Affirmative Action's Testament of Hope: Strategies for a New Era in Higher Education (review)

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BOOK REVIEW


In July of 1995, the University of California Board of Regents issued a resolution that prohibited the university from using race, religion, sex, ethnicity, or national origin as criteria for admission to any of the university's institutions (Altbach, Lomotey, & Kyle, 1999). This resolution was a dramatic and historical event in the 30-year history of affirmative action policy in the United States. In this instance, the Board of Regents was responding to an executive order by then-Governor Pete Wilson to stop preferential treatment of certain minority groups and promote individual opportunity based on merit.

Some critics of affirmative action policy, like Wilson, believe it has always legalized discrimination against unprotected groups, such as White males. Other critics assert that affirmative action has served its purpose to "level the playing field" for women and minorities and therefore is no longer necessary. In either case, it is apparent that affirmative action policy is currently under attack as reactive legislative steps are being taken around the country to eliminate affirmative action from the higher education enterprise.

The chapters of Mildred Garcia's new book, *Affirmative Action's Testament of Hope: Strategies for a New Era in Higher Education*, provide a thorough background for scholars, administrators, students, and all others interested in the current debate over affirmative action in higher education. As is often the case with edited volumes, each chapter stands alone to provide depth and understanding to this important issue. The book need not be read in any particular order, but if one should choose to take it in sequentially, Garcia leads off by providing the backdrop for the book in its first chapter. The volume is historically saturated and risks dis-
appointing some readers by not illustrating several of the strong affirmative action programs currently in place at American post-secondary institutions. The case study focus of the book will please readers who are interested in detailed narrative, as well as those who enjoy legal analyses, which are ubiquitous.

With a brief description of the events surrounding the birth of affirmative action in the mid-1960s, Garcia sets the stage in chapter 1 for the contributions that follow. Specifically, she points to the direct link affirmative action has with the passage of Title VII of the Civil Rights Act and the subsequent executive orders from President Lyndon Johnson. She contends that postsecondary institutions must begin to recreate affirmative action for the twenty-first century by building on successes and learning from legal setbacks.

In chapter 2, John Howard provides a comprehensive historical account of the Black struggle for equal rights. Howard’s contribution adds context to the ongoing affirmative action debate by describing the legal scaffolding erected by court decisions since the end of the Civil War. The author divides the body of the chapter into three highly detailed sections. First, he focuses on the legal genesis of segregation in the United States from the Civil Rights Cases of 1883 up to Brown v. Board of Education in 1954. Next, Howard describes the public effort to end segregation in the period between the Brown decision and the Civil Rights Act of 1964. Finally, Howard discusses several legal challenges to affirmative action policy, including three cases involving higher education: DeFunis v. Odegaard (1974), Bakke v. Board of Regents (1978), and Podberesky v. Kirwin (1995).

In chapter 3, a statistically heavy review of the current literature, Robert Ethridge argues that affirmative action has not outlived its usefulness. He asserts that continued support and proper enforcement of affirmative action legislation are necessary to proceed on the path toward racial and gender equity. Further, Ethridge provides evidence that rejects the commonly held view that affirmative action policies cause undue hardship to White males. These policies do appear, he argues, to be effectively increasing minority representation in the workplace and in higher education.

In the next chapter, Linda Flores and Alfred Slocum examine how affirmative action has broadly benefited Americans in general, rather than merely a targeted citizenry. They begin by clev-
erly contrasting the enthusiasm with which Americans supported the untested GATT and NAFTA accords to the apathetic response affirmative action policy successes have received. The authors then move to outline how affirmative action has specifically worked to improve conditions within the realms of labor, higher education, and public works. Interestingly, in this piece Flores and Slocum frame affirmative action as a stopgap measure for flagrant and entrenched practices of racial and gender inequities. Affirmative action, in their view, serves to provide opportunities for minorities in the short term, but it is not a goal itself. They make the argument that the success of affirmative action needs to be recognized and encouraged while we work for the fulfillment of the promise of true equality.

In chapter 5, Sylvia Hurtado and Christine Navia offer the first essay in the volume that strictly addresses the role and scope of higher education within the context of affirmative action policy. Specifically, the authors discuss frequent misconceptions regarding student access to higher education and how the affirmative action debate has been fueled to some degree by these misconceptions. Using a historical perspective, Hurtado and Navia discredit the myth of meritocratic admission standards. With a review of empirical studies, they make the point that an objective definition of a qualified applicant does not exist. The authors show that giving different weight to specific “academic” admission criteria can change the racial makeup of student bodies and that selecting students on a wide variety of criteria will help to ensure that only those most “qualified” will be offered admission, regardless of race or gender. Hurtado and Navia echo several other contributors to the book when they refute the notion that students, particularly White students, are adversely affected by affirmative action. In fact, they provide evidence that reveals a growing gap between African Americans and White Americans in terms of college participation rates.

After posing the question, Does race really matter? Hurtado and Navia respond emphatically in the affirmative. They persuasively make the case that, because race has mattered for centuries, and continues to explain gaps in academic access among racial groups, it certainly does matter now. Here the authors echo their colleagues,
Flores and Slocum from chapter 4: “It was race that got us into this mess, and it will be race that gets us out” (p. 100).

While most of the contributors to this book praise higher education institutions for taking the lead in implementing affirmative action policies voluntarily, Caroline Sotello Viernes Turner and Samuel Myers provide a more hostile portrait of institutional hiring of faculty of color in chapter 6. Similarly, while most of the book espouses the success of affirmative action policy through the years, this piece points out one particular area where women and people of color continue to be underrepresented—the professoriate.

Turner and Myers discuss the results of their multidimensional study, which addresses the current underrepresentation of faculty of color and the workplace environment for minority faculty at Midwestern colleges and universities. Utilizing census data, the authors show that African American, Native American, and Latino faculty members are severely underrepresented on Midwestern campuses. Qualitative data add voice to the discussion while their analyses reveal five themes that explain what Turner and Myers call the “chilly climate” for minority faculty members. Finally, the authors augment their evidence with survey data that indicate a dearth of institutional mechanisms to promote the recruitment and retention of minority faculty.

In chapter 7, Bonnie Busenberg and Daryl Smith reflect on how the last 30 years of affirmative action has affected the advancement of women in higher education. The authors briefly discuss how women came to be included as a protected class with President Johnson’s Executive Order 11375 in 1967. The decree came 3 years after affirmative action policy was implemented and added “sex” to factors including race, creed, color, and national origin. Busenberg and Smith specify how affirmative action has been implemented in institutions of higher education. Specifically, they discuss how hiring practices have become increasingly public activities rather than a perpetuation of the “intellectual inbreeding” that has worked to exclude women and minorities from positions in the academy (p. 154). Using the dramatic stories of Nobel laureates Maria Goeppert Mayer and Barbara McClintock, the authors insist that, since women scholars have a history of suffering institutionalized gender discrimination within the academy, they are indeed justified in their claim to protection through affirmative action policies.
Busenberg and Smith echo other contributors with their cogent assault on the myth of meritocracy. They conclude by honestly acknowledging that affirmative action, as it stands, is inadequate, but make a plea to women in academe to recognize their progress under affirmative action and support the current policies until real and lasting change can be realized.

Sexual orientation is not a classification listed for protection under Title VII of the Civil Rights Act of 1964. Consequently, some employment decision makers have interpreted the law to mean that discrimination based on a candidate’s sexual orientation is acceptable. In chapter 8, Robert Rhoads makes the case that colleges and universities should recognize the spirit of the law rather than the letter of the law and take affirmative action to prevent discrimination against lesbian, gay, and bisexual faculty, students, and staff. Rhoads makes a particularly useful distinction between homophobia and heterosexism and points out that both are pervasive at American postsecondary institutions. Further, homophobia and heterosexism continue to leave many people feeling marginalized, disenfranchised, and oppressed as they struggle to pursue their educational and/or professional careers.

Utilizing the stories of several queer faculty members, Rhoads demonstrates the difficulty lesbian, gay, and bisexual faculty members undergo as they negotiate the hiring process, the tenure maze, and the personal anguish of wondering who to trust and when to “come out.” The author illustrates similar experiences with campus staff by citing the work of Croteau and von Destinon (1994), as well as Croteau and Lark (1995), who found perceptions of homophobic discrimination ubiquitous among queer student affairs professionals. With voices from his own study of the coming out process, Rhoads explains the feeling of “invisibility” that many lesbian, gay, and bisexual undergraduates experience.

Alfred Slocum’s second contribution to the book is made solo. In chapter 9 he provides comprehensive analyses of several recent legal cases involving higher education—cases that challenged institutional programs designed to take affirmative action to prevent racial discrimination. Specifically, Slocum examines Bakke v. Board of Regents (1978), Doherty v. Rutgers School of Law (1980), and Hopwood v. Texas (1994). He concludes that the Bakke and Hopwood cases were wrongly decided and both judgments
have dramatically influenced the roles of the judiciary branch of government and the legislative branch. For example, both decisions caution the legislative branch to set policy in a color-blind fashion lest it be deemed unconstitutional by the courts. Slocum argues that these rulings ignore the history of racial discrimination in this country and also tie the hands of lawmakers who would implement affirmative action policies rather than corrective legislation. The author believes that unless policymakers are allowed to consider race in attempts to level the playing field, institutions of higher education are certain to continue the custom of White privilege.

The oft-cited Hopwood case is the subject of the book’s final contributed chapter. Albert Kauffman and Roger Gonzalez review the Hopwood v. State of Texas (1994) decision. They include a helpful glimpse at background information and antecedents of the case. Kauffman and Gonzalez discuss the lower courts’ majority and dissenting opinions and an explanation of the Supreme Court’s decision not to hear the case. After a summary of the implications of the Hopwood decision, the authors provide practical alternatives for postsecondary institutions to consider when devising “court-proof” admission policies. They conclude with a condemnation of admission committees’ heavy reliance on standardized test scores.

Mildred Garcia’s second essay passionately solicits the reader to take up arms and join in the battle against opponents of affirmative action. She outlines eight strategies that she suggests higher education decision makers employ to prevent systematic exclusion of qualified individuals from educational opportunities. Here, Garcia focuses exclusively on the issue of educational access for women and people of color. By doing so, she neglects the issue of discrimination in hiring, a problem to which several chapters are devoted (e.g., Ethridge; Turner & Myers; Busenberg & Smith; Rhoads).

Highlighted in Garcia’s conclusion is an interesting deficiency of the book—no contributions specifically address the relationship between the dearth of educational opportunities and underrepresentation of minorities in the workplace. This, of course, is a serious dilemma in academe. While most of the contributing authors speak to either access issues or hiring issues, no one speaks to the connection between the two. It is a glaring oversight not to
address the circle of student admissions and faculty employment. William Tierney recently admonished, “If we do not increase the number of students of color, then the pool of available faculty remains small; if we do not have a viable number of minority faculty on campus, then one of the most important factors in minority student retention will be unavailable” (1997, p. 177).

Similarly, almost every contributor includes historical legal challenges to affirmative action policy. However, another curious omission exists. The book is short on detailed examples of successful college or university affirmative action programs. Alfred Slocum briefly touches on the Minority Student Program at Rutgers Law School, Kauffman and Gonzalez allude to the “success” of Harvard’s undergraduate admissions program, and Garcia briefly discusses the University of California at Los Angeles’s use of several criteria for admissions, but no one provides the details a college or university administrator would need to implement policy.

The editor’s emphasis on advocacy and on promoting affirmative action as an end rather than a means neglects some important points. This chosen emphasis may leave some potential advocates feeling overlooked. Many higher education decision makers and consumers favor racial and ethnic diversity as a moral benefit to the common good, but many are not attracted to affirmative action policy in any narrow sense as a way of achieving that diversity. The case made in this book does not have their interests in mind; rather, the arguments, though thorough and persuasive, continue to push on the opposition instead of seeking common ground to embrace the common goal of a diverse academy. Further, the narrow attachment to affirmative action makes the whole case vulnerable to changes in the political climate, which may not be hostile to racial and ethnic diversity, but cannot withstand the opposition to affirmative action.

In addition, this book would benefit from steps taken to make the argument more accessible to its readers. First, it appears that the contributors did not have access to each other’s essays. That would account for the repetition of introductory material, legal case examples, and attacking the same myths. For example, Bakke v. The Board of Regents was cited at many different places in the book, usually to make a similar point. A second technical flaw is that there are very few internal references to the work of other
contributors. In a volume as tightly focused as this one, the reader ought not to be forced to page forward and backward, lining up the complementary or conflicting arguments. Those references should be part of the text, making it easier for the reader to take in the argument of the volume as a whole.

Overall, despite its minor flaws, the book is an enlightening read. It provides insight and thorough analysis on several issues regarding affirmative action policy. Although much of the book is dedicated to the legal history of the past 30 years of affirmative action (many cases are repeatedly discussed in chapter after chapter), issues such as reverse discrimination, institutionalized discrimination, and underrepresentation are highlighted. This book will provide the reader with much of the background necessary to make informed decisions and engage in the debate around the continuing experiment of affirmative action.

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References


