



“Summary of article by Susan Sturm and Lani Guinier: The Future of Affirmative Action: Reclaiming the Innovative Ideal” in Frontier Issues in Economic Thought, Volume 5: The Political Economy of Inequality. Island Press: Washington DC, 2000. pp. 281-286

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## **“Summary of article by Susan Sturm and Lani Guinier: The Future of Affirmative Action: Reclaiming the Innovative Ideal”**

This article reframes the discussion of affirmative action to focus on the underlying question of how to allocate high stakes opportunities in an increasingly diverse and changing environment. Along with its critics, many proponents of affirmative action leave unchallenged embedded assumptions that conventional processes of selecting workers and students are functional and fair, and that affirmative action programs serve as limited exceptions to these normally adequate and unbiased processes. In fact there are significant flaws in the way institutions select among applicants, and the debate over affirmative action can serve as an opportunity for institutions to evaluate and reform conventional selection processes in general.

This article shows that the current "meritocracy" is neither fair nor functional. This purported "meritocracy" is actually a "testocracy" that is founded on the use of standardized tests to predict future accomplishment in work and study. These tests fail to predict future performance for the majority of test takers, and do not equip employers and educational institutions to respond to the demands of an unpredictable, rapidly changing economy. The authors argue that there is a need for a new paradigm for recruitment, selection, and promotion, and they offer as one alternative a framework for selection that shifts the focus from prediction to experience based on structured, participatory, and accountable assessment.

### **The Stock Affirmative Action Narratives**

The critics of affirmative action offer a stock narrative that revolves around the themes of merit and fairness. In this narrative, a white, male applicant is denied employment or school admission in favor of a woman or person of color whose test scores are a few points lower. Underlying this stock story there are two important assumptions: that standardized tests such as the SAT, LSAT, and civil service examinations accurately and neutrally measure merit, and that fairness is the allocation of opportunity according to this objective measurement of worth. The stock story frames the affirmative action debate in terms of racial preferences that depart from the normal, universal for determining merit that are purportedly functional and fair. These stock stories thus mask more fundamental concerns about the adequacy of current selection processes. The ensuing debate over the legitimacy of current affirmative action programs takes on a static, win-lose character. By examining the assumptions that shape the stock narrative, the prospect of constructing effective and fair approaches to selection can emerge.

### **Unpacking Merit, Fairness, and the "Testocracy"**

Among its various possible meanings, merit is most widely embraced as a functional concept related to the capacity to perform effectively. While the stock affirmative action narratives equate merit with performance on standardized tests, numerous studies show that employment and educational test scores correlate poorly with later performance levels and that these tests do not accurately predict achievement. Attributes such as discipline, emotional intelligence, commitment, drive to succeed, reliability, creativity, and interpersonal and leadership skills - attributes shown to be important to successful work and school performance - are not measured by any paper-and-pencil test. When institutions rely heavily on standardized test scores in their selection processes, they end up excluding successful performers and potential leaders whose skills are not easily quantifiable. Not only do standardized tests fail to "measure merit," they arbitrarily rank order candidates for selection who are indistinguishable in their predicted future performance. The stock narratives of affirmative action assume that a process is fair that treats everyone the same. But studies show that standardized tests advantage candidates from higher socio-economic levels and disproportionately screen out women, people of color, and those in lower-income brackets. These tests therefore do not provide a fair ranking of candidates. They arbitrarily employ a method of selection that favors a particular group, when there are other methods that are equally or more reliable that can avoid these exclusionary effects. The stock affirmative action narratives therefore normalize and legitimate selection processes that closer inspection reveals to be neither functional nor fair.

### **The Need for a New Paradigm of Selection and Inclusion**

Judicial opinions about affirmative action rarely scrutinize the general selection processes themselves, and many critics concerned about racial and gender justice continue to treat affirmative action programs as add-ons to existing, admittedly dysfunctional selection standards. There are several reasons why it is important to move from affirmative action as an add-on to affirmative action as an occasion to rethink the organizing framework for selection generally.

One reason for refocusing the affirmative action debate is that affirmative action as add-on is often counter-productive. While relying on race and gender plus factors to reach numerical hiring goals may at times make short-term sense by providing quick and visible results, race- or gender-based departures from prevailing standards are not perceived, treated, or responded to in the same ways as other departures from these standards. These departures are more highly visible than those benefiting dominant groups, and they therefore frequently arouse suspicion or resentment among co-workers and students towards perceived beneficiaries of affirmative action and play into existing stereotypes about gender and race. Affirmative action-based departures can also appear to pit diversity concerns against concerns about merit and institutional efficiency and too often divert attention from the role of diversity in enhancing the productivity and efficiency of organizations.

Another reason for refocusing the affirmative action debate on overall selection processes is that such a debate can reveal the inaccuracy of these processes' underlying assumptions about workers and jobs. Current selection standards treat the capacity to perform as though it exists in people apart from their opportunity to work on the job and standardized tests as though they can measure this capacity in applicants. Experience shows, however, that the capacity to do a job is

typically gained by having the opportunity to do it and that performance correlates best with on-the-job training. Conventional selection processes also presume that institutions know what they are looking for and value in workers and students, yet research shows that many institutions have no clear definition of successful performance. Standardized selection focuses on the decontextualized individual even though team performance and the capacity to interact effectively is increasingly essential in today's workplace. Prediction as the model of selection has created an illusion of precision and validity that disables institutions from developing more dynamic and functional ways of choosing qualified candidates. Assessment through opportunity to perform works better for a variety of reasons than tests for performance.

### **Reclaiming Merit and Fairness: Opportunity and Accountability**

The current debate over affirmative action could potentially become a dialogue about how to reconceive approaches to selection that will benefit everyone. This reconceptualization of selection is a critical step in the pursuit of racial and gender justice. As part of an effort to spark this dialogue, the authors propose a framework to selection that attempts to meet the dual challenge of inclusiveness and economic revitalization.

The proposed model of selection starts by moving from prediction-based assessment to performance-based assessment. The first step in this move is to change how test scores are used in selection. At the very least, decision makers should only take into consideration bands or zones of scores that are reliably different from one another instead of unreliable, numerical scores, and test scores should not be used to rank candidates or as independent screens that function as prerequisites for further consideration.

To compensate for a reduced reliance on test scores, this model proposes that institutions employ a variety of other means to distinguish between candidates. In the employment context, decision makers would assume responsibility for constructing a dynamic and interactive process of selection that is integrated into the day-to-day functions of the organization. This process might, for example, rely on assessment done by those who would work with particular candidates on a day-to-day basis. A significant challenge posed by relying on individual assessments is to develop systems of accountable decision making that minimize the expression of bias. One way of doing this is to require decision makers to articulate criteria of successful performance, document activities and tasks relevant to the judgment, assess candidates in relation to those criteria, and offer sufficient information about the candidates' performance to enable others to exercise independent judgment.

In the educational context, too, there are various ways in which schools could develop opportunities for selecting students based on their performance rather than on standardized test scores. Schools, for example, can make admission decisions based on students' performance in preparatory programs, and universities can emphasize transfers from community colleges as a significant part of admissions.

The role of race, gender, and other categories of exclusion in this proposed model of decision making changes significantly from what it is currently. Rather than operating as an add-on, after-the-fact response to the failure of the overall selection process, race and gender would serve

as a signal of organizational failure and as a catalyst of organization innovation. The proposed model embraces a functional conception of diversity that builds on both instrumental and normative goals.

The proposed model seeks to integrate selection and productivity, and perhaps the most broadly persuasive instrumental argument for this model is that it has the potential to improve institutional efficiency and productivity in a variety of ways. By reducing decision makers' reliance on ineffective standardized testing, a performance-based model would allow institutions to develop means to select better-qualified candidates. At the same time, a more dynamic, interactive approach to selection would require institutions to assess and monitor their needs in order to continually reformulate and update standards for recruitment.

Although the proposed model may appear more expensive to implement than traditional, standardized selection processes, an investment of resources up front has the potential to enhance the overall productivity of the organization, both by identifying more productive individuals and by enabling the institution to adapt better to its changing environment.

This model builds on a functional theory of diversity. Research has shown that organizations that incorporate diverse groups of people with their various vantage points, skills, and values promote creativity, problem-solving, and innovation, among other qualities valuable to successful institutions. At the same time, diversity concerns that highlight race and gender discrimination within the organization can treat such discrimination as a signifier of systematic breakdowns within the organization's decision making structure. By monitoring for race and gender discrimination, institutions can also discover and address more general management problems, such as poor organization or arbitrary treatment of workers. Finally, appealing to race and gender concerns remains an important way of bringing marginalized groups into the general dialogue about creating a new progressive agenda.

The proposed model attempts to develop a truly fair selection processes in contrast to the failed meritocracy currently in place. Performance-based selection is less likely to exclude people who can actually perform in a position and has the potential to create a participatory and accountable selection process, which can enhance individuals' autonomy and institutions' legitimacy.

Finally, there is normative basis for the proposed model based on the democratic imperative. Work and education are becoming basic components of citizenship in today's world, and selection processes serve as screens to participation. These screens must be drawn in the least exclusive manner consistent with an institution's mission. The current testocracy, however, screens out candidates unfairly, while performance-based selection would increase democratic decision making and broaden opportunities for participation.

In conclusion, our institutions do not currently function as fair and functional meritocracies. Only by rethinking our assumptions about the current system and future possibilities can we move toward the ideals about opportunity based on merit that so many Americans share. This enterprise offers the possibility of bringing together many who are adversaries in the current affirmative action debate and reconnects affirmative action to the innovative ideal.