
“Meritocracy and its Effect on Distributive Justice”

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Abstract: This paper examines the admissions process of elite universities as it relates to distributive justice. Although the American education system is intended to be a meritocracy, the current framework for higher education is aristocratic in practice because the current definition of merit rationalizes an unjust distribution of advantage. To evaluate if this is just, I will examine whether or not the meritocratic system of elite universities is consistent with John Rawls’ theory of justice as fairness and Robert Nozick’s entitlement theory. I will then develop my own claim as to why the current system in place for university admissions is an unjust system. The critique of the higher education system can thus open a discussion about other systems in society built around a biased conception of meritocracy.

The education system is a central component of American culture. From preschool through university, it directly impacts the lives of the American youth as they prepare to enter the workforce. Although the system is intended to be meritocratic, it has become increasingly evident that the system can, instead, be aristocratic in practice. This is particularly evident when examining the admissions process of elite universities in the context of theories of distributive justice. In this paper, I examine whether or not the meritocratic system of elite universities is consistent with John Rawls’ theory of justice as fairness and Robert Nozick’s entitlement theory. I then develop my own claim as to why the current system in place for university admissions is an unjust system.

At our own institution, Washington and Lee University, 81 percent of the student body come from the top twenty percent of parent income, whereas only 1.5 percent come from the bottom twenty percent.¹ Additionally, we have the second largest share of students from the top fifth per cent of parent income and the third highest median parent income out of 65 elite colleges.² Does this mean that wealthy students are the primary applicants that are considered to have outstanding merit? Or, does this mean that students from a lower socioeconomic status are simply not applying? In his book, *The Meritocracy Trap*, Daniel Markovits posits that, although meritocracy seems like it would be a fair framework for higher education, our definition of merit merely rationalizes an unjust distribution of advantage (Frank). He claims that elite universities are “a mechanism for the concentration and dynastic transmission of wealth, privilege and caste across generations.”³ For example, the families that can afford to do so enroll their children in private schools and hire expensive tutors, effectively giving their children an advantage over those that come from families of lesser economic means. Is this just? In order to answer this question, I will first look to Rawls’ theory of distributive justice.

John Rawls’ theory of justice as fairness uses the contractalist theory to determine principles of justice for a society. This theory situates persons in a hypothetical initial situation and asks what principles of justice rational persons who are mutually disinterested would choose in this initial situation. In Rawls’ hypothetical initial

situation, people determine principles without knowing what their place in society will be or what natural assets and abilities they have.⁴ By eliminating knowledge of what can be considered morally arbitrary factors, Rawls argues that the parties in the initial situation would agree on a conception of justice with principles intended to benefit each and every member of society.⁵ The first principle, known as the principle of liberty, states that “each person is to have an equal right to the most extensive scheme of equal basic liberties.”⁶ The second principle states that “social and economic inequalities are to be arranged so that they are (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.”⁷ Importantly, this does not mean that everyone will be equal in society— it simply means that careers should be earned through effort and talent, rather than social contingencies.

According to Rawls’ theory, then, an institution can be considered just when no arbitrary distinctions are made between people in the assignment of basic rights and duties, and when the rules determine a proper balance between competing claims to the advantages of social life.⁸ This means that, in the case of the education system, Rawls would consider it unjust for a student to receive more opportunity to gain knowledge solely because they are smarter than another student. If the student earns the opportunity by whatever means are acceptable within the institutions that are structured in a way that is consistent with the principles of justice, however, Rawls would say their gains should be considered just.⁹ He acknowledges that this is not the way that the system currently operates in our society: “institutions of society favor certain starting places over others...they affect [people’s] initial chances in life; yet they cannot possibly be justified by an appeal to the notions of merit or desert.”¹⁰ As an institution of society, Rawls would argue that our current education system relies on morally arbitrary factors surrounding students’ identities as opposed to merit. This effectively causes the rules in place to determine an improper balance of acceptance into elite universities between students of different socioeconomic classes. The resulting distribution of opportunity, thus, does not treat students with equal moral respect. As a result, the institutional structure of elite universities cannot be considered just under Rawls’ theory of distributive justice.

While Rawls thinks it is unjust for the structure of an institution to sometimes favor some over others based on morally arbitrary factors, Robert Nozick does not see a problem with a distribution that results from this type of favoritism. Nozick’s understanding of justice is explained in his entitlement theory, which focuses on individual holdings. Nozick argues that whether a distribution is just depends upon how it came about. To evaluate this, his theory is broken into two parts: the original acquisition of holdings and the transfer of holdings.¹¹ It is the principle of transfer that comes into play in the case of elite universities. The principle of transfer in holdings applies to goods that are exchanged or already held. What is upheld in the principle of transfer is the right of the owner to freely choose what to do with one’s holdings, or as Nozick puts it, “the right to choose what to do with what one has.”¹² This means the transfer must be voluntary, transparent, and free from fraud, and if it is, the transfer is just. Whatever overall distribution results from a series of individual just transfers is, by definition, a just distribution.¹³ This does not necessarily mean that everyone deserves the holdings they receive, but rather that their entitlement to their holdings is just so long as it was a voluntary and transparent exchange for both parties.¹⁴

To connect this to the application process for the higher education system, the exchange of holdings would be between an individual student and the university at large. When a student submits their application, they have voluntarily chosen to transfer some of their holdings to the university. Likewise, when a university accepts a student's application, they have voluntarily chosen to transfer some of their holdings to the student. The student's liberty in this case would be the right to choose to create and submit their application, where the liberty of the university is its right to accept or deny that application. In this way, the application process is consistent with the principle of transfer insofar as it is a voluntary exchange on both sides.¹⁵ The application process, however, can be simultaneously inconsistent with the principle of transfer because it is not completely transparent or free from fraud.

Although students are not encouraged to blatantly lie, they are told how important it is that their application stands out. For students who don't have a lengthy resume, this can be a very daunting quest. Most low-income students in the United States rely solely on their high school counselors to guide them through the college admissions process, but these counselors serve so many students that it is near impossible for them to provide everyone with their individualized attention.¹⁶ Students from wealthy families, however, have the opportunity to hire private counselors to guide them through the process. They can also afford preparation materials and classes for the SAT and ACT tests, explaining why College Board data consistently shows that, on average, wealthier students earn higher scores.¹⁷ These applications are not fully transparent, in that students don't report if they had professional help with their tests or essays. It is important to distinguish these applications from overtly fraudulent ones caused by bribery, falsified test scores, or fabricated athletic/professional identities. The commonality between both kinds of applications is the lack of transparency between who the student actually is and who the university thinks they are, which is a key issue for Nozick. Thus, since Nozick argues that a transfer can only be just if it is transparent, the transfer of applications that exhibit a lack of transparency is unjust.

Rawls would contend that a student's application is shaped by their starting position, and because students begin at different positions, these applications have just as much to do with social contingencies as they do effort and talent. This is because Rawls' concept of justice as fairness sets expectations for the representative class.¹⁸ Nozick's theory of justice, however, evaluates whether or not a situation is just on an individual level given the history of the holdings. Nozick would argue that the numerous college applicants who falsify information are transferring holdings that they did not justly obtain and, therefore, they cannot justly transfer them. For the college applicants who take SAT or ACT preparation classes or get professional help with their essays, Nozick would look at the original acquisition of the money required for these opportunities and ultimately determine that the acquisition and subsequent transfers are unjust. The admissions process of elite universities is such that it does not demand absolute transparency, meaning Nozick would come to the same conclusion as Rawls that college applications have just as much to do with wealth as they do merit. Thus, the institutional structure of elite universities cannot be considered just under Nozick's entitlement theory.

To construct my claim, I will return to Markovits' criticism of our society's definition of merit as it relates to elite universities. Rawls would say the way to correct

this would be to redefine merit to be free from arbitrary social influence. Doing so would require a complete overhaul of the current system of education so that it could be redesigned in accordance with his principles of justice. This is not a realistic solution, however, it does address the severity of allowing an unjust system to shape generations of the past and, more importantly, the future. David Golden, author of *The Price of Admission: How America's Ruling Class Buys Its Way into Elite Colleges - and Who Gets Left Outside the Gates*, investigated a situation in which the parents of a student at Harvard allegedly paid up to \$6.5 million to a college counselor to “bribe standardized test administrators and college coaches in upper-class sports like crew, sailing and water polo, even staging photos of the applicants playing various sports.”¹⁹ He stresses that these criminal tactics represent extreme practices prevalent under the surface of college admissions that undermine the American credos of upward mobility and equal opportunity.²⁰

This is why I argue the meritocratic system of elite universities is unjust: the application process wrongly includes economic wealth as a factor of merit. It is not just for students that originate from lower income households to have lesser opportunity because they lack the economic ability to pursue a higher quality education than that provided by our government. Thus, I reason that wealth should not be included in the conception of a student's merit because it ultimately causes the system to function as a means of perpetuating aristocracy. Many universities have transitioned to need-blind admissions policies, but this simply means that a student's financial need is not taken into consideration when a university decides to accept or deny their application.²¹ Although this is a step in the right direction, it does not fully acknowledge the deeper issue at hand; higher education cannot be considered a meritocratic system if it allows wealthy families to buy merit for their children as early as preschool. Even with the need-blind admissions policy, 70 percent of Brown's student body come from the top twenty percent of parent income and the school has the highest median parent income out of twelve Ivy League and selected elite colleges.²² Thus, eliminating the impact that wealth has on the entire education system will allow merit to be redefined so that it accurately reflects the effort and talent of each student. As Markovits suggests, this new definition of merit that does not rationalize an unjust distribution of advantage could turn the admissions process of elite universities into the meritocracy it claims to be. This satisfies both Rawls' difference principle by affording applicants equal opportunity and Nozick's theory of acquisition by ensuring that applicants' holdings are just.

If universities acknowledge that the current system is unjust and change the rules to ameliorate the inequality, then perhaps we can prevent our democracy from being undermined by what Markovits calls a “meritocracy trap.” One group, New America, has recently asked Congress to bar legacy preferences in the college application process, saying “the college admissions landscape at highly selective institutions has been sustained by policies that favor the white and wealthy, propping up a status quo that blocks access to low-income students of color. Chief among those policies is the practice of giving preference to legacy students.”²³ On October 6, the *The Daily Pennsylvanian*, an independent daily student newspaper at the University of Pennsylvania, published an article entitled, “I'm a Legacy Student, and I'm Not Ashamed.” The author, Agatha Advincula, says we need legacy admissions:

Top universities and colleges like Penn consider legacy status because they understand the important role legacy plays in contributing to their brands... So yes, a student with a prestigious family name is particularly desirable not only because of the clout associated with their name, but also because of their potential philanthropy...by accepting these students, Penn reinforces a narrative of prestige all within the context of a Penn education.

Advincula’s perspective offers an interesting commentary on the effect that the admissions process can have on the culture of a university. More importantly, her comment that “legacy is part of the fabric at elite institutions”²⁴ shows that there is public acknowledgment of the inequality— an important step towards rectification. The critique of the higher education system can thus open a discussion about other systems in society built around a biased conception of meritocracy. It may be impossible to achieve the utopian ideal of an admissions process that is consistent with distributive justice as proposed by Rawls, but if we understand Markovits’ warning that meritocratic inequality produces near-universal harm, we can address the root of the issue instead of covering it up.

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