Constitutional Commentary

1986

Book Review: Choosing Elites: Selecting the "Best and the Brightest" at Top Universities and Elsewhere. by Robert Klitgaard.

Thomas J. Bouchard Jr.

Recommended Citation

Bouchard Jr., Thomas J., "Book Review: Choosing Elites: Selecting the "Best and the Brightest" at Top Universities and Elsewhere. by Robert Klitgaard." (1986). *Constitutional Commentary*. 1076.
https://scholarship.law.umn.edu/concomm/1076

tists to be "no more dependable in the quest for social justice than other citizens. . . . [and] primarily responsive to majority fashion, prejudices, and power." What had happened, of course, was that the issue of de jure Southern segregation had been replaced by the issue of "school busing," a much more controversial question in the academy.

Judges often are left to pick and choose among conflicting opinions to justify their decisions, or, as the Supreme Court did in the exclusionary rule and capital punishment cases, to ignore the social scientific findings as hopelessly inconclusive. The level of dissensus in the scholarly community is no doubt disconcerting to lawyers and social scientists alike. It means that there is no objective science of society to which the courts can turn. Social research cannot rescue the courts from the dilemma of how to make political judgments in a principled fashion.

CHOOSING ELITES: SELECTING THE "BEST AND THE BRIGHTEST" AT TOP UNIVERSITIES AND ELSEWHERE. By Robert Klitgaard.[1] New York: Basic Books. 1985. Pp. 267. $19.95.

Thomas J. Bouchard, Jr.[2]

In his *Bakke* opinion, Justice Lewis Powell presented the admission process at Harvard College as a model worthy of emulation:

> The experience of other university admission programs, which take race into account in achieving the educational diversity valued by the First Amendment, demonstrates that the assignment of a fixed number of places to a minority group is not a necessary means toward that end. An illuminating example is found in the Harvard College program.[3]

A consensus as to the merits of the Harvard model was, however, not achieved by the Justices. Justice Harry Blackmun argued, "I am not convinced, as Mr. Justice Powell seems to be, that the difference between the Davis program and the one employed by Harvard is very profound or constitutionally significant. The line between the two is a thin and indistinct one. In each, subjective application is at work."[4]

---

1. Associate Professor of Public Policy, Harvard University.
2. Professor of Psychology, University of Minnesota.
3. Regents of the University of California v. Bakke, 438 U.S. 265, 316 (1978).
4. *Id.* at 406.

The information about Harvard's admission program was provided to the Court in an amicus brief and appears, in part, as an appendix to Justice Powell's opinion. *Choosing Elites* provides a more detailed description of the selection process at Harvard College and places that program in a larger and more meaningful context.

The title of this book implies that admission procedures carried out at a variety of colleges and other institutions will be examined. This is not the case. The focus is almost exclusively on selection at Harvard University. This is not as great a loss as it might seem because Harvard has, over the years, used a number of different admission procedures within its various programs of study. In addition there is great variety in the procedures currently being used. This variety in procedures over time and space, within a single institution, allows Klitgaard to examine their underlying rationale in some detail, a process which includes interviews with knowledgeable parties in each program.

The current diversity of selection programs at Harvard is striking. As Klitgaard puts it:

> Someone interested in how to choose an elite will not find an explicitly worked out and empirically justified policy for doing so anywhere at Harvard. Instead, one discovers divergent views, strongly held but seldom validated in ways that academicians would validate propositions in their chosen fields of study, and procedures that persist out of habit and custom.

This situation is typical of that found at many fine universities. It raises a number of important issues over which everyone involved in the selection process has agonized. In my opinion, the most agonizing issue is the role of unvalidated human judgment in the selection process. As Klitgaard shows, and many of us have experienced in our own work on selection committees, each committee (and sometimes the same committee from year to year) develops its own theory of what the entering class should "be like." This theory then generates a further set of assumptions about what characteristics lead to success within the configuration that defines the desired class. In selection jargon, neither the selector variables (the characteristics), nor the criterion (the desired outcome), are fixed.

It is widely believed that scholarly excellence is the major basis for selecting students at elite institutions. As Klitgaard points out, Harvard College specifically denies having chosen its student body in this manner for the last thirty years. Why this apparent contradiction? The purported reason is that most students who apply and are selected come from the right "tail" of the distribution of "talent." They have, in other words, been academically successful and

score very high on selection test batteries such as the Scholastic Aptitude Test (SAT). This is the main reason why selection committees and admissions officers feel so free to introduce human judgment into the selection process. An example of the reasoning involved is given in the last paragraph of the description of the Harvard College selection procedure:

> The further refinements sometimes required help to illustrate the kind of significance attached to race. The Admissions Committee, with only a few places left to fill, might find itself forced to choose between A, the child of a successful black physician in an academic community with promise of superior academic performance, and B, a black who grew up in an inner-city ghetto of semi-literate parents whose academic achievement was lower but who had demonstrated energy and leadership as well as an apparently-abiding interest in black power. If a good number of black students much like A but few like B had already been admitted, the Committee might prefer B; and vice versa. If C, a white student with extraordinary artistic talent, were also seeking one of the remaining places, his unique quality might give him an edge over both A and B. Thus, the critical criteria are often individual qualities or experience not dependent upon race but sometimes associated with it.[5]

This procedure bears all the hallmarks of rationality and good sense. But is it good sense? Is it fair? Is it reasonable? These questions are political and social; they cannot be answered by "experts." How does the procedure work? Will it work the way the presenter asserts it will? Is the theory of selection valid? These, by contrast, are questions that can be answered by experts.

The problem of clinical versus statistical prediction is an old issue in psychology. In lay terms, the question is whether one can predict a candidate's performance (as a student, a professor, a lawyer, or what-have-you) better after interviewing him, or some other subjective procedure, than by rigid statistical methods. Most people believe that they can, but the evidence suggests otherwise. The fundamental problems were systematically organized and evaluated in 1955 by Paul Meehl.[6] A large body of evidence, encompassing many new problems of prediction, has accumulated on this topic and it all points toward the same conclusion: human judges are susceptible to multiple sources of error rendering it improbable that they will predict well and certain that they will do less well than statistical procedures. Human judgment in the form of individualized evaluations is more likely to lead to results that are arbitrary rather than fair or valid.[7]

Klitgaard takes it for granted that there are fundamental indi-

---

5. *Id.* at 324.
6. P. MEEHL, CLINICAL V. STATISTICAL PREDICTION (1955).
7. *See generally* R. NISBETT & L. ROSS, HUMAN INFERENCE: STRATEGIES AND SHORTCOMINGS OF SOCIAL JUDGMENT (1980).

vidual differences in a wide range of talents, skills, and abilities, and that elites cluster at the high end of the distribution of these traits. Indeed, those individuals who apply for positions in elite institutions are already a highly self-selected population. The problem is thus one of selection and prediction "at the right tail." This stance does not imply that these traits are inherited or fixed, nor does it assume that individuals low in these traits cannot succeed. It does imply that, given these differences and the fact that resources are limited, everyone cannot be given an opportunity to enroll at Harvard in order to find out if indeed they are capable of completing the program. Choices must be made. The author also recognizes that every society is characterized by diversity in the composition of its population. There clearly are group differences (sex, age, race, religious background, social class), as well as individual differences. All of these differences raise issues of fairness in the allocation of scarce resources.

It is not widely appreciated how old and pervasive these problems really are. Marco Polo introduced the idea of a civil service system (including testing and selection) to the West on the basis of his experiences in China. It was quickly recognized as superior to the various spoils systems. He appears not to have warned us that the Chinese had already had to deal with the issue of ethnic, regional and class differences.[8] It was a problem whose solution eluded the Chinese then and it continues to elude modern psychometricians. The reason it has eluded us is simple. It is not a technical problem. It is a social, political and philosophical problem.[9]

Klitgaard wisely does not attempt to provide a solution. Instead he seeks to furnish frameworks for decisionmaking which can be used given a particular set of objectives. In my opinion, he succeeds admirably. He does this by providing a clear and detailed review of how admission procedures function, the techniques of prediction and selection, the evidence on the effectiveness of selection, and finally a lucid discussion of the problem of representation of groups.

One of the strangest features of *Bakke*, perhaps, was the Court's failure to mention the question of test bias. Some have argued that consideration of this problem would have led to adjust-

---

8. W. FRANKE, THE REFORM AND ABOLITION OF THE TRADITIONAL CHINESE EXAMINATION (1961).

9. *See* Snyderman & Rothman, *Science, Politics, and the IQ Controversy*, Spring 1986, THE PUB. INTEREST 79, for an interesting discussion of this problem.

ments and corrections for invalid admissions criteria.[10]   With
respect to the question of predictive bias (the extent to which tests
are predictively biased against certain groups), the evidence as Klit-
gaard reports it is quite to the contrary:

> Differences in scores cannot be attributed to predictive bias in the tests. Indeed,
> predictions made using test scores and high-school grades actually overstate the
> later performance of blacks relative to whites. Compared to whites with the same
> test scores, blacks on average underperform in college, in graduate schools, and on
> some measures of job performance . . . . Whatever its causes, overprediction means
> that for racially unbiased academic prediction at the right tail, blacks' scores should
> be adjusted downward by perhaps a standard deviation.

While his treatment of the facts is excellent, Klitgaard leads
the reader to believe that little work has been done on the problem
of bias in mental testing. This is incorrect. There is now a large
literature devoted to this topic and the field has developed an elabo-
rate quantitative technology.[11]   The overall results are highly
favorable to standardized tests, a conclusion that Klitgaard arrives
at somewhat independently.

Among the qualified, how does one choose? One of the most
widely cited arguments against the use of standardized tests (and
one can substitute the term *intelligence tests* without doing violence
to the arguments) is that these instruments focus on a vary narrow
range of human characteristics, namely academic abilities. This ar-
gument has been presented by both lay critics of testing and some
scholarly critics,[12] but it is not accepted by most scholars in the
domain of mental measurement.[13] There have been numerous at-
tempts to redefine the concept of human abilities to encompass a
larger range of behavior and numerous attempts to relate other
characteristics besides abilities to academic success. As Klitgaard
grudgingly admits, none of these attempts have been successful.
Klitgaard's conclusions were a surprise to him and will come as a
surprise to many of his lay readers:

> This tentative conclusion depends of course on many value judgments, but its pri-
> mary source was factual: given the current state-of-the-art prediction at the right
> tail, selective universities will do better achieving their objectives by choosing the

---

10. *See* White, *Culturally Biased Testing and Predictive Invalidity: Putting Them on the Record,* 14 HARV. C.R.- C.L. L. REV. 89 (1979).

11. *See* R. BERK, HANDBOOK OF METHODS FOR DETECTING TEST BIAS (1982); A. JENSEN, BIAS IN MENTAL TESTS (1980); A. JENSEN, STRAIGHT TALK ABOUT MENTAL TESTS (1981); Kaplan, *The Controversy Related to the Use of Psychological Tests,* in HANDBOOK OF INTELLIGENCE: THEORIES, MEASUREMENTS, AND APPLICATIONS 465 (B. Wolman ed. 1985).

12. H. GARDNER, FRAMES OF MIND: THE THEORY OF MULTIPLE INTELLIGENCES (1983); S. GOULD, THE MISMEASURE OF MAN (1981).

13. *See* Brody, *The Validity of Tests of Intelligence,* in HANDBOOK OF INTELLIGENCE, *supra* note 11; Snyderman & Rothman, *supra* note 10.

academically ablest students, with appropriate allowance for the representation of groups. We simply cannot predict much of interest with the other intuitively pleasing criteria now available.

These conclusions are, in my opinion, sound and well supported by the available evidence.

OUT OF ORDER: AFFIRMATIVE ACTION AND THE CRISIS OF DOCTRINAIRE LIBERALISM. By Nicholas Capaldi.[1] Buffalo, New York: Prometheus Books. 1985. Pp. x, 201. $17.95.

Marylee C. Taylor[2]

In this book, Nicholas Capaldi endeavors to persuade us that liberalism is bad, that it dominates university culture, and that one of its pernicious outgrowths is affirmative action. We are told at the outset: "[A]ffirmative action was the inevitable consequence of the social philosophy known as doctrinaire liberalism, . . . doctrinaire liberalism is the entrenched philosophy of academic social science, . . . affirmative action very nearly destroyed the university as a viable, independent institution—and it would have if that policy had remained unchecked."

Since affirmative action is such a central target for Capaldi, I will begin by considering his description of affirmative action and its social context. I will then look at Capaldi's theoretical depiction of liberalism.

I

Capaldi attempts to attack the foundation of affirmative action, which he identifies as "the assumption that the potential of blacks is roughly equivalent to that of whites." Elsewhere he explains his meaning: in line with their assumption that talent is proportionally distributed across races and sexes, affirmative action proponents interpret unequal outcomes to reveal unequal societal treatment in need of remedy. Capaldi is right on this. Phrased differently, unless one believes that races or sexes differ in potential or natural talent, social factors become the only reasonable explanations for differences in outcomes. He is also right in noting that we do not

---

1. Professor of Philosophy, Queens College, CUNY.
2. Associate Professor of Sociology, Pennsylvania State University.