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### Affirming the Need for Action:

#### A Closer Look at Affirmative Action Policies

Affirmative action is a widely contested topic that gets frequently discussed in the absence of a nuanced understanding of its goals and policies. In April of 2014, the Supreme Court upheld Michigan's Proposal 2, a state constitutional amendment approved by voters, which banned affirmative action policies in admissions to the state's public universities (Liptak 1). Current public perceptions of affirmative action policies remain split, though are leaning in favor of such policies, with 63% of Americans supporting programs "designed to increase the number of black and minority students on college campuses", and 30% opposed to such programs. The remaining 7% was undecided (Drake 1). However, with the recent Supreme Court ruling, Michigan joins California, Texas, Florida, and Washington in the list of states with bans on affirmative action (Liptak 1). The growing nature of this list demonstrates that affirmative action remains a highly controversial point of debate decades after its instatement. Phrases like "reverse discrimination" and "quotas" often predominate discourse around affirmative action, with little understanding of what affirmative action actually is. Subsequently, many opponents to affirmative action policies have posed the provocative question of what place affirmative action has in a society that prides itself on equal opportunity under the law.

In this paper, I propose the following strategy for untangling the complex web of misconceptions and truths regarding affirmative action policies. First and foremost, we must recognize and attempt to understand the past and current existence of racial and gender

inequality in the United States. The second step is to then understand the myths and realities of affirmative action policies. With these two things in mind, we must then consider the ideological strengths and weaknesses of such policies, their effectiveness, and possible alternatives or supplements to them.

It would be fallacious to assume that racial and gender equality truly exist in our current society, yet it is easy to fall into that tempting trap. America has come a long way since the times when neither blacks nor women could even cast a vote. Now that we are in the “twenty-teens,” even times of segregated water fountains seem ages away. We can look at Obama, our first black president, and then look at Hillary Clinton’s upcoming campaign for 2016, and lull ourselves into a feeling of content that we now live in a society where race and gender no longer limit the opportunities open to members of our nation. However, this would be based on faulty assumptions about the state of American society today, and can lead to some potentially dangerous conclusions regarding affirmative action policies. It is important to realize that affirmative action is not merely an attempt to “balance the scales” for past inequalities and injustices that racial minorities and women in this country have faced. Rather, affirmative action seeks to address current patterns of privilege and oppression that still remain in our society today.

Despite its continuing relevance, affirmative action remains a temporary solution that fails to directly solve the problem of institutional discrimination that affects individuals starting from an incredibly young age. It also introduces complicated questions with unclear answers. Is there such a thing as reverse discrimination? Can we justify preferential admission or hiring policies in any context given past and current biases? Furthermore, how does this fit into the broader context of American individualism and meritocracy? While these problematic questions

raised by affirmative action remain, the benefits of such policies outweigh the costs. Ideally, efforts to bridge opportunity gaps based on gender and race at a younger age will eventually render affirmative action policies irrelevant and unnecessary. However, until that point is reached, affirmative action policies remain a critical means for discouraging discrimination and encouraging equal opportunity for under-represented and under-privileged groups.

To begin an analysis of affirmative action policies, public perceptions pertaining to the goals and executions of such policies serve as a useful starting point. As stated previously, Americans agree that affirmative action programs “designed to increase the number of black and minority students on college campuses are a ‘good thing’” by a two-to-one margin. However, support for and opposition to affirmative action policies fall along racial lines. Only 55% of whites supported such policies compared to 63% of the total population, 84% of blacks, and 80% of Hispanics (Drake 1). This breakdown likely stems from a simple idea of who benefits from affirmative action, along with the myth that affirmative action negatively impacts whites and males. A similar survey conducted by The New York Times investigated reasons behind people’s support of affirmative action initiatives. Results show that 63% of respondents claimed their reasoning stemmed from support of increasing diversity, while 24% said their support stemmed from a desire to make up for past discrimination (Drake 1). These reasons are particularly interesting, because they still fail to recognize that structural inequalities continue to exist well into the 21<sup>st</sup> century, and rather fall back on reasoning based in “diversity” as a general concept or “making up for past wrongs.”

How might we then begin to understand our nation’s past and present regarding race and gender? It can easily be observed that America has had a complex relationship with racism. Since slavery ended in 1863, “African-Americans have struggled for economic justice, an equal

opportunity to enter the workplace and to have access to higher education” (Berry 300).

Similarly, women have traditionally been viewed as lesser in comparison with men, specifically in regards to intellect (Yates xvii). Even after anti-discrimination laws were put into place, race and gender continue to contribute to inequalities in universities and the workplace. This is often a result of structural biases not necessarily dependent on individual biases of employers. For example, sociologist Barbara Reskin points out that the predominant method of recruiting new employees is through networks of current employees. This effectively creates an applicant pool consisting of the same race and sex as the existing employees. From a broader perspective, this contributes to job segregation based on sex and race which “excludes people of color and white women from jobs with promotion ladders” (Reskin 6).

In addition to recruiting methods, it is interesting to examine the existence of structural biases through the gap in average wages for workers, which is distinct across both gender and racial lines. For full-time workers in 2011, women earned on average only 77 cents to the male dollar ( IWPR 1). Furthermore black and Hispanic workers earned significantly less than white males, but the gap in earnings was particularly marked for women in these two racial and ethnic groups (IWPR 2). For example, Hispanic women earn 55.5 cents for every dollar earned by white men, whereas Hispanic men earn 61 cents. An in-depth analysis of why such gaps exist are beyond the scope of this paper, but factors including “unequal funding of schools, unequal expectations of student achievement, biased or Eurocentric content in educational materials, and tracking and ability grouping influenced by race, ethnicity, and socioeconomic status” all play a role in racial inequality (Farley 442). Many other factors such as gender-stereotypical socialization, societal pressures surrounding employment, and employer prejudices also result in gender inequalities in the labor market (Bose & Whaley 202). If we are to accept the notion that

our society is not, in practice, one of equal opportunity when it comes to race and gender, then how might we go about addressing this issue?

In 1941, President Franklin D. Roosevelt established a Fair Employment Practices Committee to address this problem. However it was largely ineffective, due to understaffing and underfunding (Berry 301). The Civil Rights Act of 1964 aimed in part to end discrimination by large private employers (Berry 302). Then, affirmative action came onto the scene in 1965, when President Lyndon Johnson issued Executive Order 11246. This order mandated federal contractors “to take affirmative action to ensure equality of employment opportunity.” Specifically, affirmative action requires federal contractors to “[develop] goals and timetables for each job group in which minorities and women are underrepresented.” It should be particularly noted that as the policy is written, the goals are not strict quotas. The key component is a “good-faith effort” to be as inclusive as possible in hiring practices, with a “serious search” as an key part of the hiring process. Note that under this system, employers are not required to hire or admit unqualified applicants (Berry 302). In fact, quota systems are illegal, as was set by the precedent in the Supreme Court 1978 *University of California v. Bakke* case, where the Court forbade quotas, but determined that in college and university admissions, “racial preferences were legal as long as race was considered along with other factors” (Farley 449).

However, despite the illegality of quotas in affirmative action policy, the notion of preferential treatment is one of the reasons that affirmative is so controversial. Policy analyst Steven Yates describes how “Instead of being replaced by genuinely colorblind and genderblind practices, legally sanctioned discrimination against blacks, other minorities, and women came to be replaced by legally sanctioned discrimination against white men” (xviii). Yates begs us to consider the threat of “reverse discrimination.” His arguments raise some of the following

questions: Should affirmative action policies ever go beyond a “good faith effort” and a serious search for underrepresented candidates, to the point where employers use preferential treatment? Should the underrepresented candidate automatically be chosen over a white male candidate? This is where affirmative action has often come under fire via the Equal Protection clause of the Civil Rights Act of 1964, which protects whites and men as well as minorities and women. However, upon further examination, studies have shown that reverse discrimination is rare (Reskin 72). Of over 450,000 complaints filed with the Equal Employment Opportunity Commission between 1987 and 1994, only four percent included charges of reverse discrimination (73). Beyond this, it is important to consider that of the white men who filed these charges, many “presumably concluded that their employers’ choices of women or minorities could not have been based on merit” (74). This leaves room for the interpretation that in some of these cases, reverse discrimination may not have even occurred in the first place, and that was just an assumption made by the individual who filed the charges. Therefore, while reverse discrimination rightfully gives people pause for concern, it is definitely far less prevalent than media coverage of affirmative action would lead us to believe. It must be considered amidst a broader context of factors, especially given its rarity.

In conjunction with the possibility that race or gender-based preferential treatment constitutes discrimination, critics of affirmative action claim that it lowers standards for either college admissions or job hiring. This follows from the logic that quotas result in the admission or hiring of unqualified applicants (Farley 441). Reskin, however, points out that “There is no evidence that affirmative action reduces productivity or that workers hired under affirmative action are less qualified than other workers” (75). On the contrary, others have acknowledged that women and minorities that have benefitted from affirmative action programs may have

lower scores on “traditional criteria” such as SAT scores, but that this does not necessarily correlate to lower potential (Farley 442). Regardless, it is interesting to think about how we might measure qualifications. Is one qualified if they have some specific standardized test score that falls within a rigid range, or do other factors measure into one’s intelligence? Is one qualified if they have taken a certain number of Advanced Placement classes and exams, or should their economic circumstances and educational resources be taken into account? Is it fair to have the same expectations for a girl who has been told all her life that girls are bad at math and a boy who has been told that STEM fields belong to the realms of men? In other words, can race or gender be used to provide context and insight into the potential disadvantages or privileges a candidate received? It is logical that such context should be at least partially considered when attempting to quantify an individual’s “qualifications,” especially given our nation’s history and present of systemic bias. Thus concerns over the hiring or admittance of an “under qualified” applicant may not be as obviously justifiable as they would seem.

In addition to the potential problems of reverse discrimination and acceptance of unqualified applicants, many criticisms of affirmative action actually arise from those who support the ideals of addressing structural inequalities based on race and gender. One reason for this is the potential devaluation of minority or female individuals who are admitted to or hired at an institution that utilizes affirmative action policies. This can manifest in the questioning of credentials of said individuals, where it is assumed they are unqualified and were only hired or admitted as a result of their race or gender. This might more broadly perpetuate negative stereotypes of minorities, and increasing resentment towards them from their majority coworkers. It might also increase feelings of self-doubt on the parts of minorities and women, and contribute to experiences of what people term the imposter syndrome (Farley 441). While

this outcome is not ideal, and perhaps points to the fact that affirmative action is not a long-term fix, the benefits likely outweigh this particular cost.

We have yet only considered the cons associated with affirmative action policies. Most proponents of affirmative action probably would agree that it is not a perfect system, but we should acknowledge and attempt to understand the aspects of the policy that are beneficial as well. In order to begin to understand the reasons for supporting affirmative action, we must once again think back to the systemic and structural inequalities in our society based on factors including race and gender. Sociologist John Farley provides a helpful analogy when considering affirmative action's role in addressing these institutional problems. The analogy is as follows:

[Two] runners, one of whom had to start with weights tied to her feet. Removing the weights halfway through did not make a fair race: The runner was by then far behind. Removing the weight of discrimination today, but doing nothing else to make the competition fair, will *not*...eliminate the disadvantages suffered by minority-group members. (Farley 440)

This analogy is incredibly helpful when trying to understand the justification behind affirmative action. Much of the discourse from opponents of affirmative action, seems to be based on the assumption that having college admissions and hiring practices based solely on merit amounts to "equal opportunity." What these opponents fail to acknowledge, however, are the weights tied to one of the runner's feet, i.e. the disadvantages racial minorities and women predictably face at various steps throughout their lives. Farley reminds us that racism and sexism are not merely relics of the past, but features of the present. While they may have taken on more subtle forms, "modern American social institutions discriminate, often without even being aware of it" and

“Minorities and women are held back by institutional discrimination in ways that whites and men are not” (440).

To go along with the analogy of the two runners, it is important to recognize the existence of privilege along with oppression. While the white male’s experience is often taken for granted and viewed as a sort of “neutral state,” I would argue that the privileges that whites and males benefit from confer actual advantages. In other words, privilege does not merely indicate the absence of “weights on their feet” in our analogy, but also that whites and males might have what amounts to a few minutes head start. Privilege can manifest in the forms of family or school connections, lower likelihoods of being incarcerated in the prison system, wealth, or abundant role models in high leadership positions. These are just a handful of the many examples of privilege in our society. Thus meritocracy in our society is largely mythical: no one gets where they are solely as a result of their own merit and individual actions. Whether one is oppressed or privileged, societal influences play at least some role in where one finds oneself currently situated in society.

Working under the assumption that affirmative action addresses present discrimination, theoretically it will no longer be necessary if and when institutional discrimination no longer exists. Thus affirmative action is a “temporary tactic” to combat the effects of discrimination. Once women and racial minorities are granted the same opportunities as white men, then affirmative action policies will be rendered no longer necessary (Farley 440).

However, affirmative action in and of itself will not end discrimination. A realistic interpretation of its effects would most likely indicate that it keeps discrimination at bay rather than solving the problem itself. Studies have shown that outcomes of implementing affirmative action policies have been mixed. In the 1980s, federal contractors increased their number of

minority workers 25 percent more than noncontractors (Reskin 46-47). Furthermore, after affirmative action was introduced, the sex segregation index (a measure of how many women workers would need to be redistributed into other occupations if all occupations were to have the same percentage of women and men) dropped by 20 percent in the span of 20 years (Reskin 53). However, when assessing changes in the wage gap, it has been found that white males continue to earn more than any other group. Perhaps this is related to the fact that in colleges, students who are admitted with the help of affirmative action are much more likely to graduate toward the bottom of their class (Espenshade 1). Furthermore, when accounting for class, it has been shown that affirmative action has had little effect on low-income, poorly educated minorities (Farley 445). Yet the effects of eliminating affirmative action do not seem positive either. Sociologist Thomas Espenshade found that “eliminating [affirmative action] would reduce the number of black students by about 60 percent, and the number of Hispanic students by about one-third, at selective private schools” (1). Furthermore, there has been a drop in enrollment of black and Hispanic students in selective colleges and universities in states that have passed bans on affirmative action (Liptak 1). These findings demonstrate that while affirmative action fails to make significant gains, it is, in a sense, preventing the situation from worsening. Thus, if we change our running analogy to a swimming one, we may view affirmative action as a lifejacket that is helping keep racial minorities and women afloat, but is failing to remove the weights that held them back for so long, and continue to hold them back today. If we want a long-term solution, rather than a short-term treatment, we must go about removing the weights as well.

Espenshade expands upon this by claiming that affirmative action “treats the symptoms but not the root causes of an underlying social problem.” He goes on to describe how black children are the equivalent of one year behind white children upon entering kindergarten, and

four years behind when graduating from high school (1). Kati Haycock, the president of the liberal Education Trust, expressed similar desires that attention be paid to ending racial differences in K-12 education, which she claims are the reasons we need policies like affirmative action in the first place (Lewin 1). This shows us that for all the factors underlying unequal opportunities for minorities and women mentioned previously, there are potential pressure points for change. Perhaps this means we should provide outreach programs for underprivileged students, or introduce peer-to-peer mentoring, or invest more in our public, and especially urban, schools. Perhaps it might even be changed at the level of how we socialize our children: are we encouraging women and racial minorities to be scientists, leaders, and writers? Or are we only focusing our efforts on those who have traditionally had the opportunities and encouragement to explore these paths already? However, tackling these pressure points for change will not result in progress overnight. To effectively transform a culture that is ingrained with racial, gender, and class biases (among several others) takes time, and progress is likely to be slow. Thus, we must continue to rely on affirmative action not instead of, but in conjunction with, efforts to remodel our society into one that will afford all individuals equal opportunities, regardless of their race, gender, and class.

Given this insight, it is natural that affirmative action remains a contested topic in American society. As a nation that prides itself on the American Dream, we all hope that it is possible for anyone to “make it if they work hard enough.” We have a sense of nationalist pride about the American ideas of freedom, equality, and equal opportunity. However, the American Dream often creates a myth of meritocracy that simply does not exist to the extent many people would like to believe it does. Racial and gender biases are still entrenched in our nation’s institutions and also in many, but not all, individuals’ minds. Thus, we are left with a very

unequal playing field, where racial minorities and women are consistently disadvantaged in relation to white males. Affirmative action was created to try to combat these unfair privileges and oppressions, by forcing those who implemented affirmative action policies to make a significant effort to increase the presence of underrepresented populations in our educational and workplace institutions. Unfortunately, lack of understanding about affirmative action, especially having many people believe it amounts to a strict quota system to “make up for past wrongs,” have led many people to view affirmative action in simplistic terms of unjust “reverse discrimination,” without understanding the nuances of the debate. When nuances are taken into account, affirmative action is a beneficial way to combat racism and sexism within our college admissions and hiring practices. However, it will not provide a long-term solution, and other efforts must be made to level the playing field much earlier on in individuals’ lives, specifically in early education. Only this will attack the root causes of inequality, rather than treating the symptoms of it. Until then, however, affirmative action remains a critical weapon in the fight for racial and gender equality.

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