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FOR THE RECORD**College Admissions Preferences Are Not Justified**

Dennis Weisman offers a benign view of college admissions preferences in his article “What Constitutes ‘Discrimination’ in College Admissions?” (Summer 2019). He contends that since colleges admit many students for reasons other than high academic ability, there’s no ground to complain about race-based admissions preferences that supposedly enhance campus “diversity.” I’m not persuaded.

Diversity and academic outcomes / First, Weisman relies on the claim that having a “diverse” student body promotes learning and racial understanding, quoting Justice Sandra Day O’Connor’s opinion in *Grutter v. Bollinger* (2003). He writes that she “reasoned” in her opinion that having a diverse student body “promotes learning outcomes and better prepares students for an increasingly diverse work force, for society and for the legal profession.” But O’Connor’s statement was just an assertion, not an exercise of reasoning, much less a statement of fact.

Several years after the case, O’Connor admitted in an essay in the 2009 book *The Next 25 Years: Affirmative Action in Higher Education* that the Court actually did not have a sound basis for declaring that there are educational benefits from a racially diverse student body. She wrote that the Court should “reassess” its position and look for evidence to “clearly demonstrate” any educational benefits from diversity.

She and the other pro-preference justices got the idea that diversity leads to educational benefits from the University of Michigan’s brief. The university, trying to defend its admission practices, argued that its research proved that more diversity means better learning on campus. The validity of that research was never challenged, however, because plaintiffs took the position that the racial preferences were unconstitutional no matter what

evidence there might be on its effects. Scholars who have looked at the research have found it unconvincing. For example, University of Michigan philosophy professor Carl Cohen called the university’s research “thin social science, tendentious and weakly argued,” nothing more than “reporting student answers to loaded questions” (“Bad Arguments Defending Racial Preference,” *Academic Questions* 21(3): 288–295, September 2008).

To this day, there is no proof that mixing in a quota amount (or, as diversity advocates put it, “critical mass”) of students from certain racial groups does anything to improve the level of education for any students, much less for all of them. There is, however, strong evidence that mismatching weaker students with more demanding schools harms their educational outcomes.

In their 2012 book *Mismatch*, Richard Sander and Stuart Taylor Jr. showed that many students admitted for “diversity” reasons to prestigious schools would have been better off had they enrolled at a school where they were not at a competitive disadvantage with academically stronger students. Similarly, when economists Peter Arcidiacono, Esteban Aucejo and Joseph Hotz studied the outcomes of University of California students who had been admitted with lower academic qualifications in order to increase diversity, they concluded that “lesser-prepared minority students at top-ranked campuses would have higher science graduation rates had they attended lower-ranked campuses” (“University Differences in the Graduation Minorities in STEM Fields: Evidence from California,” *American Economic Review* 106(3): 525–562, 2015).

So, there is evidence that admissions diversity efforts have *negative* educational outcomes rather than the positive ones imagined by O’Connor and others. However, we never hear college and university

leaders express any doubt that racial preferences are beneficial. It seems as though this is an issue where merely having good intentions is all that matters.

Diversity and prestige / But even if racial preferences don't lead to better education, maybe they lead to other good institutional outcomes. That's Weisman's next argument: that administrators could be acting to raise their school's prestige level when they adopt admission preferences. "Harvard," he writes, "would have no incentive to depart from an admissions standard that reinforces its reputation as one of the world's foremost educational institutions." But do the leaders of prestigious universities actually know that using racial preferences makes them more illustrious? Perhaps, but Weisman adduces no evidence to support that claim.

Instead, he relies on a baseball analogy to carry his point. He observes that no one objects if a team recruits a variety of players with different skills rather than just looking for those with the highest batting averages. It isn't objectionable discrimination, he argues, when a team goes after a player who is an excellent defensive infielder but is just an average hitter. Since baseball teams take a "holistic" view of players, why shouldn't universities like Harvard do the same thing and select students in a similar fashion? Baseball teams want to win the World Series and Harvard wants to win (or at least remain near the top) in the prestige rankings. That's perfectly reasonable, Weisman contends.

The analogy, however, is poor. Of course, baseball teams want players with different skills to optimize their chances of winning, but baseball players are proven to have those skills. Scouts and managers can look at statistics and see players in action. When it comes to students who have applied to college, however, very few of them have proven much about themselves. Some appear to have stronger academic abilities than others based on their high school records and standardized test scores, but none of them have yet done anything that would allow colleges to say,

"This student is apt to be a future Nobel Prize winner," or "This student is a future political leader."

When college officials turn away applicants with very strong academic backgrounds in favor of others with weaker backgrounds, it isn't because the latter are thought more likely to do great things and enhance the school's reputation. It's simply because those officials want specific proportions of students that "represent" certain racial or ethnic groups. As several court cases have revealed, schools that employ racial preferences have almost the same percentages of students in the preferred groups year after year. Filling a quota appears to be the overriding concern rather than choosing particular students who might do the most to keep up the school's reputation. Seeking to fill quotas from groups hardly seems consistent with a strategy of selecting students for their probable future success.

Contra Weisman, I don't think that college leaders who insist on group preferences do so because they're thinking about the long-run good of their schools. They do so because it's personally satisfying for them.

To a considerable extent, college leaders get to run things as they like without noticeable adverse consequences. One of the things they like is the feeling that they're doing their part to right some of the world's wrongs and, to most of them, statistical imbalances are evidence of some underlying social wrong. If too few black and Latino students qualify for top schools (including elite high schools), then it's up to school officials to adjust admission standards so the gap disappears. Failing to demand preferences for groups regarded as victims of historical oppression would be seen as a lack of commitment to fairness, something that no good "progressive" wants.

That, I submit, is the reason why nearly all college leaders insist that they need more diversity. Admission preferences for certain minority groups is a personal indulgence they can't resist.

Finally, Weisman points out that many colleges and universities have preferences

for athletes and "legacies" (that is, applicants with family ties to the school). But those preferences have also been criticized for undermining the academic integrity of higher education. Lowering admission standards in search of a better football team or in hopes of reeling in more cash for the endowment diverts a school from its educational mission. Two (or three) wrongs don't make a right.

GEORGE C. LEEF
Director of Research
James G. Martin Center for Academic Renewal

The Author Responds

George Leef offers a critique of my essay "What Constitutes 'Discrimination' in College Admissions" (Summer 2019) in which he essentially makes four points. Before responding to those points, it is instructive to remind the reader of the fundamental question that framed my original essay and anchored its central arguments:

Given the intense competition for the "best and the brightest" among elite universities, it is necessary to reconcile Harvard's purported discrimination with its standing as one of the most preeminent universities in the world. If Harvard were truly leaving that much academic talent on the table, why would other prestigious universities not leverage the opportunity to appropriate this talent in a bid to wrest away Harvard's esteemed reputation?

In the United States, the market is the default. Markets are regulated only if there is a compelling reason not to defer to market forces. I contend that universities likewise should have considerable (which is not to say unlimited) discretion in selecting the composition of their student bodies for the myriad reasons articulated in my essay. Leef disagrees, contending that academic merit alone should carry the day. So, let's look at Leef's four points and my responses.

Diversity as a goal / Leef contends that diversity is an ill-advised objective for

BRIEFLY NOTED

higher education and cites selected sources that suggest there may be little or no improvement in educational outcomes from a more diverse student body. This argument is fine and good as far as it goes; the problem is that it doesn't go very far.

First, my essay is not a full-throated endorsement of diversity preferences at any cost. It provides a summary of the pros and cons associated with such preferences in duly recognizing that there is research on both sides of the debate. Academic studies aside, I submit it's reasonable to think that a student from Boston Preparatory can "learn" from a student from Detroit's inner city and vice versa.

In Olympic competition, divers are scored on both the difficulty of the dive and how well it is performed. Applying similar logic, adjusting for the relative difficulties of applicants in the admissions calculus (i.e., controlling for exogenous effects) is less about preferences per se and more about fair competition. (This is expressly not an endorsement of recent proposals to "adjust" standardized test scores *ex post*.) I have been a critic of modern-day universities (see my essays "How Creative Destruction

Has Begun to Pop the College Bubble," *The Federalist*, November 28, 2018; "Taking a Closer Look at Diversity on College Campuses," *Public Discourse*, March 14, 2019), but recognizing that the opportunity to succeed differs (exogenously) across applicants is not among their countless failings.

Second, the Supreme Court found that "the attainment of a diverse student body ... is a constitutionally permissible goal for an institution of higher education." This precedent traces its origins back to the 1978 *Bakke* decision and has been upheld in every "preferences" case to come before the Court in the last 40 years. Justice Sandra Day O'Connor's war stories about the high court's deliberations in *Grutter* may make for an interesting historical aside, but they are otherwise of no particular relevance. As I explain in my essay, the very best students will still be admitted to the college of their choice. It is the marginal merit admission that may be denied acceptance. The Supreme Court has found these tradeoffs to be acceptable, at least within certain bounds.

Third, diversity has created its own virtuous dynamic. Universities that are "too homogenous" will find it difficult to place their students because prospective employers will harbor concerns about their ability to integrate successfully into an increasingly diverse workplace. This will diminish the appeal of such universities for students rightfully concerned about their employment prospects.

Fourth, university administrators should report both minority admission and minority graduation rates ("truth in advertising") and commit the necessary resources to ensure that any divergence between these two rates is within "acceptable" bounds. That said, there are two sides to the transaction: offer (supply) and acceptance (demand). Should students that benefit from these "preferences" mistakenly place ego above judgement, then they reap what they sow. It is reasonable to expect students to conduct the requisite due diligence regarding their prospects for success at a prestigious university. Even though some students will fail, this

alone is not dispositive of a bad decision. Risk-reward tradeoffs are fundamental to a market economy and the college selection process is no exception.

Finally, it matters not what Leef or I think about diversity considerations; the market for higher education is the final arbiter. Universities that trade-off too much merit in promoting a diverse student body will suffer a loss of prestige to competing universities that do not. Hence, whatever problem Leef believes exists is seemingly self-correcting.

"Personal gratification" from diversity/ Leef charges that the chief reason universities pursue diversity policies is for the administrators' personal gratification. However, prestigious universities do not operate in a vacuum; they are in a vigorously competitive market for "the best and brightest" students. I do not deny that progressive university administrators may wish to imprint their personal values on the admissions process, but I find it non-credible that administrators can sustain diversity policies that work against market forces.

An admissions process at a prestigious university that trades-off too much merit for diversity will, with the passing of time, cease to be a prestigious university. The university's rivals can be expected to leverage the opportunity by appropriating the merit applicants that have been relegated to the rejections pile. The weight of the evidence is that prestigious universities recognize and take account of the actions of their rivals in calibrating the particular admissions calculus they employ. In other words, they feel their competitors nipping at their heels.

Finally, administrators at Harvard or other prestigious universities may attempt to render admission decisions that run counter to market forces, but they do so at their own peril. No administrator who presides over the precipitous decline of a university's reputation would expect a long job tenure. The perennial gale of creative destruction (a phraseology coined by Harvard's Joseph Schumpeter) would work to ensure that administrators adept at enhancing the reputation of the university

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swiftly replace those who are not.

Limited knowledge of students / I argued that Harvard's admissions policies should not be construed as discriminatory simply because they are not based solely on objective academic metrics:

But it is not necessarily discriminatory when one takes a more holistic view as to the value conferred upon the university in departing from an exclusively merit-based standard. Saying otherwise would be akin to arguing that a baseball team discriminated simply because it drafted a baseball player with a lower batting average over another player with a higher batting average. A comprehensive analysis would also account for other dimensions of performance (e.g., fielding ability, slugging percentage, team leadership, etc.).

Leef takes issue with my baseball analogy, saying that university administrators face considerable unknowns about the students they are admitting. But just as baseball players manifest various attributes including batting average, slugging percentage, fielding ability, and teamwork, so college applicants manifest attributes including scholastic performance, extracurricular activities, public service, diversity, athleticism, donor dollars, etc. Suppose, for example, that alumni generosity in contributing to university coffers varies across student groups. Should universities necessarily be prohibited from taking such information into account in their admissions calculus when endowment size is a determinant of reputation?

A baseball team is not discriminating simply because it selects a player with a lower batting average over a player with a higher batting average anymore than a university is discriminating simply because it admits a student with lower scholarly achievements over a student with higher scholarly achievements.

Leef argues that students' prospects for "success" are subject to greater uncertainty than those of baseball players. Even if I were to concede this point, this is a distinction

without a difference. College administrators and baseball scouts are both required to make timely decisions with imperfect information. A certain percentage of minor league all-stars will fail in the majors just as a certain percentage of high school academic all-stars will fail to graduate from an Ivy League university. These facts do nothing to stem academia's perpetual search for the next John Nash or the major leagues' endless quest for the next Sandy Koufax.

High school students—at least the smart and industrious ones—go to extraordinary lengths to compile a record of achievement that attests to their potential for success. High school performance is the academic counterpart to minor league performance. It is far from perfect, but it is what administrators have to work with.

Leef claims that, given the high degree of uncertainty regarding student success, universities should place significant—if not exclusive—weight on "objective" academic metrics, e.g., grade-point average, SAT and ACT scores. But if standardized tests are such accurate predictors of academic success, why are an ever-increasing number of universities making the tests optional and systematically expanding the number of non-academic metrics they use to make admission decisions? If these standardized tests cannot be manipulated by academic coaching and preparatory testing courses, why make them optional for first-generation and low-income students, which is the practice at the University of Chicago?

Finally, suppose for the sake of argument that the weights that Harvard places on the various student attributes do not produce the desired outcomes as measured by the accomplishments of its graduates. Over time, other prestigious universities that place the "optimal" weights on student attributes will realize greater success with their students' post-graduate accomplishments and thereby diminish Harvard's reputation. The government has no greater role in assigning weights to student attributes than it does in dictating to major league baseball teams the weights they should assign to the attributes of minor league prospects.

Legacies and athletes / My essay notes that universities often set aside academic performance when they choose to admit top athletes and the children of (often wealthy) alumni, yet there is not nearly as much controversy over these admissions as there is over diversity admissions. To be clear, my observation was not an unequivocal endorsement of legacy and athletic preferences. In fact, I argued that legacy preferences could be characterized as "the college equivalent of hereditary succession." I further point out that such preferences may not be necessary in an ideal (first-best) world in which universities operate free of fiscal constraints.

Athletic and legacy preferences are not being disputed in the Harvard discrimination case; diversity (race-based) preferences occupy center stage. This implores two questions: First, is admitting an academically able student who contributes generously to university endowments while rejecting an academically superior student who does not contribute dispositive of discrimination? Second, should universities necessarily be precluded from making these types of tradeoffs and are there unintended consequences in doing so? Leef presumably would answer both questions in the affirmative. I am more circumspect.

When a new day dawns and stellar sports teams and generous benefactors are no longer required to make up for financial shortfalls, universities may then have the luxury of not admitting a relatively small percentage of students based on their athletic prowess or financial resources. That day is not upon us and likely won't be anytime soon.

Leef criticizes athletic and legacy preferences, concluding, "Two (or three) wrongs don't make a right." Eliminating all preferences in college admissions is certainly a laudable, long-run public policy objective and one that I enthusiastically support. The issue at hand, however, is whether diversity preferences should be scaled back or eliminated entirely while athletic and legacy preferences continue on. This policy prescription is problematic on both equity and efficiency grounds.

BRIEFLY NOTED

Eliminating diversity preferences while leaving athletic and legacy preferences untouched screams “that not all preferences in college admissions are created equal.” This message is not likely to play well in the town square. What is more, the economic theory of the second-best counsels that eliminating one market distortion (diversity preferences) while retaining others (athletic and legacy preferences) does not necessarily improve efficiency. For more on this, see my essay with Glen O. Robinson, “Eliminating Racial Preferences in College Admissions,” *The Economists Voice* 9(1), 2012.

Leef apparently believes that there should be no preferences of any kind. I believe this policy would be ill-advised, at least in the short-run. Eliminating race-based preferences is not socially desirable and eliminating athletic and legacy preferences may not be financially viable. In any event, this discretion is not unlimited because the market will discipline the

degree to which universities are able to engage in these tradeoffs.

Conclusion/ Schumpeter observed over 70 years ago that competition “disciplines before it attacks.” In college admissions offices, this means that the rivalrous competition that prevails for “the best and the brightest” ensures that Harvard cannot sustain admissions practices that run counter to market forces. It is noteworthy that the website for Leef’s organization, the James G. Martin Center for Academic Renewal, states that it is committed to improving higher education based on “the belief that competition is an excellent regulating force.” On this belief we can agree.

I offer two final observations. First, there is no evidence to date that Harvard’s admissions practices have damaged its esteemed reputation, but that is what would be expected if these practices truly were discriminatory. Second, if Harvard is engaged in discrimination, the market will

administer the requisite discipline as the multitudes of academically gifted students that Harvard has supposedly cast aside enroll at other prestigious universities and in so doing augment those institutions’ reputations. It follows that Harvard either *is not* discriminating, in which case the issue is moot, or it *is* discriminating and the market can be expected to correct it. The policy conclusion is that barring any non-transitory market imperfections that impede the *competitive process*, government intervention is ill-advised because it would not be expected to improve efficiency.

The seminal theme of Leef’s critique is that “the 1950s are calling and they want their universities back.” Irrespective of what the court ultimately decides in the Harvard case, we can rest assured that the future of higher education will not be found in its past.

DENNIS L. WEISMAN
Professor emeritus of economics
Kansas State University




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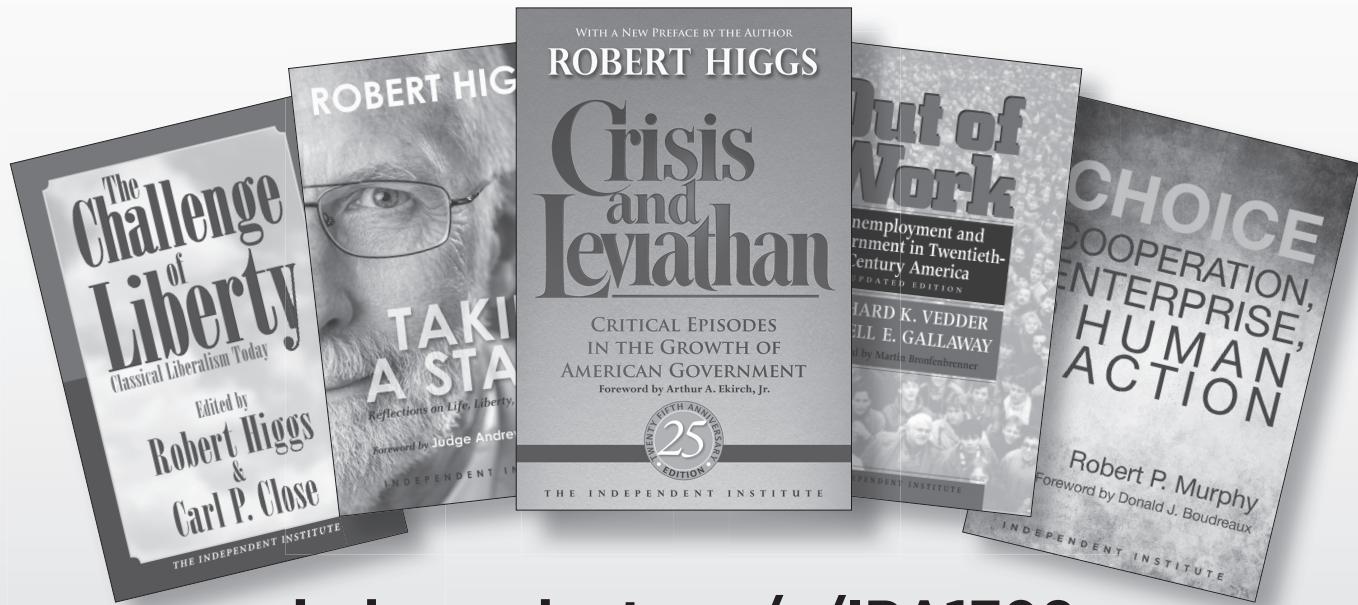
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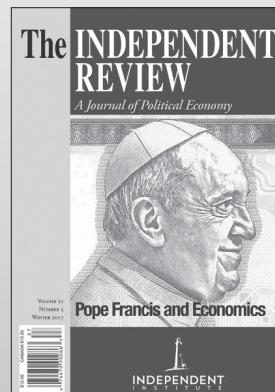
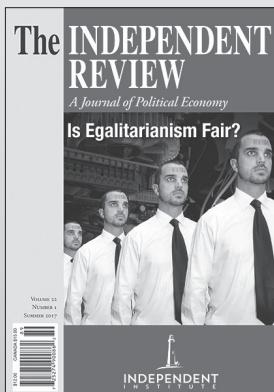
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