

# Affirmative Action and Equality of Opportunity in College Admissions

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**Abstract:** This essay critically examines the efficacy of race-based affirmative action in U.S. college admissions, arguing that it fails to adequately address the root causes of racial inequality and often does not benefit the most marginalized individuals within minority groups. By exploring affirmative action through the lens of political philosophy, particularly John Rawls' conception of social justice, the essay contends that a focus on socioeconomic status rather than race would more effectively promote equality of opportunity and align with Rawlsian principles. The analysis draws on various studies and theoretical perspectives to highlight the limitations of race-based affirmative action, including its tendency to benefit economically advantaged members of minority groups and its inadequacy in addressing the diverse and complex backgrounds of individuals within these groups. The essay proposes socioeconomic affirmative action as a more equitable alternative, supported by empirical evidence suggesting that such an approach could increase both socioeconomic and racial diversity in higher education institutions. The conclusion underscores the need for systemic reforms beyond admissions policies to truly achieve a just and equitable society.

## 1. Introduction

Race-based affirmative action, albeit officially outlawed in a controversial ruling by the US Supreme Court in June this year, continues to be contemplated as a potential policy intervention to remove the racial disparity in college admissions and thus equalise opportunities across American society (Raikes, 2023). It is also gaining relevance beyond the US borders, particularly in Western Europe, as the region becomes more racially diverse and faces increasingly entrenched racial inequality (Simpson and Jivraj, 2015).

This essay aims to evaluate race-based affirmative action's efficiency in promoting equality of opportunity. It argues that race-based affirmative action is highly inefficient, as it ignores structural causes of racial inequality and tends to not benefit the most disadvantaged members of minorities. The essay proposes for the policy attention to instead focus on the socioeconomic status of applicants.

The essay begins by setting the debate about affirmative action in the context of political philosophy, focusing primarily on the Rawlsian conception of social justice. This is followed by the evaluation of race-based affirmative action as a policy intervention to promote equality. The final section discusses alternatives to existing affirmative action policies.

As Chemerinsky (1996) points out, affirmative action can take many different forms. These range from uncontroversial interventions such as campaigns

encouraging minorities to apply, scholarships and special study programs designated for minority students to more controversial policies. The latter involve interventions such as use of race as a factor in admission decisions, race norming and admission quotas. The discussion in this essay will be primarily concerned with the latter group. It is also important to emphasise that affirmative action is used to achieve a variety of goals. Alongside correcting past injustices and eliminating racial inequality, it might also be aimed at promoting diversity and integration (Fullinwider, 2018). While focusing mainly on the former, the essay will point out that focusing on the socioeconomic status of applicants would not undermine the latter goal and would, in fact, promote diversity with equivalent efficiency.

## 2. Social Justice and Affirmative Action

Through the political philosophy lens, the debate surrounding fairness and political desirability of race-based affirmative action can be seen as a debate concerning social justice – that is, is race-based affirmative action necessary to establish a society whose rules and institutional foundations can be considered fair? This can be best understood through the work of John Rawls and his theory of justice, which has defined the field of modern political philosophy and is often seen as a model of ideal Western liberal society (Kymlicka, 2001).

Rawls (1999), who views political society as a structure created by citizens to suit their needs, introduces an experiment that serves to determine the principles of justice upon which a just society should be built. For this purpose,

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he introduces the concept of the Veil of Ignorance – citizens choose the rules of cooperation not knowing where in society they would end up.

According to Rawls, they would choose conditions that universally guarantee basic liberties and maximise everyone's well-being regardless of where in society they would end up. This is specified in two principles of justice:

*1: Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.*

*2: Social and economic inequalities are to satisfy two conditions. First, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity. Second, they are to be to the greatest benefit of the least-advantaged members of society – a condition known as the Difference principle*

These principles are arranged in lexical priority, with the first principle concerning basic liberties prioritised over the second principle, where fair equality of opportunity stands before the maximisation of individual's welfare – that is, a given principle is applied unless it violates a principle with a higher priority.

Rawls, who was primarily a theoretician, did not provide many clues about how these principles should be implemented in practice. In the introduction to the restatement of his original theory published in 2001, he even explicitly said that “the serious problems arising from existing discrimination and distinctions based on gender and race” were not on the book's agenda. That said, it is without doubt that approaching the ideal of Rawlsian would require radical political interventions.

In relation to the first part of the second principle concerning equality of opportunity, Rawls implied that everyone should have an equal chance to succeed based on their abilities and efforts, regardless of their background or social status (Rawls, 1971). Nagel (2003) applied this Rawlsian idea to American society, toying with the notion that implementing fair equality of opportunity would require race-based affirmative action. This would be aimed at addressing the consequences of legal segregation and economic oppression of African Americans, as a consequence of which they are to bear a generic social disadvantage reproduced over generations. But would race-based affirmative action indeed promote fair equality of opportunity in line with the Rawlsian conception of justice? The following section will argue that this is not necessarily the case.

### **3. Affirmative Action Defying Equality of Opportunity?**

Affirmative action, whose origins in the United States trace back to the Civil Rights Act of 1964, has been aimed at removing racial discrimination in employment and education and eliminating the consequences of nearly a century of discrimination and segregation of African Americans following the abolition of slavery in 1865 (Sowell, 2004). Some of the gravest instances of injustice committed included the Jim Crow laws. These

mandated racial segregation in public facilities such as schools. They also involved restrictions on homeownership and employment discrimination, effectively excluding African Americans from well-paying jobs and limiting them to low-wage positions (Pager and Howard, 2008).

The legacy of this discrimination is still present. McKinsey found that on average, African-American workers earn 30% less than white workers (McKinsey, 2021). Wealth differences are even more pronounced. The median African American household has around \$24,000 in savings, investments, home equity and other forms of wealth – this is around eight times less than the median white household, which holds around \$189,000 (RAND, 2023). Wealth inequality is persistent and has even been expanding since the early 1990s (Smith et al., 2020). However, racial inequality in the US is not limited to wealth. As of 2021, only 28.1% of African Americans over the age of 25 held at least a bachelor's degree, in stark contrast to 41.1% of the white population (Census Bureau, 2022). Moreover, African Americans are more likely to live in neighbourhoods with higher poverty levels, more polluting industries, more exposure to violence and underfunded schools, further entrenching the existing inequality (Rothstein, 2023).

That said, affirmative action policies seem to have done very little to address the issue of racial division. Considering racial preferences as a controversial measure, Wasserstrom (1976) nevertheless suggested that they could be legitimate under certain circumstances, with their legitimacy measured by how fast using them moves us towards a society where race does not matter. But as Kahlenberg stated in his 2022 essay, racial preferences in college admissions, instead of bringing us closer to such society, provided “cover for an admissions system that mostly benefits the wealthy” (Kahlenberg, 2022). At Harvard for example, 71% of African American, Hispanic and Native American students were estimated to come from the top socioeconomic fifth of their respective racial groups nationally as of 2018 (Kahlenberg, 2018). According to a study from 2019, only 5% of students at Ivy League and other elite colleges were assessed to come from the bottom 20% of the income distribution, with the population of minority students estimated to follow a similar pattern (Chetty et al., 2017).

These statistics hint at a more profound problem with the use of affirmative action in college admissions. People's life trajectories and family situations are complex and race by itself, although it tends to be highly correlated with inherited disadvantage, is not a definite indicator of an individual's social disadvantage. While it is undeniable that the African American community has faced systemic racism and oppression throughout history, it is important to recognise that many African Americans have demonstrated remarkable resilience and empowerment in the face of historical injustices, actively working to uplift themselves through initiatives such as education and entrepreneurship (Horton, 2021). Moreover, as much as 10% of African Americans are estimated to be immigrants, bearing a legacy of even more complex and diverse historical realities (Tamir, 2022). Therefore, it is questionable whether all African Americans without exception can be categorised as victims of historical injustice.

On a more philosophical level, the practical implementation of compensatory justice concerning historical crimes is difficult and might, in fact, create further injustices. Deciding to compensate for a specific type of injustice committed in the past against certain groups of people raises the question of why not attempt to address all types of historical injustice. The US is home to immigrants from all around the world, many of whom initially came to the country as refugees fleeing political persecution, genocide, wars, famines and other highly unfortunate settings undoubtedly undermining their social standing. If, for example, an African American student born into a poor suburban family bearing the burden of centuries of discrimination is to be offered partial compensation through affirmative action, it is natural to ask why a son of Vietnamese boat refugees fleeing a situation also partially brought about by the US institutions should not be given preferential treatment as well (Campi, 2005). Thus, affirmative action, as it has been practised, appears to only fail to meet one of its major goals of equalising opportunity across racial groups in the US but paradoxically also introduce other forms of arbitrarily imposed inequalities. The next section will discuss how inequality in the US, often running along racial lines, can be addressed more efficiently.

#### **4. Solution? Socioeconomic Affirmative Action**

One potential solution to bring about a fairer admissions system in line with the Rawlsian equality of opportunity could be to try to determine the precise extent to which individuals are still affected by historical injustices and compensate them with adequate preferential treatment. However, the impact of such injustices is influenced by a complex interplay of social, economic and systemic factors, making it challenging to isolate individual-level effects. Additionally, historical injustices often span generations and their effects can manifest differently for each person, making it difficult to quantify the exact burden any one individual carries.

Nevertheless, there is a logical correlation between an individual's disadvantage and their socioeconomic status – wealthy and successful individuals can hardly be considered victims of historical disadvantage. As Kahlenberg asserted in 2013, unequal opportunity in the US is increasingly associated with wealth rather than a minority status. Hence, there has been a growing call to replace race-based affirmative action in college admissions with socio-economic affirmative action, which would give preferential treatment to students from families that have low levels of wealth. In two separate studies, Sander (2014) and Potter (2014), assessing the impacts of the ban on affirmative action in Florida and California in the 1990s came with promising findings – universities giving preferential treatment to applicants from families with low incomes and from disadvantaged neighbourhoods and high schools increased not only socioeconomic diversity but also racial diversity. Carnevale, Schmidt and Strohl (2020)

then focused on the effects of wealth directly, concluding that using wealth in combination with other socioeconomic factors promoted racial diversity. The study also found that at universities that awarded students who managed to overcome disadvantages associated with their low wealth status, African American and Hispanic enrollments were higher than under race-based affirmative action. This evidence suggests that focusing on the socioeconomic status of applicants would not only be more efficient in compensating past injustice but could increase racial diversity in American colleges as well.

The criticism of replacing race-based affirmative action with socioeconomic affirmative action is based on two main lines of argumentation. Firstly, such a policy shift could disadvantage deserving African-American middle-class students (Maye, 2023). The second argument concerns the fact that African Americans are smaller in number than white Americans, even among the poorest segments of society (Rothstein, 2023). Rothstein suggests that other things equal, such policies would therefore inevitably lead to a fall in the number of African Americans enrolled into colleges. That said, the criticism does not seem to stand up to empirical evidence, which clearly suggests that if set up correctly, socioeconomic preferences can on the contrary increase the number of African Americans enrolled into colleges.

Nevertheless, it is important to recognise that transiting towards socioeconomic affirmative action would be only a small step on the journey towards promoting the Rawlsian-style equality of opportunity in the US. The current system is marred by deeply entrenched disparities that perpetuate socioeconomic inequality, which are evident in unequal funding among schools, varying access to quality teachers and resources and systemic biases that disproportionately affect marginalised communities (Bernard, 2021). To truly level the playing field and provide every child with an equitable chance at success, reforms must address these systemic issues, ensuring that children of all backgrounds have access to equal opportunities for personal growth.

#### **5. Conclusion**

This essay has first argued that race-based affirmative action as implemented in the US college admissions is highly inefficient in removing the consequences of historical discrimination and addressing racial inequality. This is because it tends to not benefit the most disadvantaged members of minorities and creates further injustice due to its arbitrary approach to determining beneficiaries of preferential treatment. Second, the essay suggested that affirmative action would bring more social justice, as well as increase racial diversity in American colleges, if it instead benefited students from families with low levels of wealth – a proposition supported by empirical evidence coupled with the fact that social disadvantage tends to be associated with an individual's economic status. Nevertheless, for such a policy to be truly efficient in equalising opportunities across American society, it should be accompanied by systemic educational and welfare state reforms.

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