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Harvard Law Review Expands Affirmative Action

By **Dev A. Patel**, Crimson Staff Writer
 February 21, 2013

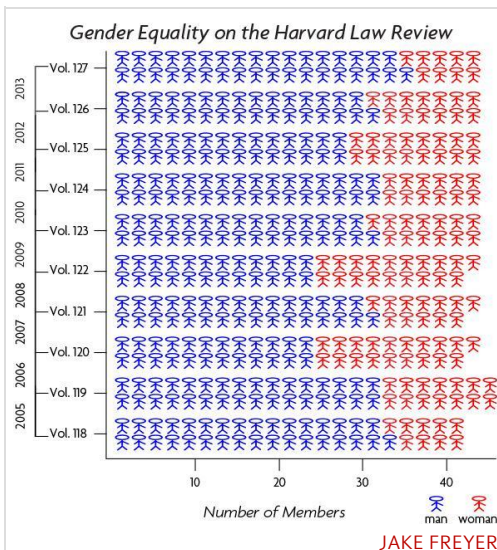
The Harvard Law Review, which has historically been staffed by disproportionately more men than women, has expanded its affirmative action policy to include gender as a criteria in its editor selection process.

Following a year in which just 20.5 percent of its elected editors were female, the Law Review will consider gender when choosing some of its applicants for the first time ever this year.

The majority of the Law Review's returning editors approved the policy change this January in an attempt to increase the number of female editors on the staff. Because of the specific nature of the Law Review's admissions process, the new policy will be used in choosing 12 of the Law Review's next 46 editors.

Second-year Law School student Gillian S. Grossman '10, the recently elected president of the Law Review who will lead the organization's 127th volume, wrote in an email that the policy change was among many considered to "enhance the diversity of the editorial body."

"Volume 127 decided that adding gender to the list of criteria considered by the discretionary committee was one good step in that direction," she wrote.



The most recently elected board of the Harvard Law Review had only 9 female editors, a low number even considering the historical gender imbalance.

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The changed affirmative action policy was one of several initiatives passed by second-year editors last month in preparation for taking over the leadership of the Law Review. The editors also approved a change that will add two more students to this year's pool of rising editors—increasing its size from 44 to 46—in the upcoming application process.

The Law Review, whose total staff is currently 25 percent female, selects new editors using three distinct application processes. Of the 44 editors elected in recent years, 20 are anonymously selected based solely on their performance on an annual writing test administered to first-year law students after their semester ends in May. An additional 14 editors are chosen based on a combination of their writing scores and their grades.

The remaining 10 spots are filled by a discretionary committee that incorporates applicants' grades, writing test scores, race, and any physical disabilities into their decisions.

But this year, the discretionary committee will fill 12 spots and consider gender in addition to its existing criteria.

The first group of applicants to be elected under this changed policy will be the editors of the 128th volume, who will be selected over the summer.

Grossman wrote that it remains to be seen how effective this policy will be in increasing the percentage of female editors.

“Because the Law Review has not yet started the selection process for Volume 128, it's too soon to tell what impact the policy will have,” Grossman wrote. “As a historical matter, the Law Review has tended to have a higher percentage of female editors than does Volume 127, so it is not unlikely that we would see an increase in the number of female editors in the next volume regardless of this policy, though of course we cannot know for certain.”

The Law Review's new policy comes in the midst of a national debate over race-based affirmative action in college admissions, an issue on which the Supreme Court is expected to rule this June.

—Staff writer Dev A. Patel can be reached at devpatel@college.harvard.edu. Follow him on Twitter [@dev_a_patel](https://twitter.com/dev_a_patel).

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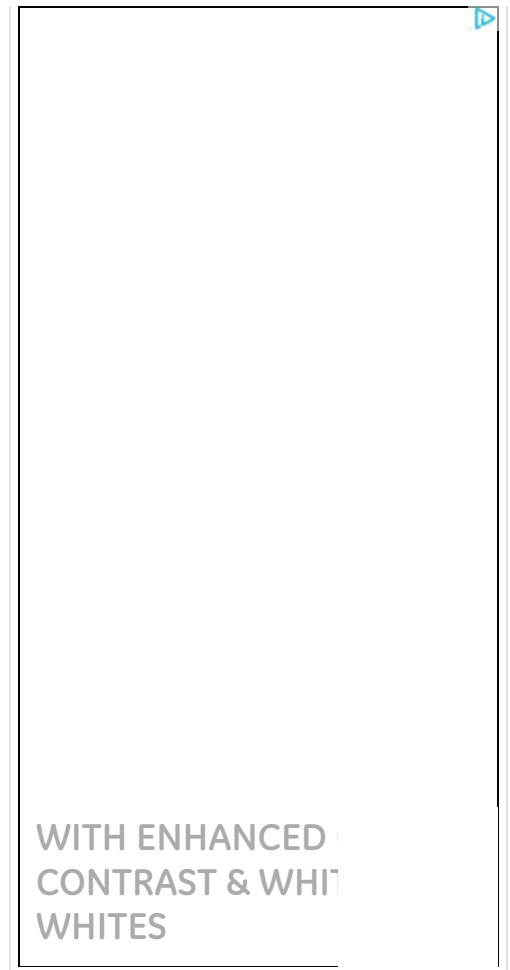
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boboadobo • 5 years ago

thank goodness, never put quality before gender.

46 ^ | v • Reply • Share ›



editor • 5 years ago

Because course grades and anonymously graded competition scores are known for discriminating against women

44 ^ | v • Reply • Share ›



Richard T. Greener • 5 years ago

Because it's not good enough that every African-American graduate carries around the stigma of presumptively lowered standards, now every woman graduate will bear the same burden. Way to spread the message that women can't compete!

41 ^ | v • Reply • Share ›



Jessie Jackson Jr → **Richard T. Greener** • 5 years ago

Because it has be shown that neither of those groups can comepeete. Lucky for them they will always have basketball and sewing.

4 ^ | v • Reply • Share ›



Ralph Winfield → **Richard T. Greener** • 2 years ago

Like Blacks and Browns and Aborigines, White women have always had this alleged burden. The only people who do not get a free ride are Working Class and Middle Class White heterosexual males. Oh, they're not worthy of being a government-protected group or class of people, and it's been 100% alright for fifty years to discriminate against them and deny them their rights. And they just have to lump it. If they do not like lumping it, then just label them racists, sexists, and bigots. And America and other Western nations, wonder why they've been non-competitive for decades.

^ | v • Reply • Share ›



White Male Former Law Review • 5 years ago

Congratulations. When hiring in the future, I will assume that any woman on the law review was picked based on chromosomes, not merit.

72 ^ | v • Reply • Share ›



15 → **White Male Former Law Review** • 5 years ago

Thank you for the perfect post.

14 ^ | v • Reply • Share ›



Not_Too_Smelly → **White Male Former Law Review** • 5 years ago

The credential value of HLR membership is not that the person was chosen for HLR. The selection process is based on (1) grades, which the employer can see anyway, and (2) a week-long artificial writing exercise. Most of the credential value comes from the actual experience of being part of the law review.

5 ^ | v • Reply • Share ›



HLS Alum → **White Male Former Law Review** • 5 years ago



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Yeah, cause throughout the history of Harvard Law Review, the candidate pool was narrowed enough that I'll just assume you didn't deserve it either... they just only chose white males.

10 ^ | v · Reply · Share ›



w → HLS Alum · 5 years ago

Yep, that anonymous selection process is super racially biased.

6 ^ | v · Reply · Share ›



MBA Student · 5 years ago

Plumbers are disproportionately male also. So are prison guards. Don't teachers tend to skew to a female majority? Where do you draw the line?

What is the criteria for determining the trade-off? Does gender off-set 10% lower grades on behalf of a female candidate? 20%? How do you determine the ratio? How much is being female intrinsically "worth"?

Also, what is a female that would have already gotten in otherwise uses up one of the 12 pre-marked spaces. Does the selection process purposely put her in the normal pool? Is she different from a female that took one of the 12 spots? What if in a given year, the split is 50%/50% and the 12 extra spots go all female. That puts you at 63% female. The next year, do you start allocating spots for men? What is the general rule for deciding how long to implement affirmative action for? 5 years of 50%/50%? 10 years?

Last, does this new policy eventually generate better quality work in any meaningful way? Is this diversity for diversity's sake?

25 ^ | v · Reply · Share ›



Guest → MBA Student · 5 years ago

Infantry casualties and workplace fatalities are overwhelmingly male. When will we implement quotas to overturn these male-dominated cesspools of patriarchy?

29 ^ | v · Reply · Share ›



Mark Sletmoen → Guest · 5 years ago

Thank you sir, thank from the bottom of my heart for stating what I think every day.

3 ^ | v · Reply · Share ›



sodakhic · 5 years ago

Could you sneak my daughter into Harvard? We live in the Dakotas so I'm sure our ancestors are Indian. She does have high cheek bones so she'll definitely pass for AA. Thanks.

16 ^ | v · Reply · Share ›



Water is healthier → sodakhic · 5 years ago

Harvard is a school for people, not potatoes. Wait, actually can your potato implement binary search?

1 ^ | v · Reply · Share ›



Ivan · 5 years ago

It's just another example of the dumbing down of the country for the sake of "diversity" - a goal that is anything but laudable.

13 ^ | v · Reply · Share ›



ZimbaZumba · 5 years ago

Well Harvard, cause from now on :-

Havard Law Review + Female = Worthless on a resume.

12 ^ | v · Reply · Share ›



Christopher Triple H Anthony · 5 years ago

This is a ridiculous idea. All of these quotas are. You can either have the most suitable candidates, or you can meet a quota. You can't have both.

10 ^ | v · Reply · Share ›



ogglaw · 5 years ago

A key fact not mentioned in the article is the gender makeup of the law school as a whole. What percentage of Harvard Law students are female? Of course, if we were being serious we'd ask if there is anything in the selection process that actually discriminated against women, but that would presume that fairness matters more than a pre-determined proportional number.

8 ^ | v · Reply · Share ›



Older CrimEd · 5 years ago

Back in the day, selection was based solely upon grades; there wasn't even a writing competition. What would be the gender/racial makeup of the HLR today if those criteria were in place still?

7 ^ | v · Reply · Share ›



MichaelSteane · 5 years ago

Degrees from Harvard are now worth slightly less than they were before.

4 ^ | v · Reply · Share ›



DizzyMizzy · 5 years ago

I think this great considering the fact, that white males are the reason why affirmative action exist at all. You guys don't get that it's not a thing against you but something for you reminding you that the world is not yours and now you are just suffering the backlash. Your anger is understood because its like an angry, spoiled, and coddled child being told they can't suck the tit anymore. But in the end both you and the child will survive and life will go on. You just have to get over it.

3 ^ | v · Reply · Share ›



andronicus veritas → DizzyMizzy · 5 years ago

I guess hard work, intelligence, and effort just aren't as important as a vagina. Seems unfair, somehow. Almost like being penalized for your gender?

Anyway, thank God the legal profession is FINALLY doing something about being only sixty five percent female.

I guess men who actually have earned their place will just have to "get over" that. Or, maybe, we could get a bit of a backlash going, demanding truly equal rights for everyone, for our sons as well as our daughters.

4 ^ | v · Reply · Share ›



HLS Alum · 5 years ago

Given the fact that this year's law review class had 44 people and only 9 were women, I think this is an important step. Assholes who suggest that they'll assume women don't deserve this place clearly have no understanding of how many qualified candidates there are in Harvard Law School, and how thinly the hairs get split to make HLR. Pull the sticks out of your asses and celebrate a move towards equality for a law review with a specious history towards women's rights (<http://en.wikipedia.org/wik...>)

8 ^ | v · Reply · Share ›



White Male Former Law Review → HLS Alum • 5 years ago

You don't mention if you were on Law Review. Given how tight your logic is, the ad hominem attack, and the dispassionate manner in which you make your argument, I think I can take a guess.

21 ^ | v • Reply • Share ›



Ivan → HLS Alum • 5 years ago

It's an important step in what direction? The direction of mediocrity? If a woman was qualified enough, based on merit, she would rise to the level she belongs. To set up a quota to ensure she rises to a specific level is disingenuous and diminishes the office she was "given" since she never earned it. Also, the individual that does deserve this office, has been discriminated against because of his sex. What path of recourse would you advise him to follow? Do you realize your showing people that discrimination is not only acceptable, but encouraged, as long as the right pet group of the moment is benefitting from it? Your premise is not only illogical, it's immoral and unethical.

19 ^ | v • Reply • Share ›



idkman → Ivan • 5 years ago

It's 'you're' not 'your.'

1 ^ | v • Reply • Share ›



Jessie Jackson Jr → HLS Alum • 5 years ago

Says the person who posts a wikipedia link.

7 ^ | v • Reply • Share ›



M0H0K • 5 years ago

You left out one piece of critical information that was actually supplied in the original article you cited: <http://www.thecrimson.com/a...>

"The remaining 10 spots are filled by a discretionary committee that incorporates applicants' grades, writing test scores, race, and any physical disabilities into their decisions."

This means 10 spots are already being filled using what you call "special consideration"; diversity measures that assess race and physical disabilities. This vital information you failed to include counters what little argument you did have that the addition of gender to this process could somehow lower the current standard.

2 ^ | v • Reply • Share ›



boboadobo • 5 years ago

actually if a fake native american can go from harvard to the senate...why not a guy being a fake woman. didn't tom hanks play a part like that back in the 1980's.

2 ^ | v • Reply • Share ›



Jack • 5 years ago

Man, when will men catch a break? <http://www.hark.com/clips/x...>

1 ^ | v • Reply • Share ›



Ralph Winfield • 2 years ago

Shouldn't only the best applicants get hired as Editors? Why does the Harvard Law Review seek quotas? This is not the American Way. Tssk, tssk, tssk.

^ | v • Reply • Share ›



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