by many law schools in assessing applicants for admission -- Sander shows that entering black law students are typically two full standard deviations behind their white counterparts in their level of academic accomplishment. This is an enormous difference and guarantees that most black students will wind up at the bottom of the class."

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This huge "credentials gap" Sander shows exists at all levels of the law school hierarchy.[28] The most elite law schools, he says, all believe that they must have a certain healthy percentage of black students, and given the fact that there are relatively few blacks who score at the same level as the highest-scoring whites and Asians, to meet their goals they are willing to accept black students with test scores and grades that would not meet their normal admissions threshold. At the fourteen most elite schools in his study, whites had a median academic index of 875 (equivalent to an undergraduate GPA of 3.75 and an LSAT score of 170), while the black median was only 705 (equivalent to an undergraduate GPA of 3.05 and an LSAT score of 160). The median black score was 2.3 standard deviations below the median score achieved by whites.

The preference regime, however, cannot stop at the first-tier institutions because the law schools below them on the selectivity scale also want 7-8% of blacks in their entering classes (they are driven mainly by a fear that they will appear racist if they have fewer blacks, Sanders says). They thus face a dilemma caused by the fact that almost all of the black students who could have met their admissions standards without preferences have been admitted to -- and usually wind up enrolling in -- the more elite institutions that lie above them. The first-tier law schools thus siphon off black students who, in the absence of racial preferences, would be attending second- and third-tier institutions, causing a shortage of qualified blacks at these places. The second- and third-tier institutions then respond to this situation by granting huge racial preferences of their own, and in the process, of course, deprive the fourth- and fifth-tier law schools of students who could meet their lower admissions criteria. This preference-granting process proceeds to the very bottom of the law school pecking order where the lowest-ranked schools feel compelled to admit a significant number of blacks who have such poor academic qualifications that were they white or Asian, they would not be admitted to any of America's 182 accredited law schools.

There is thus a "cascading effect" at work in which black applicants are shuffled into law schools that are usually one or two levels of selectivity above the ones they would have gained entry into if all law schools had observed race-blind admissions policies. Sander describes this cascading process in the following words:

> Affirmative action … has a cascading effect through American legal education. The use of large boosts for black applicants at the top law schools means that the highest-scoring blacks are almost entirely absorbed by the highest tier. Schools in the next tier have no choice but to either enroll very few blacks or use racial

> boosts or segregated admissions tracks to the same degree as the top-tier schools. The same pattern continues all the way down the hierarchy. … At the bulk of law schools, the very large preferences granted to blacks only exist in order to offset the effects of preferences used by higher-ranked schools. … The use of these preferences by elite schools give nearly all other law schools little choice but to follow suit. [The result is that] blacks are consistently bumped up several seats in the law school hierarchy, producing a large black-white gap at nearly all law schools in the academic credentials of students. (149-151)

This upward ratcheting seems unjust to most critics of affirmative action, but Sander, who avoids normative controversies in his study, focuses on what he sees as the great practical harm that a system-wide policy of racial preferences will have on black students both in law school and on the state bar exams. Upward ratcheting results, he says, in a serious mismatch of blacks with the law schools they attend such that many find themselves in academic environments that are too competitive for their individual abilities and needs. The result, he says, is that they are frequently overwhelmed by the law school material, get very poor grades, wind up graduating at the very bottom of their law school classes (if they don't drop out or flunk out before graduation), learn much less law in law school, and have much greater difficulty passing the state bar exams.

The statistics Sander compiles are striking: At the most elite law schools in the BPS database, 52% of blacks had first-year grades that placed them in the bottom ten-percent of the grade distribution, while only 8% of blacks placed in the top-half of their class. The median black student at these elite schools had first-year grades that were equivalent to those of whites at the 5-6th percentile of the white distribution. The situation was much the same throughout the entire law school system. At the 163 law schools surveyed in the BPS database the median black grade point average at the end of the first year was equivalent to those of whites at the 7-8th percentile. The typical black in other words did more poorly in his first year at most American law schools than all but the very lowest achieving white students (92% of whites did better than the median black).

And there is no tendency for the black students to catch up with the whites in the second and third year of law school. A slight drop in the black/white grade gap does occur between the first and third year of law school, but Sander says it is mainly due to the fact that many of the lowest-achieving blacks drop out of law school before completing their final year, thus raising the black average slightly among those who remain enrolled. The black drop-out rate is twice that of whites, with 19.3% of blacks failing to graduate after five years, compared to 8.2% of whites.

Some may view law school grades as unimportant. But Sander shows that law school grades are in fact closely related to a student's chances of passing the bar exam and becoming a licensed attorney. And the bar failure rate of blacks is very high. In the BPS study 38.6% of black law school graduates who took the bar exam failed on their first attempt, and 22.4% could not pass even after five tries. These numbers, of course, do not include the 19.3 % of blacks who dropped out of law school and never got to the

point of taking the bar exam. The black failure rate after five attempts was six times the white rate.

And the bar failure rate, Sander found, was substantially higher among blacks at virtually every level of academic index score. For instance, among whites with an index score in the 520-580 range, 26% failed to pass the bar exam on their first try. The comparable figure for blacks in this range was 47%. At the 460-520 range, 34% of whites were first-time failures but 55% of blacks. One might think that we have another instance of "underperformance" here, perhaps one caused by "stereotype threat," "pernicious incentives," or some other race-linked factor. But Sander shows that this is not likely to be the case since within a given law school whites with index scores comparable to those of blacks have just about the same chance of failing the bar exam. The real problem, Sander believes, is that of "institutional mismatch." Regardless of their race, law students with very low index scores relative to their peers do worse in terms of bar exam performance than those with similar index scores at less competitive institutions. The huge difference shown nationally in bar passage rates between blacks and whites of the same index score, Sander shows, is entirely a result of the fact that blacks are much more likely to be mismatched than whites. Whites are more likely to attend law schools where others have index scores similar to their own, while the majority of blacks are put in institutions where their index score places them at or near the very bottom of the class.

Sander believes that regardless of a student's race, a student will learn more at an institution where the other students have similar levels of academic aptitude and accomplishment than at one in which almost all of the student's peers are smarter or more intellectually developed. He gives as an example of the mismatch process his own encounter with a difficult introductory German course which he took during his freshman year at Harvard. Acknowledging that he does not have great talent for foreign languages, Sander explains that when he got to Harvard where most of the introductory language students had much more aptitude for the subject than he did, the pace of the course was simply too fast for him to keep up with others. As a result, he became overwhelmed after only a few weeks, fell behind, learned little German, and almost wound up flunking the course (even though, as he says, it is *very* difficult to fail a course at Harvard). Had the students not been as good as Harvard students at language learning, and the pace of the course more consistent with his own more modest level of foreign language ability, he would have learned much more German, he believes.

Sander also gives evidence from his many years as a law school professor, and says that students who begin a course bewildered by some of the initial concepts often do not catch on as the semester advances and make little progress. Mismatching students with their peers is a very harmful pedagogical strategy, Sander believes, which has a severe effect in terms of reducing how much blacks learn in law school, increases their chances of dropping out, lowers the grades they will receive, and substantially decreases their chances of passing the bar exam.

Regardless of race, it is much better, Sander's study shows, for a student to attend a law school where the student is more near the middle of the class in terms of academic qualifications, and where the student can achieve B range grades, rather than one in which a student is at the very bottom of the heap and struggles to get C-'s. While more

selective institutions offer the allurement of greater prestige, for many students, Sander contends, this prestige is purchased at the price of a severe mismatching penalty. "If one is at academic risk of not doing well at a particular school," Sander writes, "one is better off attending a less elite school and getting decent grades." (176)

Sander sums up the harms of affirmative action mismatching in the following statement:

> Blacks and whites at the same school with the same grades perform identically on the bar exam; but since racial preferences have the effect of boosting blacks' school quality but sharply lowering their average grades, blacks have much higher failure rates on the bar than do whites with similar LSATs and undergraduate GPAs. Affirmative action thus artificially depresses, quite substantially, the rate at which blacks pass the bar. Combined with the effects of law school attrition [that can also be attributed to affirmative action policies], many blacks admitted to law school with the aid of racial preferences face long odds against ever becoming lawyers. (107)

The elimination of affirmative action preferences, says Sander, would actually *increase* the total number of blacks who successfully pass the bar exam each year and go on to become lawyers. Under a race-blind policy of university admissions, 84% of blacks, he calculates, would gain entry to at least some law school, where most would achieve much higher grades and learn more basic law than under the present system of universal upward ratcheting. While the remaining 16% would not be admitted to any law school, Sander says that these would mainly be the students whose index scores are so low that they would be unlikely to become successful lawyers under any circumstances and would probably be better off seeking an alternate occupation. Sander estimates that for the class of 2004, eliminating all racial preferences -- and the mismatching penalty that goes with them -- would increase the number of blacks who become lawyers by 8%.

Sander sees another advantage to this strategy. The higher grades and greater amount of law learned would not only decrease the black drop-out rate and increase black passage rates on state bar exams, but it would also have payoffs in terms of higher income and greater success of black lawyers in securing jobs. Using the results of a recent database on life after law school that he himself has helped to gather, Sander concludes that law school grades may be more important than law school prestige in determining a law school graduate's desirability to an employer and the amount of income he actually earns as a lawyer. "In all schools outside the top ten," Sander writes, "there is a large market penalty for being in or near the bottom of the class." (190) For example, lawyers in his study who graduated from a third-tier law school with a healthy B average (3.25-3.49) earned $80,000 per year, while those who had attended a more prestigious second-tier school but received C range grades (averages between 2.50-274) earned only $49,000 per year. Even at the fourth- and fifth-tier schools those with B averages did much better in terms of income than the typical C student at the second-tier schools, earning, respectively, $65,000 and $57,000 per year. (190)

Sander is unequivocal in his condemnation of affirmative action policies at America's law schools: "A growing body of evidence suggests that students who attend schools where they are at a significant academic disadvantage suffer a variety of ill effects, from the erosion of aspirations to a simple failure to learn as much as they do in an environment where their credentials match their peers. … Blacks are the victims of law school programs of affirmative action, not the beneficiaries. The programs set blacks up for failure in school, aggravate attrition rates, turn the bar exam into a major hurdle, disadvantage most blacks in the job market, and depress the overall production of black lawyers." (107, 211)

The solution to the problem, Sander believes, is amazingly simple: affirmative action policies at law schools must go and strict race-blind policies put in their place. "By every means I have been able to quantify," he writes, "blacks as a whole would be unambiguously better off in a system without any racial preferences at all than they are under the current regime." (212) While the proportion of blacks at the most prestigious schools would drop precipitously under a race-blind system to 1% or 2% of the student body, many of the schools below the top, Sander says, would benefit greatly by having better qualified black students in numbers not dramatically different than the present. Even if affirmative action preferences were not entirely eliminated but substantially reduced -- Sander suggests the possibility of top schools reducing their current black target goals from the current 7-8% range to 4% -- major benefits would follow, Sander believes, in terms of producing more and better-educated black lawyers.

8) Final Reflections

Many years ago, during the acrimonious confrontations over school busing, economist Thomas Sowell observed that for many of its supporters busing had become not so much a policy as a crusade. With a policy, Sowell explained, one asks, "What are the costs?" "What are the benefits?" "Will it achieve its goal?" A crusade, however, is different. With a crusade, said Sowell, the question simply becomes "WHOSE SIDE ARE YOU ON -- the Lord's or his enemies'?"

There may be a close parallel here to the affirmative action controversy. For its affluent white supporters -- i.e. people like Derek Bok and William Bowen -- affirmative action does indeed have more the hallmarks of a moral crusade than a rationally considered policy. Its main purpose seems to be the symbolic cleansing of an evil white society from its racist past whose true logic must be sought in the ritual of sin and redemption rather than an analysis of the actual costs and benefits of the policy. Seen in this light, affirmative action becomes a form of racial penance, a public display of racial virtue, whose emotional center of gravity lies in the expiatory needs of its guilty white supporters more than the real needs of its intended beneficiaries. For its guilty white supporters affirmative action is a public way of atoning for the past misdeeds of their race. It is a way of proclaiming to black people: WE WHITE PEOPLE ARE SORRY FOR OUR PAST SINS AND ARE TRYING TO MAKE AMENDS. The actual effect of the policy in terms of black academic performance, race relations on campus, incentive

structures, stigma-reinforcement, "stereotype threat," and the like become purely secondary to this overriding symbolic and cathartic purpose. It is for this reason that affirmative action -- like a crusade -- is often impervious to rational criticism.

One can get a good idea of the attachment its affluent white supporters often feel towards the policy from comments by the former career diplomat and Harvard research scholar Lawrence Harrison. Harrison is well aware that affirmative action has huge costs in terms of unintended consequences and widespread hostility on the part of significant segments of the public. Indeed, in a section on the topic in his book *Who Prospers*?, he goes over some of these costs with remarkable candor and in considerable detail.[29] Affirmative action, Harrison acknowledges, "is discrimination against whites, and no euphemism can change that." (213) He sees many other problems with affirmative action, and cites several of the criticisms of the policy by Thomas Sowell with apparent approval: Affirmative action has very limited public support; it is deeply resented by many whites; it casts aside the highly worthy principle of merit; it strengthens racial divisions within American society; and in the long run it could lead to the re-segregation of America. (213-214) In addition, Harrison acknowledges that the policy is not targeted at the worst-off among its black beneficiaries but often helps those least in need of help; it taints the credentials not only of all who benefit from it, but of all who are of the same race as those who benefit from it; it suggests to outsiders that blacks are inferior and cannot make it on their own without racial favoritism; and once in place, the policy is difficult to remove even after it has outlived its usefulness. (213)

Acknowledging all these problems, Harrison proposes that some time limit be set -- a kind of sunset law -- after which affirmative action will cease and America will embrace once again a meritocratic ideal. The long-range effect of continued affirmative action, Harrison realizes, could be very harmful. Nevertheless, Harrison considers himself to be a loyal supporter of affirmative action, at least during the interim period when it is to remain in place. His reasons for this support are given in two sentences which sum up perhaps more clearly than anything else that has ever been written on this topic the real reasons why many socially and economically privileged whites support what they themselves acknowledge to be a policy so fraught with mischief. "Its costs and inequities notwithstanding," Harrison writes,

> I continue to believe in affirmative action, defined as preferential treatment in the education system and the workplace. I think it has filled a political and psychological need in our society: as a catharsis for white guilt about slavery, segregation, and acts of racism; and as a concrete demonstration to blacks that whites are genuinely committed to the achievement of racial equality. (212)

Harrison's remarks are invaluable for the degree of clarity and insight they offer into the motivations of many affirmative actions supporters. It is the needs of white people -- to expiate their guilt over slavery, segregation, and the racism of the past, and to show black people how much they care -- that is the major motivating and sustaining force behind the policy for these supporters. And such supporters are the key to its success. It is the needs of the affluent and guilt-ridden among white people that drives

affirmative action and that keeps the policy in place despite ever mounting evidence that the policy produces almost all of the harmful effects that its legions of critics predicted it would have more than thirty years ago.

With great trenchancy, Shelby Steele has described the kind of backing given to affirmative action by supporters like Harrison as "iconographic racial reform.[30] Iconographic reforms, Steele explains, are reforms that exist for what they symbolize in the minds of the people who support them more than for what they achieve in the lives of those they are intended to help. "Iconographic programs and policies function as icons of the high and honorable motivations that people want credit for when they support these reforms," he writes. "The announced goals of these programs and policies will be very grand, the better to represent their high virtuousness, yet vague so that their inevitable failures will not be held against them." (132) The supporters of iconographic programs, says Steele, "are primarily concerned that these policies function as icons of their high motivation, not whether they achieve anything or whether they mire those they claim to help in terrible unintended consequences." (132-133)

Steele believes that iconographic policies came into prominence in the 1960s as a way for white people to fend off the stigma and shame that came to be associated with being white as a result of the success of the civil rights and black power movement of the period. As a result of the civil rights victories of the sixties, Steele writes, whites "became identified with the shame of white racism that the nation had finally acknowledged, and they fell under a kind of suspicion that amounted to a stigma." (156) Whites underwent during this period a kind of "archetypical Fall," Steele explains, as they "were confronted for more than a decade with their willingness to participate in, or comply with, the oppression of blacks, their indifference to human suffering and denigration, their capacity to abide evil for their own benefit and in the defiance of their own sacred principles."[31](498) This Fall, says Steele, added a new burden to white life in America -- henceforth whites had to prove that they were not racists "in order to establish their human decency."

It was this new burden of guilt and the need to prove their non-racist decency, according to Steele, that was "the most powerful, yet unspoken, element in America's social-policy making process" of the 1960s and beyond. (498) This guilt- and expiation-driven policy process, he says, sometimes wound up producing genuine advances for African Americans, among which Steele would include the 1964 Civil Rights Act. But the process just as often led to harmful public policies particularly in the form of racial preferences and racial entitlements, which undermined black initiative and reinforced the worst kind of negative stereotypes concerning black competence and character. "White guilt," says Steele, too often had the effect of "bending social policies in the wrong direction." (499) This guilt, which "springs from a knowledge of ill-gotten advantage," helped to shape American social policies in regard to blacks "in ways that may deliver the look of innocence to society and its institutions but that do very little actually to uplift blacks." (498) The effect of whites' hidden need for racial redemption "has been to bend social policy more toward reparation for black oppression than toward the much harder and more mundane work of black uplift and development." (498)

The kind of white guilt that has driven much of American social policy over the last three decades, Steele believes, must be seen not only as socially harmful but as ultimately narcissistic and self-preoccupied. "Guilt makes us afraid for ourselves," he writes, "and thus generates as much self-preoccupation as concern for others. The nature of this preoccupation is always the redemption of innocence, the reestablishment of good feelings about oneself …. and [it] can lead us to put our own need for innocence above our concern for the problem that made us feel guilt in the first place." (500-501) The moral corruption here is to be seen in the fact that when the selfishly guilty put their own need for a restoration of innocence above the true needs of those they claim to want to help, they often wind up doing great harm while feeling good about what they do. And in their self-preoccupied desire to feel morally cleansed and uplifted, they develop a willful blindness or indifference to the actual consequences of their actions.

The elite universities in America, Steele believes, have been the arenas where this destructive, self-preoccupied white guilt has had some of its worst and most enduring consequences. "Black student demands," he writes, "pull administrators into the paradigm of self-preoccupied white guilt, whereby they seek a quick redemption by offering special entitlements that go beyond fairness." (503) These special entitlements -- above all affirmative action preferences -- are part of a condescending white paternalism, Steele believes, "that makes it difficult for blacks to find their true mettle or to develop a faith in their own capacity to run as fast as others." (505) Such policies encourage in blacks a dependency both on special entitlements and on the white guilt which produces them. An arrangement of this kind is always degrading for all parties involved, though especially for the blacks, Steele believes, since it encourages whites to see blacks "exclusively along the dimension of their victimization." Blacks become "'different' people with whom whites can negotiate entitlements but never fully see as people like themselves." (503) "The selfishly guilty white person," Steele concludes, "is drawn to what blacks least like in themselves -- their suffering, victimization, and dependency. This is no good for anyone -- black or white." (506)

It is hard to improve upon Steele's analysis here. It fails to address, however, the situation with Hispanics. In a curious development, Mexican-Americans, and later all the Spanish-language ethic groups, were successfully able to piggy-back their way onto the 60s-era black struggle and acquire in the minds of privileged whites a similar status as pity-and-guilt-evoking "people of color." Henceforth all people of Spanish heritage, including millions of recent immigrants, would be viewed through the lens of the struggle to right the wrongs historically done to African Americans (a fact which many blacks to this day deeply resent). In the eyes of the guilty whites, Hispanics, while they weren't exactly black, certainly weren't white, and they would go on to acquire a position in the iconography of post-60s white liberalism much like their later position in the academic arena -- i.e. between blacks and whites but much closer to the blacks. In the eyes of the guilty whites Hispanics would become a kind of African-American Lite.

What happened to the Asians in this post-60s development was even more curious. While they certainly weren't either white or European, and the older generations

had certainly endured more than a little white hostility and discrimination, they nevertheless were too successful -- too good in school and at making money -- to be eligible for special consideration within the white-created preference regime. Hence they would acquire in the minds of the white penitents something of the status of "honorary whites." In view of their newly acquired honorary status, the guilty whites could in good conscience discriminate against Asians in favor of blacks and Hispanics, just as they discriminated against the members of their own guilty race. Asians, however, were accorded one modest consolation. Since their honorary white status did not entail culpability for the whites' racist past, Asian protests against the preference regime were at least treated with a degree of sympathy and respect by the guilty whites which they would never accord to similar protests from the members of their own race. White protests against quotas were often seen to partake of an unseemly lack of shame and contrition (when not motivated by white racism). Similar protests by Asians were seen by the white penitents as at least understandable, though not, of course, justified.

If white guilt really is at the heart of much of the enduring support we see for affirmative action, it suggests that at the elite universities where white guilt is so much in evidence the policy will be with us for many years to come regardless of the verdict of social science research. A "catharsis for white guilt about slavery, segregation, and acts of racism" is not likely to be undone by a regression analysis. For those of us who have long contended against affirmative action policy, the one hope on the horizon is long-term. As generations pass and those whose views on race relations were forged by the upheavals of the 1960s increasingly retire and pass from the academic scene, the experience of the "archetypical Fall" and the white guilt it produced will fade into ever more distant memory. Blacks will increasingly be viewed by a new generation of whites, Asians, Mideasterners and others, simply as people, not as pitiable victims or objects of expiatory atonement for guilty whites. As Asians assume a more prominent place at elite colleges and universities, the pull of the meritocratic ideal will become increasingly strong. And in time affirmative action will come to be viewed as a policy, not a crusade. And as a policy it will be judged by its merits -- and found deeply wanting.

Notes

1. *The Shape of the River*, Princeton University Press, Princeton, New Jersey, 1998.
2, NBER Working Paper # 7322, National Bureau of Economic Research, Cambridge, Mass., August 1999; "Estimating the Payoff to Attending a More Selective College: An Application of Selection on Observables and Unobservables," *The Quarterly Journal of Economics*, November 2002, pp. 1491-1527. The page numbers in the text refer to this latter journal article unless otherwise indicated.
3. In a highly unusual procedure, the Mellon Foundation designated the results of its College and Beyond survey as a "restricted access database," and to date it has not made the database available to any scholars known to hold views critical of affirmative action in higher education. Robert Lerner, a distinguished sociologist who has written one of the most intelligent scholarly criticisms of *The Shape of the River*, was specifically turned down in his request for access to the Mellon data. [See Lerner's article "The Empire Strikes Back," available online at www.ceousa.org/bok.html]
4. The C&B database contains information on students entering the following schools as freshmen in 1976 and 1989. Liberal Arts Colleges: Barnard, Bryn Mawr, Denison, Hamilton,

Kenyon, Oberlin, Smith, Swarthmore, Wellesley, Wesleyan, Williams. Research Universities: Columbia, Duke, Emory, Miami, Northwestern, Pennsylvania State, Princeton, Rice, Stanford, Tufts, Tulane, University of Michigan -- Ann Arbor, University of North Carolina -- Chapel Hill, University of Pennsylvania, Vanderbilt, Washington University, Yale.
5. Stephen Cole and Elinor Barber, *Increasing Faculty Diversity*, Harvard University Press, Cambridge, Mass., 2003, p. 206.
6. See the important article by Thomas J Kane, "Racial and Ethnic Preference in College Admissions," in Christopher Jencks and Meredith Phillips, editors, *The Black/White Test Score Gap*, Brookings Institution Press, Washington, D.C., 1998, chapter 12.
7. This is one of the many criticisms of the Bowen and Bok book made by Stephan and Abigail Thernstrom in "Reflections on the Shape of the River," *U.C.L.A. Law Review*, Volume 46, Number 5, June 1999, pp. 1583-1631. This article presents a wealth of empirical material critical of the Bowen and Bok position on affirmative action.
8. Robin Wilson, "The Unintended Consequences of Affirmative Action," *The Chronicle of Higher Education*, January 31, 2003; available online at http://chronicle.com.
9. Robert Klitgaard, *Choosing Elites*, Basic Books, New York, 1985.
10. Claude M. Steele and Joshua Aronson, "Stereotype Threat and the Test Performance of Academically Successful African Americans," in Christopher Jencks and Meredith Phillips, editors, *The Black-White Test Score Gap*, Brookings Institution Press, Washington, D.C., 1998, pp. 401-430.
11. Claude Steele is reluctant to acknowledge the obvious anti-affirmative action implications of his own research -- one suspects out of a desire to maintain good relations with his affirmative action-supporting friends and colleagues. In the spring of 2001, Steele gave a public lecture on the Princeton University campus in which he discussed his research on stereotype vulnerability.

In the question-and-answer period which followed the lecture the present writer specifically asked Steele if it was not likely that the negative stigmas and negative stereotypes that black students must labor under would be "reinforced, strengthened, and perpetuated" at the elite colleges and universities by the affirmative action policies at these institutions. At first Steele tried to evade the question by answering a related but different question -- i.e. whether affirmative action policies have *created* the negative stigmas and stereotypes that exist about blacks in America (answer: they don't, the stigmas and stereotypes existed long before affirmative action.).

I immediately saw where he was going with his response and quickly interrupted, "Wait a minute! I'm not asking whether affirmative action *creates* negative stigmas and stereotypes but whether it *reinforces* and *perpetuates* those which already exist in the culture. Isn't it likely that affirmative action policies will have this effect?" Recognizing that he had to give a direct answer to an obviously disturbing question, he conceded that "some" affirmative action policies probably have this harmful effect, though he made no effort to distinguish which ones would and which ones would not fall into the stereotype-reinforcing category. On this issue, would it not be unreasonable to speculate that the lower the level of racial preference at an institution, and the closer that entering black and Hispanic students are to their white and Asian classmates in terms of test scores and high school grades, the less stereotype vulnerability the black and Hispanic students will face? The mismatch hypothesis seems commonsensical here. For those who doubt this, ask yourself this question: Would a black student with, say, a 1200 SAT score and a 3.5 GPA face the same level of stereotype vulnerability at a school like Rutgers, where students typically have SAT scores in the 1100s and GPAs around 3.4, as at Princeton or Yale, where SAT scores average around 1450 and most students have GPAs of 3.8 or higher?
12. *Second Thoughts about Race in America*, Shelby Steele, Madison Books, NY, 1991., pp. 87, 89. Many years before Steele's remarks, Thomas Sowell had similar comments on the psychological harm which racial preference policies would have on their intended beneficiaries. In his book *Black Education: Myths and Tragedies*, Sowell gave eloquent voice to the devastating

effect that affirmative action policies would likely have both on black self-confidence and on the image of blacks in the minds of whites:

> The actual harm done by quotas is far greater than having a few incompetent people here and there -- and the harm that will actually be done will be harm primarily to the black population. What all the arguments and campaigns for quotas are really saying, loud and clear, is that *black people just don't have it*, and that they will have to be *given* something in order to have something. The devastating impact of this message on black people -- particularly black young people -- will outweigh any few extra jobs that may result from this strategy. Those black people who are already competent, and who could be instrumental in producing more competence among this rising generation, will be completely undermined as black becomes synonymous -- in the minds of black and white alike -- with incompetence, and black achievement becomes synonymous with charity and [political] payoffs.

13. Frederick E. Vars and William G. Bowen, "Scholastic Aptitude Test Scores, Race, and Academic Performance in Selective Colleges and Universities," in Jencks and Phillips, *The Black/White Test Score Gap*, *op.cit*., pp. 457-489.
14. Cited in Klitgaard, *op. cit.*, p. 188.
15. Since there are not enough white students at the HBCUs with which to compare black performance, the HBCU "underperformance" figure given by Cole and Barber is determined by comparing HBCU blacks of a given SAT interval with similar whites at the predominantly white institutions. That the greater success of high-SAT blacks in getting A and A- grades at the HBCUs is not an artifact of differing grading policies is shown by Cole and Barber by the fact that the grade distribution at the HBCUs is much lower than that at the more grade-inflated state universities and elite institutions. A black student with a 1200-1299 SAT is more likely to get an A or A- GPA at an HBCU than a comparable white at one of the predominantly white institutions in the Cole/Barber study despite the fact that proportionally there are many more A and A- range grades given out at the predominantly white institutions.
16. Cited in Stanley Rothman, Seymour Martin Lipset, and Neil Nevitte, "Racial Diversity Reconsidered," *The Public Interest*, Spring 2003, online at www.thepublicinterest.com, p. 4.
17. Stanley Rothman, Seymour Martin Lipset, and Neil Nevitte, "Does Enrollment Diversity Improve University Education," *International Journal of Public Opinion Research*, volume 15, No. 1, 2003, pp. 8-26. A less technical version of this paper appears as "Racial Diversity Reconsidered," in *The Public Interest*, Spring 2003 (available online at www.thepublicinterest.com). The quotations in the text are taken from the online version of *The Public Interest* article.
18. Allan Bloom, *The Closing of the American Mind*, Simon and Schuster, New York, 1987.
19. *Losing the Race: Self-Sabotage in Black America*, The Free Press, New York, 2000, pp. 89, 229-230. McWhorter's solution to the problem is the same as Bloom's: "Black students often come to a selective campus wary that white students suspect them of being affirmative-action admits and thus not equally qualified. A simple solution would be to eliminate the policy that makes the white students' suspicion -- let's face it -- usually correct," (236)
20. The figures are taken from the College Entrance Examination Board, *1995 National Ethnic/ Sex Data*, as tabulated in Stephan and Abigail Thernstrom, *America in Black and White* , Simon and Schuster, N.Y., 1997, p. 399, Table 4.
21. *Ibid*., p. 407, Table 7
22. Discussion and evaluation of some of these theories is presented in Christopher Jencks and Meredith Phillips, editors, *The Black/White Test Score Gap*, Brookings Institution Press, Washington, D.C., 1998.

23. See the Bowen and Vars article in *Ibid*., p. 475n (footnote #27). Against those who see racial preference policy as creating disincentives to work hard for those in the beneficiary categories, Bowen and Vars respond: "Even if affirmative action were to shift upward career prospects for black graduates, the *marginal* payoffs to academic achievement should remain constant." This is true, of course, and if typical black students acted like profit-maximizing business firms in a competitive market—or like one of Weber's inner-worldly Puritan ascetics—one would expect no falloff in their efforts to strive relentlessly to gain admission to the most prestigious graduate and professional schools possible, even ones well out of reach for their equally smart or smarter Asian and white classmates. However, if the ultimate goals that black students set for themselves in terms of graduate and professional schools is heavily influenced by the goals and aspirations of their white and Asian classmates, and if they can attain these goals with less study and more leisure time than these classmates and peers, then one would expect a considerable falloff in black effort in response to the racial preferences they receive. I'll let the reader judge for himself whether the typical American teenager and young twenty-something he knows who has academic talent conforms more to the profit-maximizing-firm model presupposed in the Bowen/Vars response or to the account of John McWhorter in the text describing his own education. In deciding this issue, it should be kept in mind that blacks on average receive much less pressure from home to get good grades than whites and Asians.
24. *A Dream Differed*, Harper Collins Publishers, New York 1998, pp. 126-127.
25. *Black American Students in an Affluent Suburb: A Study of Academic Disengagement*, John U. Ogbu, Lawrence Erlbaum Associates, Mahway, New Jersey, 2003. Ogbu's seminal article on the "acting white" phenomenon, co-authored with Signithia Fordham, is titled "Black Students' School Success: Coping with the Burden of Acting White," *The Urban Review*, 18(3)1986:1-31
26. Laurence Steinberg, *Beyond the Classroom*, Simon and Schuster, New York, 1996.
27. Stephan and Abigail Thernstrom, *No Excuses*, Simon and Schuster, New York, 2003.
28. His conclusions on this score are thus different from the studies of affirmative action policies at undergraduate institutions where preference polices seem to be important primarily at the more competitive schools.
29. *Who Prospers? How Cultural Values Shape Economic and Political Success*, Basic Books, New York, 1992.
30. *Ibid.*
31. "White Guilt," in the *American Scholar*, Autumn 1990, pp. 497-506. All the subsequent page numbers in the text refer to this article.