The Meritocracy Myth
A *Dollars & Sense* interview with Lani Guinier
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Lani Guinier became a household name in 1993 when Bill Clinton appointed her to
head the Civil Rights Division of the Justice Department and then, under pressure from
conservatives, withdrew her nomination without a confirmation hearing. Guinier is
currently the Bennett Boskey Professor of Law at Harvard University where, in 1998,
she became the first black woman to be tenured at the law school.

Guinier has authored and co-authored numerous books including, most recently, *The
Miner's Canary: Enlisting Race*, *Resisting Power*, *Transforming Democracy* (2002,
with Gerald Torres); and *Who's Qualified?: A New Democracy Forum on Creating
Equal Opportunity in School and Jobs* (2001).

Guinier's latest book, *Meritocracy Inc.: How Wealth Became Merit, Class Became
Race, and College Education Became a Gift from the Poor to the Rich*, will be
published in 2007. This past summer, she offered a glimpse of her upcoming book in
this interview with D&S intern Rebecca Parrish.

Rebecca Parrish: What is meritocracy? What is the difference between the
conventional understanding and the way you are using the term in Meritocracy, Inc.?

Lani Guinier: The conventional understanding of meritocracy is that it is a system for
awarding or allocating scarce resources to those who most deserve them. The idea
behind meritocracy is that people should achieve status or realize the promise of
upward mobility based on their individual talent or individual effort. It is conceived as a
repudiation of systems like aristocracy where individuals inherit their social status.

I am arguing that many of the criteria we associate with individual talent and effort do
not measure the individual in isolation but rather parallel the phenomena associated
with aristocracy; what we're calling individual talent is actually a function of that
individual's social position or opportunities gained by virtue of family and ancestry. So,
although the system we call "meritocracy" is presumed to be more democratic and
egalitarian than aristocracy, it is in fact reproducing that which it was intended to
dislodge.

Michael Young, a British sociologist, created the term in 1958 when he wrote a science
fiction novel called The Rise of Meritocracy. The book was a satire in which he
depicted a society where people in power could legitimate their status using "merit" as
the justificatory terminology and in which others could be determined not simply to
have been poor or left out but to be deservingly disenfranchised.

RP: How did you become interested in studying meritocracy in the first place?

LG: I became interested in the 1990s as a result of looking at the performance of women in law school. A student and I became interested in the disparity between the grades that men and women at an Ivy League law school were receiving. Working with Michelle Fein and Jean Belan, we found that male and female students were coming in with basically the same credentials. The minor difference was that the women tended to have entered with slightly higher undergraduate grades and the men with higher LSATs.

The assumption at that time was that incoming credentials predicted how you would perform. Relying on things like the LSAT allowed law school officials to say they were determining admission based on merit. So several colleagues told me to look at the LSAT scores because they were confident that I might find something to explain the significant differences in performance. But we found that, surprisingly, the LSAT was actually a very poor predictor of performance for both men and women, that this "objective" marker which determined who could even gain access was actually not accomplishing its ostensible mandate.

I then became interested in studying meritocracy because of the attacks poor and working class whites were waging against Affirmative Action. People were arguing that they were rejected from positions because less qualified people of color were taking their spots. I began to question what determines who is qualified. Then, the more research I did, the more I discovered that these so-called markers of merit did not actually correlate with future performance in college but rather correlated more with an applicant's parents' and even grandparents' wealth. Schools were substituting markers of wealth for merit.

RP: As a theorist of democracy, how do you approach issues of educational equity and achievement differently from other scholars? Are current educational institutions democratic?

LG: My approach builds on and borrows from work of many other scholars. It perhaps expands on it or shifts emphasis. For example, many people defend Affirmative Action on grounds that there are multiple measures of merit and that bringing diverse students to the school would benefit the learning environment. The problem with this argument is that it pits diversity as a counterpoint to merit. And, the argument is not strong enough to counter the belief in "merit" as an egalitarian and democratic way to allocate scarce resources. I am arguing that there are fundamental flaws in the over-reliance on these supposedly objective indicators of merit. This approach positions poor people and people of color as the problem rather than problematizing the ways we measure merit in the first place.

RP: Can you talk about the Harvard and Michigan studies?

LG: Harvard University did a study based on thirty Harvard graduates over a thirty-year period. They wanted to know which students were most likely to exemplify the things that Harvard values most: doing well financially, having a satisfying career and contributing to society (especially in the form of donating to Harvard). The two variables that most predicted which students would achieve these criteria were low SAT scores and a blue-collar background.

That study was followed by one at the University of Michigan Law School that found that those most likely to do well financially, maintain a satisfying career, and contribute to society, were black and Latino students who were admitted pursuant to Affirmative Action. Conversely, those with the highest LSAT scores were the least likely to mentor younger attorneys, do pro-bono work, sit on community boards, etc.

So, the use of these so called "measures of merit" like standardized tests is backfiring on our institutions of higher learning and blocking the road to a more democratic society.

RP: You refer to college education as a gift from poor to rich.

LG: Anthony Carnevaly made that statement when he was the vice president of the Educational Testing Service. He did a study of 146 of the most selective colleges and universities and found that 74% of students came from the top 25% of the socio-economic spectrum. Only 3% came from the lowest quartile and 10% (which is 3% plus 7%) came from the bottom half. So that means that 50% of people in the country are providing substantial state and federal taxes to both public and private institutions even though they are among those least well off and are being excluded from the opportunity.

RP: In Meritocracy Inc., you'll be exploring the relationship between class and race in structuring US society. What insights can you offer into their relationship? How can we think about class and race in our efforts to democratize higher education?

LG: The argument I'm making is that in many ways race is being used as a stand in for class. I am not saying that race and class are coterminous but that people look at race and see race because it is highly visible but they don't see class.

RP: Can you give some examples?

LG: In Arkansas in 1957 whites rioted as Central High School in Little Rock was desegregated by nine carefully-chosen middle-class black students. The rage and hate on people's faces was broadcast on national television and President Eisenhower had to send in the National Guard to ensure that blacks could get an education. What most people don't know is that at same time as the leaders of city of Little Rock planned the

desegregation of Central High, they built and opened a new high school located in area where the sons and daughters of the doctors and lawyers lived.

Blacks were coming in at the same time that upper class whites were exiting and this was part of what provoked the intense backlash; there was the sense among the working class whites who remained that their chances for upward mobility were lost because they could no longer fraternize with the middle and upper class. Previously, there were only two high schools in Little Rock, one white and one black. So Central High was segregated by race and integrated by class. Now Central was integrated by race and segregated by class.

Beth Roy did interviews with white graduates of Central High thirty years later [for her book Bitters in the Honey] and determined that many of them still blame blacks for the failure of themselves and their children to gain a secure toehold in a middle class lifestyle. They think that the American Dream owed them individual opportunity through its promise that if you work hard and play by the rules you will succeed. The problem with the American Dream is that it offers no explanation for failure other than that you deserve your lot in life and that if you fail there must be something wrong with you. Many people are perfectly willing to believe that success is individual but don't want to think about failure as individual and no one wants to believe that they deserve to fail. So they find a scapegoat and blacks were an easy scapegoat in this case. Even thirty years later, the white graduates of Central High claimed that blacks stole the American Dream.

While the integration of Central was hyper-visible, the building of Hall High was kept under wraps--most people still don't know about it. Wealthier whites were able to get away with building Hall High because blacks were used as a scapegoat.

RP: You and Gerald Torres wrote about the Texas Ten Percent Plan in The Miner's Canary. How does that relate to this?

LG: Sheryl Hopwood was a white working-class woman who applied to the University of Texas Law School and was denied admission. In 1996, she sued the university for racial discrimination, arguing that less qualified blacks and Latinos had taken her spot. Thirty-nine years after Central, she sued in the district court and then in the Fifth Circuit and won, but the problem with the court's analysis was that they did not look behind the school's claim that all slots, except for those bestowed through Affirmative Action, were distributed based on merit.

It actually turns out that the school's own formula for determining merit disadvantaged Sheryl Hopwood. She went to a community college and the University of Texas Law weighted her LSAT scores with those of other applicants from her school and graduating year. Because her community college drew from a working class population,

Hopwood's own LSAT score was negatively weighted. So Hopwood's chance of attending the University of Texas was diminished because of class status not because of her race.

After the ruling in Hopwood's favor, a group of legislators and concerned citizens determined that the University of Texas would not return to its segregationist roots. They started investigating the population of the University of Texas graduate school and found that 75% students admitted according to "merit" were coming from only 10% of high schools in the state. These schools tended to be suburban, white, and middle or upper class. Their logic was that if the University of Texas is supposed to be a flagship school and a place from which the state's leaders would be drawn, then 10% of students from each high school in the state should be automatically eligible for access. So the Texas Ten Percent Plan was passed by the legislature and Governor Bush signed it into law.

It all started with concern about racial diversity but it was discovered that class was also at the core. The law ultimately passed because a conservative republican legislator voted for the law when he learned that not one of his constituents, who were white and poor or working class, had been admitted in the previous cycle. So, "meritocratic" standards were keeping out poor and working class whites, especially the rural poor. Many people worried that if SAT scores were eliminated as marker, then grades would go down. However, those who've come in based on the Ten Percent plan have had higher freshman year grades.

RP: You've said before that race is being used as a decoy.

LG: Race was being used as a decoy for class, leading working-class and poor whites to challenge Affirmative Action, and to challenge the integration of Central High School. In fact, meritocratic standards, which favor the wealthy, have kept them out. Too often, poor and working class whites are willing to throw their lot in with upper class and middle class whites because class is obscured while race is quite visible. People think that if anyone can succeed, if these other whites can succeed, then they can too because merit claims to be about the individual operating without regard to background conditions.

RP: So what are the background conditions of students of color attending elite universities?

LG: Many students admitted through Affirmative Action are not that different from those admitted through conventional standards of merit because schools are so committed to the annual issue of US News and World Report that ranks educational institutions according to the their students' standardized test scores.

In Ivy League schools, a large percentage of Latinos and blacks are foreign-born and don't identify with communities of color who are born in the United States. I'm not arguing that international students should not have access to US institutions. It is significant, however, that while in the '70s and '80s, blacks and Latinos entering through Affirmative Action were coming in from poor U.S. communities and were passionate about returning to those communities and lifting as they climbed. Currently, schools are more concerned about admitting people who have high SAT scores who will boost their status than recruiting leaders. Education is changing from an opportunity for students to explore and grow to institutions that are consumed with rankings. Education is becoming about providing credentials to obtain high-paying jobs rather than training people for a thriving democracy.

Rebecca Parrish was a Dollars & Sense intern in the summer of 2005.