

RACE AND AFFIRMING OPPORTUNITY IN THE BARACK OBAMA ERA

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Abstract

I first discuss the Obama administration's efforts to promote racial diversity on college campuses in the face of recent court challenges to affirmative action. I then analyze opposition in this country to "racial preferences" as a way to overcome inequality. I follow that with a discussion of why class-based affirmative action, as a response to cries from conservatives to abolish "racial preferences," would not be an adequate substitute for race-based affirmative action. Instead of class-based affirmative action, I present an argument for opportunity enhancing affirmative action programs that rely on flexible, merit-based criteria of evaluation as opposed to numerical guidelines or quotas. Using the term "affirmative opportunity" to describe such programs, I illustrate their application with three cases: the University of California, Irvine's revised affirmative action admissions procedure; the University of Michigan Law School's affirmative action program, which was upheld by the Supreme Court in 2003; and the hiring and promotion of faculty of color at colleges and universities as seen in how I myself benefited from a type of affirmative action based on flexible merit-based criteria at the University of Chicago in the early 1970s. I conclude by relating affirmative opportunity programs for people of color to the important principle of "equality of life chances."

Keywords: Affirmative Action, Affirmative Opportunity, Racial Preference, Equality of Life Chances

INTRODUCTION

In December 2011 the Obama administration supplied colleges and universities with important guidance on how to increase racial diversity on campuses. Prepared by the United States Department of Education and the Civil Rights Division of the Department of Justice, the document stated that diversity contributes to "the educational and economic life of this nation," and it suggested ways to navigate the Supreme Court's narrow legal channel to address racial inequities (United States Department

Du Bois Review, 9:1 (2012) 5–16.

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doi:10.1017/S1742058X12000240

of Education and Department of Justice, 2011). As stated in a *New York Times* editorial, “The administration’s support for such efforts stands in stark contrast to the policy of the George W. Bush administration to discourage them. That difference has played out between the political parties for decades, as it will in this presidential election” (2012).

Since the 1970s, the Supreme Court has limited available approaches to remedy racial disparities, but has allowed institutions to consider race in achieving certain broader objectives. Nonetheless, as seen in three notable and recent lawsuits, the controversy rages on. The United States Court of Appeals for the Sixth Circuit will reconsider Michigan’s 2006 voter approved ban on affirmative action in public university admissions, a ban that was struck down by a three-judge panel on the court in July 2011. A three-judge panel in the Fifth Circuit upheld the use of race as a “plus factor” in admissions at the University of Texas at Austin in 2011. Four-fifths of the students at the University of Texas are admitted as graduates in the top ten percent of their classes. The remaining one-fifth is admitted on the basis of individual assessment, which includes race. This latter part of the University of Texas admissions procedure—the one-fifth admitted based on individual assessment, including race—is now being challenged. And the Supreme Court recently agreed to review that complaint. Finally, a three-judge panel of the Ninth Circuit will hear an appeal from a district court decision to dismiss a challenge to California’s Proposition 209, which outlawed race-conscious college admissions in 1996.

All of these cases could eventually end up before the Supreme Court, which now includes four very conservative justices, who have made it clear that they would rule against even narrowly tailored racial diversity programs. To refresh the readers’ memory regarding the Supreme Court’s position on the use of race in addressing issues of racial diversity, in 2003 the Court considered the two cases involving affirmative action at the University of Michigan—one focused on undergraduate admission, the other on admission to the Law School. Although the Court ruled that the University of Michigan could not set quotas for certain racial groups or give them extra points in undergraduate admissions, the University could consider race as one factor in the Law School’s holistic admissions process. With that decision in mind, this article puts the discussion of racial diversity and affirmative action in a broader social context, and suggests ways to reinforce the Obama administration’s guidance to promote racial diversity on campus.

OPPOSITION TO “RACIAL PREFERENCES”

According to a January 2003 *Newsweek* poll, nearly three-quarters of all Americans disapprove of “giving preferences to blacks and other minorities in things like hiring, promotions, and college admissions.” This is consistent with other national polls, including a 2003 *Time/CNN* poll in which a majority of Americans disapproved of “affirmative action admissions programs at colleges and law schools that give racial preferences to minority applicants.”

To help us understand this opposition to racial preferences as a way to overcome inequality, two factors should be seriously considered, particularly when the focus is on African Americans. The first factor is clearly racial—a perception that Blacks are responsible for their own economic predicament and therefore undeserving of special government support. Indeed, surveys reveal that since 1975 the idea that the federal government “has a special obligation to help improve the living standards of blacks” because they “have been discriminated against for so long” has never enjoyed

support by more than one in four Whites. Significantly, the lack of White support for this idea is not related to background factors such as level of education and age (Bobo and Kluegel, 1997).

The second major factor in the opposition to perceived racial preferences is the heavy reliance on individualistic explanations of social behavior and social outcomes in this country. It is an unavoidable fact that Americans tend to deemphasize the structural origins and social significance of poverty and welfare. In other words, the popular view is that people are poor or on welfare because of their own personal shortcomings.

We can easily see that explanations focusing on the character and capabilities of the individual dominate American thinking. Consider studies of national public opinion. On the basis of an analysis of national survey data collected since 1969, James R. Kluegel and Eliot R. Smith (1986) concluded, "most Americans believe that opportunity for economic advancement is widely available, that economic outcomes are determined by individuals' efforts and talents (or their lack), and that in general economic inequality is fair" (p. 37). Indeed, responses to questions in these national surveys revealed that individualistic explanations for poverty (e.g., lack of effort or ability, poor moral character, slack work skills) were overwhelmingly favored over structural explanations (e.g., lack of adequate schooling, low wages, lack of jobs, etc.).

The weight Americans give to individualistic factors can be seen in their assessment of racial issues. A recent Pew Research Center national survey (2007) reported that "fully two-thirds of all Americans believe personal factors, rather than racial discrimination, explain why many African Americans have difficulty getting ahead in life; just 19% blame discrimination." Nearly three-fourths of U.S. Whites (71%), a majority of Hispanics (59%), and even a slight majority of African Americans (53%) "believe that blacks who have not gotten ahead in life are mainly responsible for their own situation" (p. 5). And careful analysis of these data reveals that unlike in previous years, younger African Americans are more likely to support this view than older Blacks.

I believe that the emphasis on individualistic explanation of economic and social outcomes contributes to a good deal of the opposition to affirmative action programs, especially affirmative action initiatives that are seen as programs of racial preference.

AN ALTERNATIVE PROPOSAL: CLASS-BASED AFFIRMATIVE ACTION

In response to cries from conservatives to abolish affirmative action, some liberals have argued that we ought to shift from affirmative action programs based on race to affirmative action based on economic class or need (Kahlenberg 1996). Although it is not readily apparent that a shift to class-based affirmative action would overcome the bias for individualistic explanations of social outcomes, it could be seen as nullifying some of the negative racial perceptions that undermine support for affirmative action.

Specifically, a shift to class-based affirmative action would recognize that the problems of the disadvantaged—low income, crime-ridden neighborhoods, broken homes, inadequate housing, poor education, cultural and linguistic differences—are not always clearly related to previous racial discrimination. Children who grow up in homes plagued by these disadvantages are likely to be denied an equal chance in life because the development of their aspirations and talents is hindered by their environment, regardless of race.

Proponents of class-based affirmative action argue that people of color would benefit disproportionately from programs designed to address these disadvantages,

since they suffer disproportionately from the effects of such environments, but the problems of disadvantaged Whites would be addressed as well.

Despite the apparent appeal of this approach, if affirmative action were based solely on economic need, it would reduce opportunities for Blacks. More specifically, it would result in the systematic exclusion of many Blacks from desirable positions, since they would be judged by conventional measures of aptitude, and, regardless of class, their scores on those tests are still likely to show the cumulative effects of race. By this I mean the effects of having one's life choices limited by race; the effects of living in segregated neighborhoods and being exposed to the particular skills and styles of behavior that emerge from patterns of racial exclusion; the effects of attending lower-quality, *de facto* segregated schools, and of being nurtured by parents whose own experiences and resources have also been shaped and limited by race.

A number of empirical studies have revealed significant differences in the family environment and neighborhood environment of Blacks and Whites that are understated when standard measures of socioeconomic status (SES) are employed.¹ Take, for example, the question of family environment. Even when White parents and Black parents report the same average income, White parents have substantially more assets than do Black parents.

Whites with the same amount of schooling as Blacks usually attend better high schools and colleges. Furthermore, children's test scores are affected not only by the social and economic status of their parents, but also by the social and economic status of their grandparents. This means that it could take several generations before adjustments in socioeconomic inequality produce their full benefits.

Thus, if we were to rely solely on the standard criteria for college admission, like SAT scores, even many children from Black middle-income families would be denied admission in favor of middle-income Whites, who are not weighed down by the accumulation of disadvantages that stem from racial restrictions and who, therefore, tend to score higher on these conventional tests.

However, what is true for middle class Blacks is even truer for the Black poor who would not compete well with comparable Whites because of the race factor. In an impressive study that analyzes data from a national longitudinal survey, with methods designed to measure intergenerational economic mobility, sociologist Patrick Sharkey of New York University found that "more than 70% of black children who are raised in the poorest quarter of American neighborhoods, the bottom 25% in terms of average neighborhood income, will continue to live in the poorest quarter of neighborhoods as adults" (Sharkey 2008). He also found that since the 1970s, a majority of Black families have resided in the poorest quarter of neighborhoods in consecutive generations, compared to only 7% of White families. Thus he concludes that the disadvantages of living in poor Black neighborhoods, like the advantages of living in affluent White neighborhoods, are in large measure inherited.

We should also consider another path-breaking study that Sharkey co-authored with senior investigator Robert Sampson, a Harvard University sociologist, and another colleague, Steven Raudenbush, that examined the effects of concentrated poverty on Black children's verbal ability (Sampson et al., 2008). They studied a representative sample of 750 African American children, ages six to twelve, who were growing up in the city of Chicago in 1995, and followed them anywhere they moved in the United States for up to seven years. The children were given a reading examination and vocabulary test at three different periods. Their study shows "that residing in a severely disadvantaged neighborhood cumulatively impedes the development of academically relevant verbal ability in children" (p. 852).

These research studies suggest that neighborhood effects are not solely structural. Among the effects of living in racially segregated neighborhoods over extended periods is repeated exposure to cultural traits that emanate from or are the products of racial exclusion; traits such as verbal skills that may impede successful maneuvering in the larger society. For all of these reasons, if we are really concerned about the fate of people of color, I am certainly not persuaded that class-based affirmative action, which really does not address the cumulative effects of race, would be an adequate substitute for race-based affirmative action. However, I want to emphasize that strong opposition to quotas and preferential hiring, promotion, and college admission in the United States should not lead us to overlook the fact that there are some affirmative action policies that are supported by wide segments of the population, including the White population, regardless of racial attitudes.

AFFIRMATIVE OPPORTUNITY AND FLEXIBLE MERIT-BASED CRITERIA

As Lawrence Bobo (1998) has pointed out, the view that White opposition to affirmative action is monolithic is distorted. "Affirmative action policies span a range of policy goals and strategies. Some formulations (e.g., race-targeted scholarships or special job outreach and training efforts) can be quite popular" (p. 986). For example, studies reveal that although they oppose the "preferential" racial policies associated with quotas or job hiring and promotion strategies designed to achieve equal outcomes, most White Americans approve of "opportunity-enhancing" affirmative action policies, such as race-targeted programs for job training and education. In the 1990 General Social Survey, 68% of all Whites favored spending more money on the schools in Black neighborhoods, especially for early education programs. And 70% favored granting special college scholarships to Black children who maintain good grades.

In their broad survey of households in the Boston metropolitan area, Barry Bluestone and Mary Huff Stevenson (2000) found that, whereas only 18% of the White male and 13% of the White female respondents favored or strongly favored job preferences for blacks, 59% of the White males and 70% of the White females favored or strongly favored special job training and education for Blacks.

Finally, in another national survey, the political scientist Carol M. Swain (1998) found that a majority of respondents, Black and White alike, felt that consideration should be given in college admissions to obstacles or hardships that a student had to overcome. In other words, colleges ought to evaluate a student's potential at least in part on the basis of his or her successful navigation of difficult circumstances in, say, high-risk environments. In addition to the standard questionnaire, Swain's survey presented respondents with vignettes that described college admission and employment situations without using code words such as "preferential treatment." Though responses to the standard questionnaire revealed a clear rejection of the idea that racial preferences should guide admission decisions, in their responses to the vignettes, these respondents seemed to be asking university admissions officers to take into consideration factors other than the conventional academic criteria. Swain (1998) concludes that "the majority of Americans, both White and Black alike, are not enthusiastic about racial preference programs, but can agree on some affirmative action-related issues once we move beyond the racially inflammatory code words found all too often in existing surveys" (p. 21).

As sociologist Jerome Karabel (1997) reminds us, while it is true that Americans worry about "quotas" and about "unqualified" people being hired, promoted, and

admitted to colleges and universities, they also recognize “that the playing field is not level and that programs are needed to ensure equal opportunities for minorities and women” (p. 22). In this connection a NBC News/*Wall Street Journal* national poll conducted in 2010 revealed that 63% of the respondents agreed with the following statement: “Affirmative action programs are still needed to counteract the effects of discrimination against minorities and are a good idea as long as there are no rigid quotas.”

Accordingly, programs that enable people of color to take advantage of opportunities are less likely to be perceived as undermining the values of individualism and the work ethic. The implications for political framing are obvious—opportunity-enhancing affirmative action programs tend to be supported because they reinforce the belief that the allocation of jobs and economic rewards should be based on individual effort, training, and talent (Bobo and Kluegel, 1997).

Implicit in this argument is the view that the remedy does not have to consist of numerical guidelines and quotas. The remedy can be a different set of evaluation criteria—new, more flexible, yet merit-based criteria—that are more accurate than the conventional tests in gauging the actual potential of Black Americans to succeed. Indeed, it is not readily apparent to what extent the standard measures of aptitude like the SAT or the Law School Admission Test (LSAT)—or even the tests widely used for promoting police officers—measure real merit, and not just privilege. The research reveals that for most applicants, these tests are only tenuously related to future performance. High school grades consistently predict college freshmen’s grades more accurately than the SAT in both selective and nonselective colleges, and little predictive power is gained by combining the SAT with high school grades (Kane 1998; Selmi 1995; Sturm and Guinier, 1996).

And while some cognitive test scores may correlate better with outcomes, even these do not necessarily measure important attributes that also determine performance, such as perseverance, motivation, interpersonal skills, reliability, and leadership qualities. For example, if you compare youngsters from the ghettos of Roxbury or Harlem or East St. Louis who display these traits and youngsters from White suburbia who have higher SAT scores but do not possess these traits, the chances are good that the inner-city kids will experience a higher level of college achievement and a more enriching college experience.

Two studies are relevant here. William G. Bowen and Derek Bok (1998) point out in their important book, *The Shape of the River*, that Black students with lower SAT scores who are admitted to selective colleges are not only more involved than White students in social service, community service, and political endeavors, but are also more likely to be leaders in these activities.

Likewise, Richard Flacks and Scott Thomas (1998) report in a study of students at the University of California at Santa Barbara that “African American and Latino students of both sexes were more involved in cultural and community activities than white males were: They were more than twice as likely to report going to plays, concerts, films, or museums. They were three times as likely to say that they frequently participated in social-service groups” (p. A48). As law professors Susan Sturm and Lani Guinier (1996) have argued, we need to “improve the capacity of institutions to find people who are creative, adaptive, reliable, and committed, rather than just good at test-taking” (p. 1020).

When I call for flexible, merit-based criteria, I do not mean that standard aptitude tests such as the SAT should be abandoned. Rather, they should be given less weight in making school admission decisions. These new criteria if used effectively would less likely exclude people who have as much potential to succeed as

those promoted or accepted from more privileged backgrounds. I call this approach, with its emphasis on flexible, merit-based criteria of evaluation, “affirmative opportunity,” not “affirmative action.” And the change is more than rhetorical. It signals a shift in emphasis away from quotas and numerical guidelines to guarantee equality of results, which is how affirmative action has come to be understood—and widely resented. Instead, the emphasis is on achieving equality of opportunity, a principle that most Americans still support.

THE EFFECTIVENESS OF FLEXIBLE MERIT-BASED CRITERIA OF EVALUATION

Let me discuss three cases that illustrate the use of flexible, merit-based criteria of evaluation. The first involves the new admissions procedures at the University of California, Irvine, the second highlights the admission procedures at the University of Michigan Law School, and the third briefly details my own personal experience as the first African American to receive tenure in the Department of Sociology at the University of Chicago in 1972.

In response to the vote of the University of California’s regents to eliminate affirmative action in admissions, the University of California, Irvine, set about to develop and implement “admissions criteria consistent with the new guidelines” (Wilbur and Bonous-Hammarth, 1998, p. 111). Although test scores and other standard criteria such as grades and courses completed remain as important elements in the selection process, additional factors were considered as significant components based on the assumption that “merit is demonstrated in many forms and measured in different ways” (p. 113). These factors included such criteria as an applicant’s initiative and leadership, ability to overcome personal hardship, self-awareness—“that is, evidence of active commitment based on self-identified values”—and cultural awareness, honors and awards, and specialized knowledge (p. 113).

The selection of some of these criteria was based on involvement theory, in which a literature has been developed that emphasizes that “students who become socialized and involved in their education are more likely to succeed” (Wilbur and Bonous-Hammarth, 1998, p. 113). In order to determine the impact of the new admission process in the fall of 1997, Wilbur and Bonous-Hammarth “compared the actual makeup of the newly admitted freshman class with the hypothetical makeup of a class admitted solely on the basis . . . of a ranking system based on the GPA and test scores” (p. 116). The comparison revealed that the use of more flexible criteria of evaluation at the University of California, Irvine “resulted in significant gains for underrepresented ethnic groups—particularly African Americans, American Indians, and Chicanos,” whose admission rates increased respectively by 30%, 24%, and 21% (p. 113).

The University of Michigan Law School Admissions Office provides another excellent example of affirmative action based on the use of merit-based flexible criteria of evaluation. As stated previously, the University of Michigan Law School faced an anti-affirmative action lawsuit challenging the denial of admission to a White applicant, Ms. Barbara Grutter. She claimed that she was denied admission in favor of less qualified minority applicants.

However, it is important to note that the University of Michigan’s program is not based on racial quotas or numerical guidelines. As Jeffrey S. Lehman, then Dean of the University of Michigan Law School, said before the Supreme Court decided on the Grutter anti-affirmative action law suit:

We are confident that our admissions policy is constitutional. It conforms to the requirements of the Fourteenth Amendment as set forth in Justice Powell's opinion in *Regents of the University of California v. Bakke*. Our admissions office does not use racial quotas. The percentage of students of different races in our entering classes varies noticeably from year to year. We use diversity as a factor within the larger context of our policy of admitting only students whom we expect to go on to become outstanding lawyers (Lehman 1997).

In addition to an index score that represents an applicant's grade point average and LSAT score, the University of Michigan Law School admissions office relies heavily on a number of other factors associated with the applicant. Included among these are letters of recommendation, the quality of the application essay, the quality of the applicant's undergraduate institution, the areas of difficulty in undergraduate course selection, personal experiences or perspectives likely to contribute to a diverse student body, and evidence of leadership ability. As stated in the 1992 Report and Recommendation of the Admissions Committee,

Many qualities not captured in grades and test scores figure in the evaluation of an applicant . . . Precisely which characteristics should be valued is a matter left to the Dean of Admissions and the Admissions Committee. . . No doubt the kinds of conditions that make for valued diversity will change to some degree each year as the composition of the Admissions Committee changes. The varied perspectives from which different committees will interpret the concept of "diversity" should further enrich our school (1992).

The point to be emphasized is that the number of minority applicants admitted to the University of Michigan Law School varies each year, dependent on the strength of their applications. No numerical guidelines or quotas are set. The use of these flexible criteria described above has resulted in an outstanding number of minority law school students over the past several years.

I apply this same principle to the hiring of faculty of color in colleges and universities, which causes me to reflect on my own experiences when the University of Chicago recruited me years ago. With my tenured appointment to the Sociology faculty at the University of Chicago in 1972, I definitely benefited from a type of affirmative action that I now like to call affirmative opportunity. As Malcolm Gladwell (2008), author of the best-selling book *Outliers: The Story of Success*, would put it, I was in the right place at the right time.

Given the emphasis on affirmative action in the early 1970s, the Department of Sociology at the University of Chicago was actively looking for a Black sociologist to become a regular member of the faculty. In 1971 I was teaching at the University of Massachusetts and I was invited to come to the Chicago campus to give a lecture, fully unaware that the Sociology faculty was looking me over as a potential member of their Department. Luckily, I gave one of the best lectures I had ever given at that point in my career. And I impressed the faculty and graduate students with my deft handling of questions during the question and answer period.

When I returned to the University of Massachusetts after the lecture I was surprised to learn that the Sociology faculty at the University of Chicago was actually considering me for a position. Unlike an overwhelming majority of faculty at outstanding research-oriented universities in this country, I was not educated at elite universities; therefore the odds that I would end up teaching at outstanding universities like the University of Chicago, and eventually Harvard, were rather slim.

The senior members of the Department of Sociology at Chicago had read my articles and liked them. However, there was one problem: I had not written a book when they were initially considering me for a position. To be appointed Associate Professor with tenure in the Department of Sociology at the University of Chicago a scholar had to have at least one book published. The Chicago Sociology faculty knew I had been working on a book—*Power, Racism and Privilege*—at the University of Massachusetts for several years.

In the fall of 1971 they invited me to come as a Visiting Associate Professor for one year with a light teaching load, which gave me time to complete the book while I was there, and therefore provided them the opportunity to read a final draft of the manuscript to see if I was indeed qualified for tenure.

The University of Chicago was on a quarter system at the time and I had no teaching responsibilities during the first quarter. I made good use of my free time and completed the book during the winter quarter of 1972. The tenured faculty in the Department of Sociology at Chicago—at that time the number one Sociology Department in the country—read the book in manuscript form, liked it, and voted to recommend to the central administration that I be appointed a tenured Associate Professor.

In relating my experiences here, I am providing an excellent example of what I like to call affirmative opportunity, based on the use of flexible criteria of evaluation. As Morris Janowitz, then Chair of the Department, told me, when they first read my articles prior to my lecture, they realized that I had potential and rather than eliminating me early in the review process, they decided to give me a chance to complete my book to confirm that initial impression. And Janowitz informed me that they wanted to move quickly because given the growing interest in hiring faculty of color at elite research-oriented universities, they were fearful that competing universities would rush to hire me.

When I talk about flexible criteria of evaluation as applied to faculty of color I would include evaluative criteria that gauge a candidate's potential to succeed. In my case their initial assessment of my potential turned out to be correct. In a recent book, historian Thomas J. Sugrue (2010) of the University of Pennsylvania probably put it best:

In 1972, the university [Chicago] had hired a young, relatively unknown black sociologist, William Julius Wilson. Wilson was a bit of a gamble for a hidebound institution like Chicago, with relatively few black faculty members and, despite its location, a small number of black students. Wilson lacked the Ivy League credentials, the European pedigree, and the Chicago degrees of most of the university's faculty. But the gamble paid off. Wilson's 1978 book, *The Declining Significance of Race*, was a rare scholarly study that won both academic acclaim and a wide nonacademic readership (pp. 73–74).

I was eventually awarded the National Medal of Science, the highest scientific award in the United States. Recipients of the National Medal of Science are selected by a thirteen-member committee from the National Academy of Sciences, who then send their recommendation to the White House.

The Nobel laureate economist Kenneth Arrow, who chaired the committee, informed me that the major reason I received the award was because of my innovative approach to the study of urban poverty, most clearly reflected in my book *The Truly Disadvantaged*, which developed a paradigm on the interaction of race, class, and location; a paradigm that influenced research across social science disciplines, even research in microeconomics. And it is one of the most widely cited books in the

last half century. Again quoting the historian Thomas Sugrue: “*The Truly Disadvantaged*, published in 1987, was sweeping and synthetic, elegantly weaving together problems often considered separately from each other into an overarching theory of urban inequality” (p. 75). The scope of this theory is reflected in the wide array of empirical research across disciplines to test my propositions, propositions that relate to economic restructuring, neighborhood effects, persistent and concentrated poverty, depopulation, social isolation, and family structure—as I show in the afterword of the new paperback edition of *The Truly Disadvantaged*, which will be published by the University of Chicago Press in the fall of 2012. Most of these studies either support or extend the hypotheses advanced in the book.

Now I say all this not to highlight my own accomplishments, but to simply draw from my experiences to illustrate how affirmative opportunity can work in an ideal sense. A policy of affirmative opportunity would renew the nation’s commitment to enabling all Americans, regardless of income, race, or other attributes, to achieve the highest level that their abilities will permit. In promoting this commitment it is important to pay very careful attention to how one frames a discussion of affirmative action. And, based on the previous discussion, the implications for political framing are obvious—opportunity-enhancing affirmative action programs, what I call affirmative opportunity, tend to be supported by the American public because they reinforce the belief that the allocation of jobs and economic rewards should be based on individual effort, training, and talent.

For all these reasons, I believe that an emphasis on flexible, merit-based criteria would not only help to overcome the widespread opposition to affirmative action programs, but that such programs are more likely to be firmly institutionalized in this country. Nathan Glazer (1998) indicates that, despite complaints about affirmative action from the majority of citizens, “there was (and is) no major elite constituency strongly opposed to it; neither business nor organized labor, religious leaders nor university presidents, local officials nor serious presidential candidates are to be found in opposition” (p. 19). Glazer adds: “big business used to fear that affirmative action would undermine the principle of employment and promotion on the basis of qualifications. It has since become a supporter. Along with mayors and other local officials (and of course the civil rights movement), it played a key role in stopping the Reagan administration from moving against affirmative action” (p. 19).² Programs to institutionalize affirmative action would gain even greater support if such programs featured flexible merit-based criteria of evaluation.

AFFIRMATIVE OPPORTUNITY PROGRAMS AND EQUALITY OF LIFE CHANCES

In the final analysis, affirmative opportunity programs would help to achieve what the social philosopher James Fishkin (1983) calls “equality of life chances.” According to this principle, if we can predict with a high degree of accuracy where individuals will end up in the competition for preferred positions in society merely by knowing their family background, race, or gender, then the conditions that affect or determine their motivations and talents are grossly unequal.

Supporters of this principle believe that a person should not be able to enter a hospital ward of healthy newborn babies and accurately predict their eventual social and economic position in society solely on the basis of their race and/or economic class origins. Unfortunately, in many neighborhoods in the United States you can accurately make such predictions. Supporters of the principle of equality of life

chances feel that it is unfair that some individuals in our society receive every conceivable advantage while others from the day they are born never really have a chance to develop their talents.

In the upcoming debates in the general election, the President could argue that affirmative opportunity programs are designed to help achieve the goal of equality of life chances in this country, and thereby overcome the cumulative effects of chronic economic and racial subordination.

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NOTES

1. See, for example, the studies in Jencks and Phillips (1998).
2. As Jennifer Hochschild (1999) has pointed out, “Opponents of affirmative action have found to their surprise and disgust that their apparent allies in the conservative business community either reject or politely distance themselves from political efforts to abolish affirmative action. . . . Although corporations will continue to defend themselves against claims of discrimination, and although it will be a long time—if ever—before corporate leadership resembles the American, racial, ethnic, or gender structures, it nevertheless is safe to predict that most corporations will not actively support measures to abolish affirmative action in the states or in Congress” (pp. 1017–1018).

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