



Lani Guinier, author of "The Tyranny of the Meritocracy," speaking at the University of Rochester in New York.

J. ADAM FENSTER / UNIVERSITY OF ROCHESTER

Lessons in meritocracy

Civil rights attorney Lani Guinier talks about the failure of our higher education system to create a better democracy and the damage done to society

BY JARED PABEN
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Americans are a competitive lot, and that can have its advantages, but not necessarily when it comes to educating a generation that will need to collaborate in order to solve our intractable problems.

That's the perspective of civil rights attorney and Harvard professor Lani Guinier, whose new book takes issue with the higher education system's reliance on our society's interpretation of "merit" to determine who gets into college.

"We're very good at competing, especially in an individualistic way," Guinier tells me. "But in terms of solving problems, especially problems that are longstanding and significant, I believe we're better off learning how to work together to solve those problems."

"The Tyranny of the Meritocracy: Democratizing Higher Education in America" was released on January 13. In it, Guinier argues that our university system, through its admissions process, is creating an elite, exclusive and individualist society, when what we need is a more democratic learning community.

Guinier is the author of several books, including "The Tyranny of the Majority: Fundamental Fairness in Representative Democracy," which discusses voting rights and America's elections system.

Throughout her life, Guinier has been an

outspoken pioneer in the civil rights movement. She was the first woman of color to be appointed to a tenured professorship at Harvard Law School. Earlier in her academic career, she was a professor at the University of Pennsylvania Law School. In the late '70s and early '80s, she served as an attorney in the Civil Rights Division at the U.S. Department of Justice. Through most of the '80s, she served as assistant counsel for the NAACP's Legal Defense & Education Fund.

But her name is probably familiar for another reason. In 1993, President Bill Clinton nominated her to the position of assistant attorney general for civil rights, but facing controversy and negative press later withdrew the nomination.

Today, the education rights of students around high-stakes testing has drawn increased attention from social justice advocates, and Guinier's focus on the university system highlights the progression of those policies.

Jared Paben: *Could you give us an overview of the merit system that's used by colleges and universities for admissions and why you believe it's not working?*

Lani Guinier: My critique of the current system is focused on the practice — or the questions that are part of the practice — of interviewing, determining and evaluating students who are worthy of being admitted. And I'm using the concept of merit as an

incentive system that basically rewards actions a society values. And so, in the United States, what this society seems to value is performance on a paper-and-pencil test that, presumably, predicts how smart you are. "Predicts" meaning it evaluates how smart you are and then predicts how well you're going to do in college.

And my concern is that our thinking about merit has been preoccupied with competitive individualism in terms of how you're going to get into college, rather than what you're going to do after you graduate from college, which I think of as being more meritorious. What contribution are you going to make to the larger society, whether it's through politics or through business or through community development? And I'm here, in some ways, relying on the work of David Labaree, who is a professor of education at Stanford University, and he talks about the values of higher education and whether those values are measured based on the contribution to democracy — that is, to the larger society — or the influence that higher education has on the individual in a kind of competitive individualism: The individual benefits from being "smarter" based on a performance that is often a paper-and-pencil test, rather than based on merit that's defined by or reviewed and conceptualized as a contribution to solving important problems.

J.P.: *Who are the victims of the testocratic merit system that we have now, and why?*

L.G.: By "victims," I assume you mean (people) who are not benefiting from our contemporary conception of what merit is. And those are poor and working class whites, poor and working-class blacks — poor and working-class people of any race. Because the conventional testocracy that has been adapted and adopted throughout the United States tends to reward people based on their ability to do certain kinds of testing. It was revealed that one's SAT scores are really not very predictive of one's college grades and, more importantly, are even less predictive of the kind of citizen that you are going to be in terms of the contribution that you can make the larger society as a result of your benefitting from the lessons and the challenges of higher education.

J.P.: *How heavily do educational institutions lean on test scores, as opposed to other factors, in admissions? The Harvard website, for example, says admissions staff look at various qualities. And they even ask, "What sort of human being will you be in the future?" But it didn't include the words "test," "score" or "SAT."*

L.G.: Yes, well they're interested — it's certainly much more than a one-dimensional test score. They want to know what kind of person you are.

J.P.: *So it's not strictly a single criterion that the educational institutions are using? It's really a whole idea or a whole attitude surrounding the quality of candidates for colleges?*

L.G.: In a sense, yes. And that's a good thing, because you're looking at people in a three-dimensional way, based on what you've said. The problem is that that three-dimensional way includes the ability to take certain tests that are then normed to the test scores of upper middle-class white students. And why are they normed to upper middle class white students? Because those are the students whose parents have the money to pay for them to go to test prep, so that they can then do well on these tests. So that the tests — as one scholar said — are better predictors of the car your parents drive than they are predictors of how well you're going to do in college.

J.P.: *Is the root of the problem that colleges are not admitting enough students, including those with lower test scores, and/or that we need more scholarships and grants for students?*

L.G.: Well, my critique of your question is that it assumes that the goal is to determine who does best on tests. But if you look at the work of David Labaree of Stanford, institutions of education have broader goals than simply admitting people who are very smart. Part of their goals is to educate people who are going to be leaders in society, to educate people who are going to be problem solvers in this society. These are not ideas or commitments that you can determine based on someone's SAT.

J.P.: *This is a little bit of a different question, but of special interest to me because I did do a term of AmeriCorps: What role do national service programs or the military have*

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