Making Sense of the History of Affirmative Action

In *The Pursuit of Fairness: A History of Affirmative Action*, Terry Anderson offers an account of the development of preferential racial policies in education and employment from the New Deal to the Supreme Court’s affirmative action cases of 2003. Although there are some references to the impact of affirmative action on women, the book focuses predominantly on key policy developments and debates relating to preferences for African Americans. Anderson asserts at the start that he has “no ax to grind, no agenda, just a fascination at how this contentious policy developed and changed over the years,” and the history he offers makes an effort to allow both supporters and critics of affirmative action to be heard (p. xi).

This is not to say, however, that Anderson’s account is necessarily “balanced,” if a balanced account would strive to give relatively equal space and credibility to both supporters and opponents of affirmative action. Although Anderson carefully avoids making explicit his personal beliefs, the entire structure of the book presents affirmative action as the rightful heir to the civil rights movement. The book also portrays opponents of affirmative action as more close-minded than its supporters, less aware or less concerned with the disadvantages many minorities in America face. While such assumptions, I imagine, will be unproblematic for most readers, they are at least worth noting.

Surprisingly, considering the provocative and interesting nature of the subject, *The Pursuit of Fairness* is strikingly uneventful, with few surprises for informed readers. Anderson unearths no revelatory sources, explores no previously unexamined topics or issues relating to affirmative action, and presents no new interpretation to help us understand its tangled history. Even as a brief work of synthesis targeted toward nonhistorians or students, it contains few rewards. The writing is not particularly engaging and, more significantly, it does not contain the centripetal tendencies that make for a good synthetic work. Anderson takes the reader on too many side-trips, allows the sound and the fury of affirmative action squabbles to dominate too much of the book, and fails to do the necessary work of placing the larger issues in historical perspective.

The closest Anderson comes to a unifying theme is his sporadic reference to the concept of “fairness.” As indicated in the title, Anderson suggests that this concept is a useful tool for explaining the history of affirmative action. But fairness, at least as employed here, fails to serve this purpose. We learn that in 1940, racial discrimination was thought “fair,” that because of the civil rights movement “the concept of fairness began to change in America” (p. 48), and that by the end of the sixties “the meaning of fairness had changed considerably” (p. 107). Then we learn that the development of affirmative action in the following decades “raised questions of fairness” (p. 83). By the 1992 presidential election, “fairness became a campaign issue” (p. 207). At the end of his book, Anderson concludes that some moderate version of racial preferences had become generally accepted in American society—in other words, most Americans considered such policies to be “fair” (p. 273). But what does
the concept of fairness tell us about the history of affirmative action? Clearly both sides of the debate assert that their position is "fair," but this observation does little in terms of historical explanation. Although the concept of fairness has much rich theoretical potential (as shown, for example, in the work of political philosopher John Rawls), the term in its standard, everyday usage does not supply much of a guide for a history of affirmative action.

*The Pursuit of Fairness* is also limited by Anderson’s decision to tell the history of affirmative action from an exclusively top-down perspective. There is certainly a need for more accounts of affirmative action from the level of policy-makers, although some excellent scholarship has already done so.[1] But a general history of the topic that ignores the impact of local events is problematic. In Anderson’s account, the development of affirmative action is reduced to the choices made by a handful of policy-makers and judges. He seems particularly enthralled by presidential politics, and he breaks his chronological narrative every four years to give a brief recap of the presidential election, complete with anecdotes about scandals, third-party candidates, and election trail embarrassments. What all this has to do with affirmative action is usually left to the reader’s imagination.

Perhaps the most valuable aspect of this book is the author’s research into media coverage relating to affirmative action from the 1970s onward. Anderson effectively captures the visceral anger of the affirmative action wars, as one side’s salvo leads the other to ratchet up the polemical volume. Unsurprisingly, the result was plenty of rhetorical posturing and little elucidation of the underlying issues. Anderson draws extensively on periodicals and newspapers, and these can often be quite revealing in tracing the ways in which the media has sought to characterize the debate. He also frequently cites polling data, which is at times illuminating, although surveys of attitudes toward affirmative action are particularly susceptible to manipulation and can often produce inconclusive results.[2]

Opponents of affirmative action who happen to read this book will be glad to discover that the past decade or so—what Anderson terms the "Age of Diversity"—has seen the "demise" of affirmative action. Although such a characterization might be useful for civil rights activists who want to defend or strengthen affirmative action policy, it is hard to know what to make of this assertion as a historical conclusion. Affirmative action opponents have clearly scored some significant victories, such as Proposition 209 in California or the *Hopwood v. Texas* decision handed down by the Fifth Circuit in 1996. Yet the larger, more interesting story is the continued viability of racial preferences in the face of such an onslaught. One of the striking, if unacknowledged, facts demonstrated in this book is the ambivalence most conservatives have toward affirmative action. Underneath the bluster of accusations of reverse discrimination and paeans to the color-blind ideal, few mainstream conservatives are willing to make the substantial political sacrifices that a true dismantling of the program would entail. The Supreme Court’s recognition of the continued need for affirmative action in higher education in the University of Michigan cases—cases that elicited amicus briefs in support of racial preferences from military and business leaders—was just the latest manifestation of the relative permanence of affirmative action on the American landscape. The practice, if not necessarily the ideal, of affirmative action has a powerful place in contemporary American life that is not easily uprooted.

Notes


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