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Confronting Those
Affirmative Action Grumbles

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PREFACE

This working paper is one of a collection of papers, most of which were prepared for and presented at a festschrift conference to honor the life's work of Professor Thomas Weisskopf of the University of Michigan, Ann Arbor. The conference took place on September 30 - October 1, 2011 at the Political Economy Research Institute, University of Massachusetts, Amherst. The full collection of papers will be published by Elgar Edward Publishing in February 2013 as a festschrift volume titled, *Capitalism on Trial: Explorations in the Tradition of Thomas E. Weisskopf*. The volume's editors are Jeannette Wicks-Lim and Robert Pollin of PERI.

Since the early 1970s, Tom Weisskopf has been challenging the foundations of mainstream economics and, still more fundamentally, the nature and logic of capitalism. That is, Weisskopf began putting capitalism on trial over 40 years ago. He rapidly established himself as a major contributor within the newly emerging field of radical economics and has remained a giant in the field ever since. The hallmarks of his work are his powerful commitments to both egalitarianism as a moral imperative and rigorous research standards as a means.

We chose the themes and contributors for this working paper series, and the upcoming festschrift, to reflect the main areas of work on which Tom Weisskopf has focused, with the aim of extending research in these areas in productive new directions. The series is divided into eight sections, including closing reflections by our honoree himself, Professor Weisskopf. Each section except for the last includes comments by discussants as well as the papers themselves.

The eight sections are as follows:

1. Reflections on Thomas Weisskopf's Contributions to Political Economy
2. Issues in Developing Economies
3. Power Dynamics in Capitalism
4. Trends in U.S. Labor Markets
5. Discrimination and the Role of Affirmative Action Policies
6. Macroeconomic Issues in the United States
7. Applications of Marxist Economic Theory
8. Reflections by Thomas Weisskopf

This working paper is 1 of 6 included in Section 5.

- *Jeannette Wicks-Lim and Robert Pollin*

Confronting Those Affirmative Action Grumbles

William Darity Jr.

Affirmative action is a set of positive anti-discrimination measures aimed at providing access to members of socially excluded groups to preferred positions in a society. It is predicated on the existence of unfair or unjust exclusion of individuals based upon their identity as members of a stigmatized group in the absence of affirmative action. Thus, affirmative action targets groups subjected to discrimination, ridicule and abuse for special support in their pursuit of preferred positions.

Generally, it takes two forms nicely characterized in Thomas Weisskopf's (2004) important distinction between "preferential boost" systems and "quota" systems. Preferential boosts endow candidates competing for positions with additional points for being members of a target group, either explicitly or implicitly. Quotas set a fixed share of slots that only can be held by members of the target group. While one approach or the other usually is dominant – e.g. preferential boosts have primacy in the United States and in South Africa while quotas have primacy in India and Brazil – they are not mutually exclusive. For example, quota systems may be predicated on eligibility thresholds anchored in a minimum qualifying score or standard. Or preferential boosts may operate in such a way that *de facto* give the target population a quota-like share of the available positions.

Affirmative action measures are not intended to produce general equality nor do they constitute an anti-poverty program. They are not reparations programs to compensate victim communities for a cumulative history of oppression. Affirmative action measures are intended to promote *intergroup* (interracial or inter-ethnic or inter-gender) equality, and, when deployed effectively, they are a useful instrument for desegregating elites. In short, the objective of affirmative action is roughly to replicate a similar pattern of occupational status, educational attainment and income stratification across a socially subordinated population that prevails across a socially dominant population.

It is also noteworthy that affirmative action is being adopted more widely internationally as a mechanism for improving the status of stigmatized communities. Policies of this type are in place in locations as diverse as Brazil, South Africa, Malaysia, Northern Ireland, the USA, India, and Colombia. Regardless of where programs are implemented a standard litany of complaints are raised – almost as if they have been rehearsed mechanically from a common template of criticisms. In what follows, the standard array of complaints is listed and responses are provided for each, specifically based upon the USA experience and USA data.

The anti-affirmative action case can be best summarized by a set of six standard grumbles. They are the following:

1. Affirmative action violates the principles of meritocracy.
2. Affirmative action lowers productivity.
3. Students from the target population are grossly underprepared for higher education when affirmative action is focused on access to colleges and university.
4. Only the best positioned members of the target population really benefit from affirmative action.

5. The recipients of affirmative action are stigmatized by the preference or quota system.
6. If affirmative action programs are implemented they should be implemented on the basis of class, not race or ethnicity.

1. *The claim that affirmative action violates the principles of meritocracy* generally is accompanied by the claim that it is unfair to members of non-target groups. They are alleged to have been subjected to reverse discrimination. The existence of preferences or quotas on behalf of a target group ostensibly violates norms of excellence in selection in hiring or university admissions. At the heart of this argument are three related premises: first, that in the absence of affirmative action, purely meritocratic selection would prevail; second, in the absence of affirmative action very few members of the target community would meet the merit standards; third, the prevailing merit standards are fully appropriate to the tasks or activities for which persons are being selected.

In the absence of affirmative action in the USA, rather than a regime of pure meritocracy, the system of exclusion of blacks in particular preserved a privileged world for white (especially male) mediocrity. The black philosopher Lewis Gordon's (2011) recent reflections, reproduced at length here, are telling:

When I was tenured at Brown University [in 1997], the process required evaluations of my work from five referees. Expected performance was a published monograph, several articles, satisfactory teaching, service and signs of international recognition. My dossier had the following: three monographs (one of which won a book award for outstanding work on human rights in North America), an edited book, a co-edited book, 40 articles (several of which had gone in [sic: into] reprint in international volumes), two teaching awards and service that included heading a committee that recruited 23 scholars of color to the university. This process for my promotion and tenure was dragged out because of continued requests for more referees. The number grew to 17.

There was a comparable white candidate in the philosophy department. He also supposedly worked on existentialism, one of my areas of expertise. His dossier? A contract for his dissertation and a few articles. His case was successful. His contracted dissertation was published several years later. He has since then not published a second book. He is now a full professor at that institution. Over the years I have only met one person in his field who knew of and spoke well of his work. That person was a classmate of his in graduate school.

Was affirmative action necessary for my promotion and tenure? Yes. But as should be evident from this example and no doubt ... many others, there is another truth. Was investment in white supremacy necessary for less than stellar whites to be promoted? Yes.

Affirmative action, which brought people of color to the table to learn first-hand about the level of performance of their white predecessors and contemporaries, stimulated a reflection on standards in many institutions. As more people of color began to meet inflated standards, what were being concealed were the low standards available to the whites who preceded them (and no doubt may who continue to join them as presumed agents of excellence).

So, what is the truth about the qualifications narrative, the claim about having to lower standards for the admission of people of color? It masks racial hegemonic mediocrity.

There is another truth. There are few systems that depend on excellence to function. Most of the services we rely on to get through our lives depend on average levels of performance. And that's pretty much it. The rewards lavished on many whites in the modern world have not been based on merit. What many people of color discovered upon entering those previously closed corridors was not white superiority, but for the most part, white mediocrity.

Without affirmative action “those previously closed corridors” are likely to go back to being closed – not because there are “no qualified” blacks but because there is an abundance of average whites who would have protected access. Indeed, the nation *de facto* long practiced affirmative action for whites in a variety of forms: the racialized distribution of the GI Bill benefits, legacies in college admissions, the racial limitations on the New Deal programs, racial preferences in the provision of home loans (Skrentny 1996). Because of this process of white protectionism, Major Coleman (2003) argues that there is strong evidence to indicate that if one compares blacks and whites holding the same positions, on average, the black employee will have superior qualifications.

Furthermore, Uhlmann and Cohen's (2005) experimental research demonstrates that the “merit” standards, themselves, can alter as those who control them manipulate them to maintain preferred group status at the expense of others; they do not change simply because they are valid indicators of the skills or abilities needed to perform the tasks at hand. Uhlmann and Cohen's study involved a laboratory experiment with 73 undergraduates who were evaluating male or female candidates for a male-typed job of police chief.

Although the study participants actually rated the male and female candidates as equivalent on the two clusters of criteria specified for evaluation, being “streetwise” (e.g. “tough, had worked in rough neighborhoods, and got along with fellow officers”) and being “formally educated” (e.g. “well schooled and experienced in administration”). But when the participants were asked to rate the relative importance of each of specific characteristics within each cluster they gave greater weight to whichever attribute favored the male candidate.

Uhlmann and Cohen (2005 p.475) report the subtle way in which gender bias, favoring men for the job, emerged in their study as follows:

...educated characteristics were rated as more important when the male applicant possessed them ... than when he did not.... By contrast, no such favoritism toward the female applicant was evident. If anything, educated characteristics were viewed as less important when the female applicant possessed them ...than when she did not.... Even stereotypically feminine traits (such as being family oriented and having children) were defined as more important when the male possessed them...than when he did not...; there was no corresponding effect for the female applicants....

In short, the Uhlmann and Cohen study demonstrates that the standards themselves are endogenous, partially changing in response to the demands for maintaining what Gordon terms “racial hegemonic mediocrity.” For example, in one of the most blatant instances, as black students' performance on the ACT test rose from a low mean of 7 in 1963 (it was 18 for white students' at the time), the state of Mississippi consistently in-

creased the minimum required for university admission to continue to limit blacks' eligibility for the state's public universities (Cross and Slater 1996 pp.95-6).

2. *Does affirmative action reduce productivity?* In a clever study performed in the mid-1990s, Cecilia Conrad (1995) demonstrated at the macro level that variations in the demography of the national work force, both in terms of gender composition and racial composition, had no effect on either GDP per capita nor output per head. In short, there is no evidence of a productivity gain or loss associated with a greater presence of female workers of any race or black workers of any gender in the United States. This, of course, is a disappointing finding to those researchers who have claimed that discrimination produces a deadweight loss for the US economy (e.g. Brimmer 1997), which would make it potentially beneficial for all if discrimination were eradicated. Still, while Conrad's finding suggests that affirmative action as an anti-discrimination measure has more of the character of a zero-sum game, it provides no aid and comfort to those who insist that it is economically destructive.

Major Coleman (1999) also repudiates the productivity loss claim in a micro level study. Coleman finds that employer performance evaluations of employees' hired under affirmative action arrangements are at least as favorable as those for employees hired via what otherwise would have been the "closed corridor." Holzer and Neumark (2000) arrive at a similar conclusion after reviewing all the available studies on work performance by affirmative action hires. The preponderance of evidence also indicates that if a black employee gets a position, frequently the employer who was negatively predisposed toward hiring blacks and who would not have hired them in the absence of an affirmative action initiative, revises their prior belief more favorably toward the black employee after seeing them in action (Goldsmith, Hamilton, and Darity 2006; Fryer, Pager, and Spenkuch 2011).

3. *Then, is it the case that the charge that colleges and universities are taking sharply inferior black students on board under dint of affirmative action programs?* In the US context, it is transparent that there is a substantial gap in academic performance, particularly on standardized tests, between black and nonblack students, particularly white and Asian students. There is, of course, the companion question of whether tests like the SAT or the ACT are legitimate markers for predicting subsequent academic performance for college and university students. But that issue aside, given a historical discrepancy which intermittently narrows, there can be little doubt that demanding *higher and higher* test scores for admission is a mechanism, a strategy explicitly pursued in Mississippi, for maintaining black exclusion.

An important component of the test score gap is a factor divorced from the skills possessed by the individual black or white student. To the extent that there are widely held beliefs about the cognitive inferiority of blacks, knowledge of the existence of those beliefs – regardless of whether black students share those negative beliefs themselves – can have a depressing impact on black students' test performance. The now classic studies by Steele and Aronson (1995) establishing the phenomenon of stereotype threat are relevant here.

The initial major Steele and Aronson (1995 p.800) study involved measuring study participants' performance "on 30 verbal items, 27 of which were difficult items taken from GRE study guides (only 30% of earlier samples had gotten these items correct) and 3 difficult anagram problems." Study participants were given 30 minutes to complete the test. Black students took the test by random assignment under three different conditions: In the threat-condition the participants were told they were taking a diagnostic test that measured "intellectual ability, thus making the racial stereotype about intellectual ability relevant to Black participants' per-

formance and establishing in them the threat of fulfilling it.” In the non-threat condition the participants were told that “the same test was... simply a laboratory problem-solving task that was nondiagnostic of ability [which p]resumably, would make the racial stereotype about ability irrelevant to Black participants. The third group was given the same test under “a second nondiagnostic condition ... which exhorted participants to view the difficult test as a challenge.” (Steele and Aronson 1995 p.799) The critical finding was that, after statistically adjusting for prior SAT scores, blacks students performed as well as white students under the two nondiagnostic or non-threat conditions and substantially worse than whites under the diagnostic or threat condition. In fact, they performed slightly better under the non-threat “challenging test” condition than they did under the nondiagnostic “problem-solving task” condition.

Steele, Spencer, and Aronson (2002 pp.386-389) have argued that in real world, high stakes test situations stereotype threat is activated automatically. In the low-stakes tests administered in laboratory settings the threat has to be activated by cues of the type associated with framing the nature of the test. When black students are taking a standardized test like the SAT that affects their college admission, placement, and access to financial support, the threat is omnipresent.

The potential effect of stereotype threat is not trivial. Steele and Aronson (1995) found in their first experimental study that blacks under the threat condition had scores 13 percent lower than comparable black students under a non-threat condition. A 13 percent reduction in a SAT scores would mean a drop in a score from 1200 to 1044.

In a second study, black participants under the stereotype threat condition completed about six fewer items than black participants not under the threat condition. In a further study, black students under the threat condition were slower by an average of 23 seconds in answering the first five questions and answered five fewer questions correctly than black students not under the threat condition. Similar results were reported in Steele (1997); black students alerted to the “diagnostic” nature of a difficult verbal test solved about 4 to 5 fewer items less than those given no cue after adjustment for prior SAT scores. To the extent that Steele et al. (2002) are correct that stereotype threat generally comes into play in high stakes testing situations, it would suggest that it is legitimate to set a lower score threshold for black students – as is sometimes done for Dalit (“untouchables”) students in India -- precisely because the test score is likely to underestimate their academic potential.

Indeed, the more selective the institution – implicitly the greater the role of affirmative action in promoting admission for students from otherwise excluded groups – the better the academic outcomes for both black and Hispanic students in the USA (Alon and Tienda 2005). At “...all intervals of the SAT distribution, the graduation rates of black students increase as institutional selectivity rises....” (Alon and Tienda, 2005, p.296)

Still, there are enduring racial/ethnic gaps in graduation rates “*within* selectivity tiers” (Alon and Tienda, 2005, p.309). But these could be explained fully by differences in socioeconomic status that correlate with race/ethnicity, especially gaps in wealth (Conley 1999).

4. *The fourth standard charge against affirmative action is the “creamy layer” effect, that the authentic beneficiaries from the target population are only persons who already are from the group’s comparatively more affluent middle class.* This may be quite true. As noted above, affirmative action is not an antipoverty program nor is it a program intended to pro-

duce greater general or intragroup equality *per se*. Its *raison d'être* is to make the class distribution within the subaltern population roughly similar to the class distribution in the dominant population. Insofar as this involves desegregation of elites, the subaltern middle class will be best positioned to take the positions that will alter elite demography. Affirmative action is well designed to produce and/or enhance the “creamy layer”, so it is unsurprising that when it is effective it may have that consequence.

5. *Fifth is the charge that the recipients of affirmative action are stigmatized by the system of preferences or quotas.* At the heart of this grumble is the premise that affirmative action is intrinsically anti-meritocratic rather than a means of insuring that those with “merit” from the excluded community do have access to positions commensurate with their abilities and motivation. Lewis Gordon’s extended commentary above takes the contrary stance: affirmative action really promotes meritocratic principles by unsettling the turf that was previously set aside for mediocre whites.

Moreover, affirmative action becomes a policy option precisely because there is a community subjected to stigmatization and discrimination in the first place. What exactly is the marginal increase in stigma from being the recipients of affirmative action benefits for an already stigmatized community? Evidence mentioned above (Goldsmith, Hamilton and Darity 2006 and Fryer, Pager, and Spenkuch 2011) that suggests that on net there is a positive benefit on employers’ perceptions from black workers’ getting a “foot in the door” via affirmative action suggests affirmative action may even be *de-stigmatizing* in a wide range of occupations.

6. *The last grumble is not necessarily an argument against affirmative action. It is an argument that the target population is inappropriate, particularly if it is an ethnic or racial group.* Here the grumblers propose that affirmative action should set as its target population the poor or the economically deprived. In short, according to these grumblers, affirmative action should be class-based rather than race-based.

These two approaches to affirmative action need not be mutually exclusive. One could have a policy that addresses both communities. Since affirmative action is an anti-discriminatory measure its target population should be identified on the grounds under which discrimination is taking place. If discrimination occurs on the basis of race and if occurs at the upper end of the occupational structure, solely class-based affirmative action will not be effective in reaching those sites of discrimination. In the United States in particular, class-based affirmative action cannot replicate what can be accomplished by race-based affirmative action (Darity, Deshpande, and Weisskopf 2011). Again, its application on a race basis is contingent on the recognition of the persistence of *racial* discrimination.

Lewis Gordon (2011) asks in his essay, “What’s the problem with affirmative action?” He offers two responses. First, when implemented, “it works.” Second, its very existence forces the society that has adopted it to acknowledge that it continues to be a site where racism and discrimination operate – not past discrimination but current, ongoing discrimination. Making such an admission may be the source of the biggest grumbles of all.

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