

Affirmative Action and Diversity: Complex and More Necessary Than Ever

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In his essay, Lawrence Blum engages with a number of familiar arguments for and critiques of affirmative action in higher education. His reflection is both timely — coming on the heels of the Supreme Court’s *Fisher*¹ decision — and uniquely positioned, as it comes from a scholar teaching at a “diverse, non-elite university.” The primary thrust of Blum’s argument is that current arguments for affirmative action in higher education admissions are weak — especially as part of a racial justice approach to education — and they divert attention from other important issues. While these questions are ripe for philosophical investigation, and while I have great sympathy for the concerns expressed therein, my aim is to challenge philosophers of education, as well education policy researchers, to approach affirmative action policy and diversity from a more complex analytic stance. These are necessarily complicated realms of study and our analyses must reflect that. My response focuses specifically on the arguments related to the diversity rationale, which I believe has been misrepresented. I want to argue that, for the most part, the concerns raised are logistical rather than fundamental barriers to strong practical and moral arguments for race-conscious admissions in higher education through affirmative action.

COMPLICATING THE DIVERSITY RATIONALE ARGUMENT

The essay’s first critique suggests that the diversity rationale for affirmative action is unjustified when considered separately from a justice rationale. There is no doubt that the ascendancy of the diversity rationale has been driven by legal necessity; the Supreme Court has all but outlawed other explicitly justice-driven defenses of affirmative action. The main point here is that there is no reason race should trump any other form of diversity in admissions. However, this argument only holds weight in a context in which institutions are barred — for justice-based or other reasons — from considering any of the categories Blum names: ethnicity, religion, economic background, and so on. In fact, institutions are legally permitted to pursue diversity in many different forms, and there is no doubt they do so to the best of their ability. It’s not clear that anyone is arguing that race alone *should* be privileged; rather, proponents of race-based affirmative action are making the argument that, at the very least, it should be *allowed* if the institution deems it important. Race-based affirmative action does not circumscribe the acknowledgment, or even privileging, of ethnicity, religion, or any other category of difference.

The second point made in relation to the diversity rationale is that race, ethnicity, and immigration status are complicated and difficult to detangle in the context of affirmative action. Certainly this is true, but this fact does not weaken the argument for race-conscious admissions practices; if anything, it points to the need for more explicit and complicated acknowledgment of students’ racial, ethnic, and cultural identities. This means acknowledging the important reality that Blum emphasizes:

within-group ethnic diversity makes a reliance on singular racial categories for admissions preferences problematic (and this is true for racial groups in addition to blacks; most notably, and in a quite different way, for Asians). Yet the diversity rationale, even legally construed, does not preclude this consideration. In Justice Powell's words from the Regents of the University of California v. Bakke decision, institutions should be free to pursue a student body of sufficient diversity that it is "conducive to speculation, experiment and creation — so essential to the quality of higher education."²

STEREOTYPE THREAT AS A MISPLACED BURDEN

Finally, Blum suggests that stereotype threat is a potential reason for black students "underperforming" given their academic credentials. What the author and many others do not consider is whether, in fact, institutions are even designed to support the needs of underrepresented minority students. Focusing on stereotype threat places the burden of change on the individual student affected, rather than the institution. The embedded institutional racism that exists and permeates student life is not the result of affirmative action. More to the point, suggesting that students admitted under race-conscious admissions policies do not "do as well" is not nearly a sufficiently complicated analysis.

If empirical evidence supports this claim, we have to question *why* they are not doing well. Black and Latino students at less-selective institutions are more likely to live closer to home and to a familiar community, more likely to go to school with much higher proportions of black and Latino students, and are more likely to reach out for and receive the academic supports they need, as these institutions are also more likely to offer remedial classes. Further, the effects of being a racial minority student at a *nondiverse* institution (that is, an affirmative action beneficiary) go well beyond stereotype threat, something not on its own addressable by legal or policy means. The isolation of such students on campus cannot be ignored as a significant influence on student performance. Consider, for example, the video recently released by a group of law students at University of California, Los Angeles (UCLA), highlighting the experiences of several of the thirty-three black students in the school's class of nearly 1,000. One woman notes, "I am so tired of being on this campus everyday and having to plead my humanity, essentially, to other students ... I don't feel like at my own school I can solely focus on being a student."³ Though the effects of this isolation (and the implicit and explicit racism that accompanies it) are notoriously difficult to measure, they are most certainly *not caused* by affirmative action.

There are however, many effects that *can* be addressed at the institutional level. For example, faculty instructors at non-diverse institutions are less experienced with and as a result less well equipped to teach and support the needs of such students; likewise, the student body is less likely to enter college having had living and learning experiences in diverse settings. These are important factors that may play a role in the success of racial minority students and which have nothing to do with the academic qualifications and skills of students admitted under affirmative action, yet they compound whatever gap in skills may exist. The confounding variables are too profound to ignore.

I want to make one final point regarding the “mismatch” theory, or theories, that questions the relationship between the quality of the student and the quality of the institution. Despite the difficulty in controlling for selection bias, a number of studies have attempted to understand the impact of institutional quality on college completion, with some conflicting evidence. However, recent trends in this line of research suggest that the “mismatch hypothesis” does not hold up under investigation: quality matters, and the more selective the institution, the greater the likelihood that minority students admitted under affirmative action policies (that is, likely with SAT scores slightly below the institutional average) will graduate.⁴

AFFIRMATIVE ACTION AND DIVERSITY: NOT A ONE-SHOT DEAL

In the final section of the essay, Blum addresses the questionable quality of “selective” institutions, and states that, “the argument in favor of affirmative action depends at least in good part on the advantage to the beneficiaries of affirmative action of theory attendance at the colleges that affirmative action affords them compared to the colleges they would attend in the absence of affirmative action.” This claim ignores an important thrust of the diversity rationale, which is that institutions should have the freedom to pursue a diverse student body and this is justified due to the resulting educational and social benefits of diversity to all students. The benefits of affirmative action are cyclical; it does not just benefit one student in one point in time. Greater diversity benefits all students, and increased diversity in higher education leads to the same in a wide range of fields by opening up opportunities and networks to a more diverse pool. This of course leads to greater visibility for racial minorities in positions of power, which influences the roles and possibilities that young children see as legitimately available to them. Further, defining the “quality” of an institution by the qualifications of its students is not nearly complicated enough to understand the benefits students receive from it. Not only do students at the most selective institutions receive more focused faculty attention and wide-ranging resources,⁵ they also have better labor market outcomes than similar students at not selective institutions.⁶

I have argued here that a more complicated analysis of diversity and affirmative action arguments and outcomes is crucial to understanding the need for this policy. Acknowledging this does not distract from the important work being done to improve K–12 schooling, nor does it prevent us from employing additional means to recruit and retain a diverse student body (see the institutions in our six states that have outlawed affirmative action in higher education for some excellent examples).⁷ Simply put, race-conscious admissions policies, despite being contentious, are some of the most effective policy tools we have for increasing diversity in higher education.

1. *Fisher v. University of Texas at Austin*, 133 S. Ct. 2411, 570 U.S., 186 L. Ed. 2d 474 (2013).

2. *Regents of the University of California v. Bakke*, 438 U.S. 265 98 S. Ct. 2733, 57 L. Ed. 2d 750 (1978).

3. “33,” YouTube video, 8:35, produced and released by a group of students of UCLA School of Law on February 10, 2014, posted by “RecordtoCapture,” February 10, 2014, <https://www.youtube.com/watch?v=5y3C5KBcCPI>.

4. For a review of this research, and for evidence that racial minority students are in fact thriving at selective institutions, see Tatiana Melguizo, “Quality Matters: Assessing the Impact of Attending More

Selective Institutions on College Completion Rates of Minorities,” *Research in Higher Education* 49, no. 3 (2008): 214–36.

5. Caroline M. Hoxby, “The Changing Selectivity of American Colleges,” *Journal of Economic Perspectives* 28, no. 1 (2009): 95–118.

6. Mark Hoekstra, “The Effect of Attending the Flagship State University on Earnings: A Discontinuity-Based Approach,” *Review of Economics and Statistics* 91, no. 4 (2009): 717–24.

7. For an example of ways that the University of California system has maintained and expanded its efforts to recruit and retain underrepresented minority students, see “Enhancing Diversity at UC,” <http://www.ucop.edu/general-counsel/guidance/enhancing-diversity-at-uc.html>.