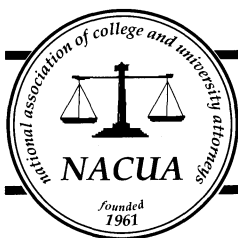

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WHAT GAME ARE THEY PLAYING?
A REVIEW OF *THE GAME OF LIFE*
BY JAMES L. SHULMAN & WILLIAM G. BOWEN

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In the *Game of Life*, James L. Shulman and William G. Bowen attack what they view as the overemphasis on sports in “selective” colleges and universities based on extensive data collected by the Andrew W. Mellon Foundation on the student classes of 1951, 1976 and 1989 from the following 30 schools, grouped in six categories:¹

Division IA Private Universities

Duke University
Georgetown University (basketball only)
Northwestern University
Rice University
Stanford University
Tulane University
University of Notre Dame
Vanderbilt University

Division IA Public Universities

Miami University (Ohio)
Pennsylvania State University
University of Michigan (Ann Arbor)
University of North Carolina
(Chapel Hill)

Division IAA Ivy League Universities

Columbia University
Princeton University
University of Pennsylvania
Yale University

Division III Coed Liberal Arts Colleges

Denison University
Hamilton College
Kenyon College
Oberlin College
Swarthmore College
Wesleyan University
Williams College

Division III Universities

Emory University
Tufts University
Washington University (St. Louis)

Division III Women’s Colleges

Barnard College
Bryn Mawr College
Smith College
Wellesley College

The authors’ major findings are that: (1) athletes constitute a sizable share of the student body (at smaller schools), principally due to recruitment,² (2) athletes are given a very substantial “statistical advantage” in the admissions process, much greater than for minorities or legacies;³ (3) athletes have low academic standing, under perform their predicted performance, and in the case of males, are highly concentrated in social science majors;⁴ (4) male ath-

* Nomura Professor of International Financial Systems, Harvard Law School. I was motivated to write this review in large part by the college athletic experiences of my two daughters, one at Princeton University and Williams College ‘00, the other at Williams College ‘04.

1. JAMES L. SHULMAN & WILLIAM G. BOWEN, *THE GAME OF LIFE* xxviii (2001).
2. *Id.* at 258-59.
3. *Id.* at 259-60.
4. *Id.* at 261-62.

letes earn more than their classmates, but not due to their college experience;⁵ (5) athletes have a jock culture;⁶ (6) athletes think of themselves as leaders more than other students, but this is only actually the case (for men) with respect to alumni athletic activities and youth groups;⁷ (7) athletes' above-average giving is no higher than other students involved in extracurricular activities;⁸ and (8) winning teams do not lead to more giving.⁹ Their basic prescription is rather simple – select schools should have fewer recruited athletes.¹⁰ This is based on their view that this would make better use of educational resources and avoid the pernicious effect “jock culture” has on the rest of the student body.¹¹

This article begins by examining two basic conceptual problems in the authors' approach that make their prescriptions questionable even if all of their findings were true: their profound anti-market orientation and their unsupported demonology of jock culture's adverse impact on the educational process. I then evaluate the role of the Mellon Foundation in the book. After this, I examine the authors' actual findings, which are based on an inherently flawed database and give a misleadingly selective and distorted presentation of the facts.

THE VISION OF A UNIVERSITY OR COLLEGE

The most fundamental problem with this book is the failure of the authors to articulate and defend a clear vision of what the goals of colleges and universities should be. The proper role of athletics in educational institutions can only be judged in that context. This is not to say the authors do not have such a vision – it is there, but only between the lines. In the authors' view, the sole aim of every college and university should be to “educate” students in academic disciplines.¹² This should be accomplished by selecting the best students and exposing them to the best teachers.¹³ The role of the college or university is not to provide professional training to make money;¹⁴ hence their critique of male athletes taking social sciences like economics.¹⁵ Sports should have a role, but only for *mens sana in corpore sano* purposes; club rather than intercollegiate sports should prevail.¹⁶ Extracurricular activities such as newspapers, orchestra and debating clubs are worthwhile because they contribute to academic pursuits.¹⁷ The authors seem to prefer well-rounded people to well-rounded classes full of specialists, but admit that

5. *Id.* at 263-64.

6. *Id.* at 260-61, 272-73.

7. *Id.* at 265.

8. *Id.* at 266.

9. *Id.*

10. *Id.* at 269-70, 303.

11. *Id.* at 270-71, 275-76.

12. *Id.* at 268-69.

13. *Id.* at 269-70.

14. *Id.* at 273-75.

15. *Id.* at 273-74, 74-78.

16. *Id.* at 303-04.

17. *Id.* at 275-76.

schools need great mathematicians.¹⁸ Specialization is regrettable but necessary according to Schulman and Bowen, but specialization is reserved for academic disciplines only. Great schools have precious resources that need to be spent on the pursuit of academic excellence,¹⁹ and not wasted on jocks. The authors treat this vision as, in a way, self-evident by quoting at the beginning of their book, somewhat selectively, from platitudes of some of their schools' mission statements.²⁰ The problem is that one cannot think of many, if any, "selective" schools like this.

The authors should have asked themselves why this is the case. Is it all due to the pernicious influence of money-grubbing jocks, coaches that recruit them, and booster clubs? I suspect not. One would think the answer to an economist like William Bowen would be obvious. The marketplace rejects his educational vision. Most students have some non-academic objectives at college, such as making friends and having an enjoyable social life, living in a pleasant environment, and preparing for a career of earning a living. All of these objectives are true of many if not most non-athlete students entering Princeton or Williams, as well as Rutgers or the University of Massachusetts. Given the desire of many non-athlete students to go to Princeton or Williams, rather than the University of Chicago (itself a Division III university with fifteen varsity sports teams including football), one would presume that the role of athletics at these institutions, like an active social life, is not hurting admissions; it probably is helping it. Princeton would fail to attract many students it wants if its athletic program deteriorated. While some athletes may not perform as well as other students, many athletes excel in the classroom, and schools want to attract these student-athletes. A related point is that a successful athletics program can attract good students who do not play sports. A good example is Boston College, where Doug Flutie's success in football helped put the college on the map, not only to attract athletes, but other students as well. People, including prospective students, like success.

The authors' negative view on athletics goes hand in hand with their narrow view of an educational institution. They clearly do not believe "selective" schools should be training professionals; education is about the life of the mind. They criticize the fact that athletes gravitate toward professional training, e.g., economics majors, and surely if asked they would have serious questions about schools offering business majors. This is a very idealized and impractical view of the world. While the authors would like every "select" school to pursue the authors' view of higher education, the marketplace has produced a different result. If there were a demand for the Shulman-Bowen college or university, there would be more of them. Instead, even elite schools like Williams think they improve their overall market position by winning the Sears Cup (an award for the best overall sports program), just as they do by dominating the professional art history world. In the same way that colleges want students who are the best at something, students want col-

18. *Id.* at 283.

19. *Id.* at 275-76.

20. *Id.* at 2-5.

leges that are seen to be the best, and success at athletics complements success in academics so as to provide a “total package.”

This book has a distinct liberal bias. The authors fail to recognize that there is a need for a conservative point of view on campus, often represented by athletes, to counterbalance the overwhelming liberalism that emanates from most of the faculty and students. Despite the authors’ implications, there is nothing “intellectually” wrong with liking capitalism, majoring in economics and wanting to make money. If the authors get their way, athletes and the conservative point of view they represent, would be less likely to infect the “elite” at the “elite” schools. Indeed, to a large extent the authors seem resentful that the values of athletes have become predominant in American culture, and are trying to fight this trend by keeping them out of elite schools.

The liberal bias is abundantly clear in the failure of the authors to justify cutting back on athletic admissions while continuing to justify affirmative action for minorities. The lack of consistency on race and athletics is trenchantly discussed in the Toma and Kecskemethy piece in this volume.²¹ It is almost comical to see Bowen and Bok blaming the colleges and universities in *Shape of the River* for underperformance of minorities,²² while blaming “jock culture” and not schools for the underperformance of athletes.

The anti-market bias of the authors clearly emerges at the end of the book when they acknowledge that athletics cannot be de-emphasized unless the schools “act in concert.”²³ Put another way, the authors need to prevent the market from operating if their vision of education is to be realized. Bowen has some experience with such restraints on competition having authored the Ivy League’s Academic Index.²⁴ This raises serious antitrust issues and would damage our rather free educational markets.

Throughout the book, the world is divided into athletes and other students. While this division is legitimate for purposes of comparing whether student-athletes are different from non-athlete students, this division should be done with care. It encourages the reader to believe that students and athletes are different people. In fact, all athletes are students even if they are not studious. As we shall see, apart from their participation in varsity athletics, many of the athletes are indistinguishable from the students at large.

THE EFFECTS OF HAVING ATHLETES ON CAMPUS

A second basic conceptual flaw is the failure of the authors to show why having large numbers of athletes on campus is bad, even assuming they are not as smart as other students. The authors do argue, as discussed above, that athletes are taking up spaces that should be reserved for scholars who

21. J. Douglas Toma & Thomas Kecskemethy, *College Sports, the Collegiate Ideal, and Values of the American University*, 28 J.C. & U.L. 697 (2002).

22. WILLIAM G. BOWEN & DEREK BOK, *SHAPE OF THE RIVER* 81-90 (1998).

23. SHULMAN & BOWEN, *supra* note 1, at 304-5.

24. *Id.* at 289.

can better benefit from the educational resources.²⁵ But is it a misuse of educational resources for a “selective” school to educate anyone with less than an A average in high school or 1600 SAT scores? Why is it a better use of educational resources to admit orchestra members or artists than athletes? Athletes need and benefit from high quality education. Why are they less deserving of it than others? Perhaps the authors would relegate athletes to schools of lower rank, but why is this the right result? The authors offer no moral vision except academic snobbery for their scarce resource argument.

Even if the athletes should not be on these campuses in the first place, is it bad to have them around? Do they spoil the academic experiences for others? Are they dunces in the classroom? These are very important questions which are completely unaddressed. The Mellon Foundation survey apparently never asked other students what they thought about having athletes on the campus, or what harmful or positive effects the presence of athletes had on their own education.

Despite the lack of data, the authors do have a view on this subject. The authors clearly believe that “jock” culture has a negative effect on the educational experience.²⁶ The authors refer to this culture throughout the book but never really define it.²⁷ These are some of the ways it is described: an ethic of competitive glory seeking,²⁸ focus on one’s body (eating and lifting),²⁹ being conservative, (men³⁰ and women³¹) and having an interest in financial success rather than intellectual challenges.³² Sometimes the authors refer to the fact that athletes have energy and drive,³³ the more positive side. But by the end of the book, “jock culture” has taken on a darker side.³⁴

One of their key propositions in their last chapter, “Thinking Ahead,” concerns what they believe is the growing gap between athletic and educational values.³⁵ They offer the following proposition:

Renewed efforts should be made to reduce the most blatant abuses of ‘the rules of the game,’ as well as to curb other threats to academic values; adherence to general standards of good conduct should be strongly encouraged. These problems are most pronounced in the High Profile sports of football and men’s basketball, which in many ways occupy a world of their own.³⁶

25. *Id.* at 269-71.

26. *Id.* at 74, 260-61, 272-73.

27. *Id.* at 74, 82, 260-61, 272-73, 273-75.

28. *Id.* at 23.

29. *Id.* at 79.

30. *Id.* at 55.

31. *Id.* at 137-38.

32. *Id.* at 273-75.

33. *Id.* at 268.

34. *Id.* at 272-73.

35. *Id.* at 294-95.

36. *Id.* at 295.

The authors make clear that the conduct they are talking about is “cheating, falsification of academic records, point shaving, gambling, violence, and other blatant abuses that attract the attention of the media.”³⁷ Nowhere in the book are these problems discussed. Nowhere in the book is evidence or data presented with respect to these problems. Obviously, no one can disagree with curbing these abuses. But are they problems at Princeton? At Williams? At Stanford? I doubt it. The authors make an attempt to justify their broad-brush indictment by citing in an endnote an incident at the University of Pennsylvania, where a defensive tackle was registered for only two courses, recruitment violations of Brown, and an alleged rape at the Naval Academy (neither Brown nor the Naval Academy was in the survey).³⁸ This is hardly convincing evidence of widespread point shaving and violence at “academically selective” schools.

What is going on here is athletic male stereotyping: since some male athletes do these things, we really need to worry about having all male athletes around. The story about jock culture undergoes a progressive negative escalation throughout the book, from competitiveness,³⁹ to anti-academic,⁴⁰ to money-grubbing professionalism,⁴¹ to cheating and violence.⁴² In the end, the authors seek to link athletes and bad behavior on campus. If bad behavior is the concern, it is striking that the authors fail to even discuss the role of fraternities or eating clubs which encompass a much broader range of students than athletes.

As we will see, the authors do identify ways in which athletes are distinct, which actually might improve the educational process. Athletes are more conservative,⁴³ more competitive,⁴⁴ and more interested in financial success (males only on the last characteristic).⁴⁵ These are values that can come to the fore in classroom give and take. In my view, exposure to these values should be a positive experience for other students even if they come to reject them totally.

The authors are not generally interested in what playing athletics does for the athletes themselves, being more focused on the effect of athletics and athletes on non-athletes. Their view seems to be – the issue is only discussed in the context of whether athletic characteristics generate an earnings advantage for athletes after college – that whatever personality and social development comes from participation in sports is largely achieved before college, and there is thus no need for colleges to provide athletic experiences for this reason.⁴⁶ The life lessons taught by participation in athletics, such as the

37. *Id.*

38. *Id.* at 418-19 n.5.

39. *Id.* at 23.

40. *Id.* at 74-78.

41. *Id.* at 274.

42. *Id.* at 295.

43. *Id.* at 55, 137-38.

44. *Id.* at 274.

45. *Id.* at 56.

46. *Id.* at 102-09.

value of team work, how to cope with losing and winning, and the need for hard work to achieve an objective, have different impacts on people of different ages. As people mature, life lessons may become more real and significant. Further, in many of these selective colleges and universities, students are exposed for the first time to teammates and adversaries from a wider range of backgrounds, and they may have to cope for the first time with not being the best.

To summarize, the authors offer an idealistic anti-market view of college education and fail to analyze in a serious way the effects of having athletes on the campus or the value of athletic participation to the athletes themselves.

The *Game of Life* begins with four anecdotes meant to demonstrate (without saying so) the pernicious effect athletics has on education at selective schools. One of them involves the decision of the then President of Williams College, Harry Payne, to prohibit the undefeated women's lacrosse team from accepting a bid to the NCAA championship tournament because the timing conflicted with spring term final exams.⁴⁷ Payne is seen by the authors as upholding academic standards while the objecting parents and players are seen as being oblivious to them. The authors fail, however, to disclose that the women's lacrosse team was not a bunch of dummies; their average GPA was 3.24.⁴⁸ Nor does it explain (except for a slippery slippery slope argument) why special arrangements could not be made for these players to take their exams. Nor does it tell us that years later these players feel that their opportunity to succeed at something important to them was stolen, never to be replaced. And finally, nor does it tell us about how successful this group of scholar-athletes has actually been in the real world—the game of life. Athletics has had a particular influence on women who have been able to learn the same life lessons from sports as men, thus equipping them better to compete in the game of life.⁴⁹

MELLON FOUNDATION

The Andrew W. Mellon Foundation (“Mellon”) plays a large part in this book. William G. Bowen is the President and James Shulman is the Financial and Administrative Officer. Shulman also serves as a Program Officer and a member of the Research Staff.⁵⁰ Others at Mellon, who are extensively thanked in the preface for their “team” effort, participated in the research and preparation of this book.⁵¹ The data for the book comes from the College and Beyond database, collected and financed by Mellon.⁵² The authors

47. *Id.* at xvi-xix.

48. Conversations with Sheila and Robert Stone (May 2002) (Robert Stone was a Williams alumnus who wrote a protest letter at the time to President Payne recording the GPA); email exchange with Kasia Sullivan (May 4 and 5, 2002) (Sullivan was one of the co-captains of the team).

49. Del Jones, *Many Successful Women Also Athletic*, USA TODAY, March 26, 2002, at B1.

50. *Staff and Advisors*, at <http://www.mellon.org/staff.html> (last visited May 14, 2002).

51. SHULMAN & BOWEN, *supra* note 1, at xxxiv.

52. BOWEN & BOK, *supra* note 22, at xxvii.

thank the trustees of the Mellon Foundation (one of whom is Bowen himself) for “the support of our research and for allowing us the privilege of making our own mistakes.”⁵³ They then say, “[t]he analysis and the conclusions in this book are solely our responsibility.”⁵⁴ They never give the standard disclaimer that their conclusions are solely their own and not those of Mellon.⁵⁵ Following the publication of the book, Bowen and Shulman, with other collaborators at Mellon, did two follow-up studies for the Ivy League⁵⁶ and New England Small College Athletic Conference⁵⁷ based on the entering class of ‘95, supporting the findings of the *Game of Life*.⁵⁸

The Mellon Foundation is the eighth largest foundation in the United States, with about \$4.9 billion in assets as of December 31, 2000, and primarily uses its money to fund higher education and scholarship. In 2000, out of total grants and commitments of about \$39.5 million, \$25.3 million, or 64%, went for this purpose.⁵⁹ Mellon does not disclose, to my knowledge, the grants it gives to support particular research projects. It has come to my attention, however, that Mellon has funded studies (other than its own) about the role of sports in higher education.⁶⁰ Indeed, one Professor began his discussion with me about the implications of his work for the conclusions

53. SHULMAN & BOWEN, *supra* note 1, at xxxvi.

54. *Id.*

55. Compare this ambiguous disclaimer with the more standard and much firmer disclaimer in *Shape of the River*:

Finally, we wish to thank the Trustees of The Andrew W. Mellon Foundation for their appreciation of what we have tried to do, their financial support, and their understanding (nay, their insistence) that we would, of course, come to our own conclusions. The arguments developed in this book represent our own thinking, and none of the Trustees of the Foundation, nor any of the others who provided so much advice and help, should be implicated in the results. Whatever faults remain, despite the efforts of so many to “get it right,” are solely our responsibility.

BOWEN & BOK, *supra* note 22, at xxxvi.

56. The Ivy League is composed of Brown University, Cornell University, Columbia University, Dartmouth University, Harvard University, Princeton University, University of Pennsylvania and Yale University. Only Columbia, Princeton, Pennsylvania and Yale were included in the *Game of Life*, and none of the other schools chose to participate in the Ivy League follow-up study.

57. NESCAC is composed of Amherst College, Bates College, Bowdoin College, Colby College, Connecticut College, Hamilton College, Middlebury College, Trinity College, Tufts University, Wesleyan University and Williams College. Hamilton, Tufts, Wesleyan and Williams were included in the *Game of Life*, and all of the other schools chose to participate in the NESCAC follow-up study.

58. William G. Bowen, Sarah A. Levin, James L. Shulman & Colin G. Campbell, The “Academic-Athletic Divide,” Preliminary Report to Presidents of Ivy Universities Participating in Athletic Update (October 11, 2001) (unpublished report, on file with the Journal of College and University Law) (hereinafter “Ivy Study”); The “Academic-Athletic Divide,” Preliminary Report to NESCAC Presidents (September 27, 2001) (unpublished report, on file with the Journal of College and University Law) (hereinafter “NESCAC Study”).

59. THE ANDREW W. MELLON FOUNDATION, ANNUAL REPORT 2000 39 (2000).

60. Interview with confidential source.

reached by the *Game of Life* by telling me his research was funded by Mellon and then assuring me this had no influence on his conclusions.⁶¹

The authors of the book have been on the hustings at selective schools trying to sell their prescriptions and the book has been widely discussed and debated at many schools. The book has been influential, particularly in the Ivy League and NESCAC, in causing schools to reexamine the role of athletics. In my view, the influence of the book is largely because of the Mellon connection rather than the quality of the research. Mellon is a powerful force in higher education and when Mellon speaks, universities and colleges must listen. While one is accustomed to seeing “think tanks” like the Brookings Institution or the American Enterprise Institute advance their policy preferences through the sponsorship of research, they do so openly as part of their policy agenda. Moreover, these think tanks do not usually give money to the actual groups they seek to influence. I think it is highly questionable as a matter of policy for a major funder of educational institutions, particularly one that seeks to maintain a neutral image, to be pushing its own agenda on an important educational issue. At the very least, it should disclose its funding of specific research on this subject, and make clear where and if Mellon stops and Bowen begins.

STATISTICAL FINDINGS

1. *Three Major Points*

I begin by focusing on three major points about the statistical findings (leaving aside the problem of the representativeness of the database).

First, most of the attention this book has received has focused on the authors’ findings that athletes get significant admission preferences and perform poorly academically. Most of these findings apply only to male High Profile athletes (male football, basketball and ice-hockey players). At most of the schools surveyed, these athletes are likely to be less than 10% of the total athletes (including women and men).

Lower Profile athletes (all other teams), the other 90%, particularly at the Ivies and coed liberal arts colleges, have relatively small SAT differences compared to the students at large, and there is no trend of an increasing gap over time. For example, the SAT gap between Lower Profile athletes and other students at the Ivies was -36 for the class of 1976 compared with -39 for the class of 1989, and for Division IA public universities -96 for the class of 1976 compared with -94 for the class of 1989.⁶² Moreover, these are differences based on averages; the differences based on medians would have been much lower.

The authors’ analysis appears premised on the idea that the SAT I tests (English and math aptitude) should be the gold standard of college admissions. They use SAT I gaps between athletes and other students to indicate how the admission of athletes is diluting the intellectual quality of the student

61. *Id.*

62. *Id.* at 313 Scorecard 2.3.

body. The problem with this approach is that the SAT I test is not a very good predictor of college academic performance, as measured by GPA. A recent study of 77,893 first-time freshmen who entered the University of California from Fall 1996 through Fall 1999 shows that SAT I scores only predicted 13.6% of the variance of GPAs.⁶³ The study further shows that SAT I scores are least successful in predicting performance at the most selective schools in the UC system, the very schools that the *Game of Life* is concerned with.⁶⁴ I do not mean to join those advocating the abandonment of the use of SAT I tests, but rather question the idea that this should be the gold standard for admissions decisions. Other indications of achievement, like SAT II achievement scores and athletic or artistic accomplishments, should also be considered.

The authors use data from one unidentified non-scholarship school to claim athletes had a 48% better chance of being admitted in 1999 than other applicants.⁶⁵ But this totally ignores that athletes go through a pre-selection admissions process. Coaches get a “read” from admissions about whether a given athlete is likely to be admitted if he or she applies. Many athletes are rejected through this process, and the ones that remain have a high probability of admission. A fair comparison of the probability of admissions would take this into account. I doubt that the probability of admissions of athletes who go through the “read” process is anywhere close to as high as that of other students.

As for academic performance, while 36% of all male students were in the bottom third of the class of 1989, 49% of the male Lower Profile athletes were in this category—not a large difference.⁶⁶ The authors claim that the more alarming finding is that athletes under perform their expected performance.⁶⁷ They base this on a finding that athletes have lower grade point averages (GPAs) than non-athletes controlling for SAT I scores, major and socioeconomic status (SES).⁶⁸ In fact, for the class of 1989, there were *no* statistically significant differences in SAT I scores (at even the 90 percent confidence level—statisticians, but not the authors, usually report results at 95 and 99 percent confidence levels) for any athletes at Division 1A public universities like Michigan, or at coed liberal arts colleges, like Williams. For athletes at the Ivies, High Profile athletes had a 10.8 percentile point rank in class lower than the other students, while Lower Profile athletes were 6.7 percentile points lower. This is not a huge difference. For example, a Lower Profile athlete predicted to be in the 60.0 percentile would be in the 53.3

63. Saul Geiser & Roger Studley, *UC and the SAT: Predictive Validity and Differential Impact of the SAT I and SAT II at the University of California* 3 (2002).

64. *Id.* at 6.

65. SHULMAN & BOWEN, *supra* note 1, at 41 Figure 2.3.

66. *Id.* at 63 Figure 3.3.

67. *Id.* at 65-68.

68. We are not told how “socioeconomic status” is defined but we are told the regression analysis used was the same as in *Shape of the River*. See *id.* at 385 n.6. In *Shape of the River*, SES was defined in terms of whether parents were college graduates and what their income level was. See BOWEN & BOK, *supra* note 22, at 48 n.40.

percentile. I am told by a variety of sources at the Ivies and NESCAC schools that their own models show no underperformance of athletes.⁶⁹

The authors have not shown that being an athlete is responsible for whatever differences there are. There could be another factor that highly correlates with being an athlete that also explains academic performance. In my view, the most likely candidate is the difference in time spent on studies. The demands of athletics are quite significant, not only in terms of actual time spent on the field in practices or games, but also in terms of psychological stress or preoccupation—for example, Harvard thinking about beating Yale the week before the Big Game, or the social time bonding with teammates, building chemistry. One would really want to know how single sport athletes perform academically in and out of season. A good illustration of how this works is set forth in *Time Magazine* in a 1951 interview with Dick Kazmaier,⁷⁰ the famous Princetonian Heisman Trophy winner and successful businessman:

Though Dick ‘intentionally and willingly’ lets his studies slide during the football season, he hopes to graduate with honors in psychology. He plans a business career in labor-management relations. After the football season is over, he will get after his studies again. But he likes ‘to do one thing at a time.’ At the moment he is chiefly interested in the grades he gets from Coach Caldwell.⁷¹

The general point is that a very high percentage of the athletes are likely to be admitted on very close to the same record and perform academically almost as well as other students, and that differences in performance are most likely accounted for by time spent on studies.

Second, the authors tell us that male athletes are more successful in making money than other students, particularly in financial services. They contend that this is almost entirely explained by athletic characteristics – here the bright side of drive, teamwork and competitiveness – and has almost nothing to do with their experiences at college or the university. The authors seek to prove this by showing that the amount of money athletes make is not a function of how much they play sports in college, e.g., number of teams or years. But this misses the fundamental point that it is the *combination* of educational skills with athletic characteristics that make these men successful. They get knowledge from schools just as other students do.

Further, general purpose giving of male Lower Profile athletes, again almost all of the athletes, is consistently higher than giving by students at large. They give back to the school. The authors claim to dispel the myth that ath-

69. For information on Williams College, see AD HOC FACULTY COMMITTEE ON ATHLETICS, REPORT ON VARSITY ATHLETICS 16 (May 3, 2002) (on file with author).

70. Kazmaier has served as a Trustee of Princeton University, on the Knight Foundation Commission on Intercollegiate Athletics, and as chairman of the President’s Council on Physical Fitness and Sports under both Presidents Ronald Reagan and George Bush.

71. TIME, Nov. 11, 1951, at 84.

letes contribute more by focusing on the relatively few High Profile athletes; instead their own data show that the myth is a reality.

Third, the authors really do not deal very well with women. To begin with, they deal with women after and apart from the men, and in a more summary fashion. This downplays the significant differences between the sexes. First, the authors are never quite clear whether there are High Profile women athletes. In fact, there are no women football players and very few women ice hockey players. This means that women athletes as a whole are more like other students than male athletes as a whole. Second, the data show that the academic performance of women athletes is quite close to other women students. The mean GPA differences in 1989 between women athletes and all women students ranged from a -10 at Division IA private universities to zero at women's colleges.⁷² Third, unlike male athletes who concentrate on social sciences and economics, women athletes are like the rest of the women; in particular, in 1989 they majored in physical sciences, math and engineering in the same proportion as non-athlete women.⁷³ They also looked like the rest of the class with respect to earnings and graduate degrees. The authors, however, disparage these results by saying there is a downward trend since, in 1976, women athletes were better along these various dimensions than men.⁷⁴ This holds women athletes to a higher standard than male athletes – they should be better than other women – and is by definition sexist. Finally, the authors are clearly uncomfortable with Title IX because it just means more female athletes. But this fails to take into account the great contribution to self-confidence and self-worth that participation in athletics has given to women.

2. Database

There are substantial problems with the database. To begin with there are actually only 26 schools in the database rather than the advertised 30; the authors reveal in an endnote⁷⁵ that data from the three Division III universities, Emory, Tufts and Washington University, and one of the Division IA universities, Georgetown, have not been included in most of the statistical analyses. As Louis Menand pointed out in his recent review, the schools in the Mellon database are not representative of American higher education, a system comprising almost four thousand institutions.⁷⁶

The authors refer to the schools in the database as “academically selective schools,”⁷⁷ but why these rather than others? Are they representative of other “academically selective schools”? The authors never say. The authors give a very weak definition of “selective”: institutions that receive many

72. SHULMAN & BOWEN, *supra* note 1, at 338 Scorecard 7.1.

73. *Id.* at 339-40 Scorecard 7.3, 7.4, & 7.5.

74. *Id.* at 159-62, 175.

75. *Id.* at xxvii n.1.

76. *Sporting Chances: The Cost of College Athletics*, NEW YORKER, Jan. 22, 2001, at 84.

77. SCHULMAN & BOWEN, *supra* note 1, at xxviii.

more qualified applications than they have room for.⁷⁸ I suppose this is true of many of the four thousand schools. Why these 26? It cannot be because they only admit 1 or 3 in 10. As the authors report, Wellesley admits 50% of applicants and Michigan 64% of all out-of-state applicants.⁷⁹ In another recent review, Andrew Hacker points out that Miami of Ohio and Tulane admit three quarters of their applicants and Kenyon and Denison, two-thirds.⁸⁰ These schools may be selecting but they are not very selective. The point is that there is no reason to believe that this study tells us anything about selective schools. How would the study have looked, for example, if St. Lawrence and Colgate had replaced Notre Dame and Tulane in Division IA private universities, or if Sarah Lawrence, Hampshire College, and Bennington had replaced Williams, Denison and Wesleyan as coed liberal arts schools — a lot different — there would have been less emphasis on athletics. The same might apply in the opposite direction if Brown and Cornell replaced Columbia and the University of Pennsylvania. The schools in this study cannot be claimed to represent anything other than themselves.⁸¹

In describing various statistical results, the authors give so-called “composite” results.⁸² They get the average of each group and then average the averages. “Statistics” averaging non-representative schools offer only the veneer of objectivity. Furthermore, if the Division III universities that are academically demanding had been included as one of the groups, the composite averages for athletes would have been higher. The authors planned to use Emory, Tufts and Washington University. What if they had instead used Brandeis, Carnegie Mellon and the University of Chicago?

The authors’ data are principally collected from student surveys. While the authors tell us that they had a 75% response rate,⁸³ they do not tell us if they looked to see whether there was any bias in the returns, nor do they provide the actual questions that they asked those surveyed which form the basis for their findings, or what the response rate was for particular questions as opposed to the return of the overall survey.

In short, the degree to which any of the authors’ findings are representative of all schools or of even the schools surveyed has not been shown.

3. *Admissions and Recruiting*

The two major findings are that (1) athletes constitute a large share of the student body (at smaller schools) principally due to recruitment,⁸⁴ and (2)

78. *Id.* at xxvii.

79. *Id.* at 21.

80. *The Big College Try*, N.Y. REV. OF BOOKS, Apr. 12, 2001, at 51.

81. One suspects that this database was collected to study issues other than athletics. Essentially the same data from schools surveyed in this book were used in an earlier study of affirmative action where schools were grouped in two categories, Liberal Arts Colleges and Research Universities, rather than the six categories of the *Game of Life*. See BOWEN & BOK, *supra* note 22.

82. SHULMAN & BOWEN, *supra* note 1, at 32 n.3.

83. *Id.* at xxx.

84. *Id.* at 258-59.

athletes are given a very substantial “statistical advantage” in the admissions process, much greater than for minorities or legacies.⁸⁵ I want to contest both of these claims here.

a. Percentage of the Student Body.

The study finds that the percentage of athletes in the student body differs greatly for different kinds of schools, ranging from 5% of male students at Division IA public universities like Michigan to 32% at coed liberal arts colleges like Williams.⁸⁶ However, for men, this has not changed much from 1951 to 1989.⁸⁷ This is startling because the authors throughout argue that the emphasis on athletics has substantially increased over time;⁸⁸ in terms of the number of male athletes at these schools almost nothing has changed. The number of women athletes has, of course, increased substantially due to Title IX.

The authors look at these percentages and conclude that athletic culture is likely to have much more influence at Williams than Michigan.⁸⁹ They offer no proof of this. Does the emphasis on football at Michigan, with 100,000 fans at games and constant attention on television, have less of a cultural effect on non-athletes than the student athletes at Williams, who comprise 32% of the student body? The authors’ analysis of the influence of athletes at schools typifies their approach in many areas of the book. They use the data from the type of school that they believe fits their argument and ignore the rest. Thus, when discussing the influence of athletes on other students, they focus on the small schools with a higher percentage of athletes and ignore the big schools with a lower percentage. More basically, they fail entirely to connect percentages of athletes to any specific “influences” at all.

b. Increase in Recruitment.

The authors try to deal with the flatness of the trend in the percentage of athletes by saying what has really become worse over time is the recruitment of athletes.⁹⁰ How do we know recruitment is on the rise? The authors rely on data showing students’ self-reporting of contacts by school representatives before the students decide to come to the school. For example, in 1989, at coed liberal arts colleges, 20% of the students at large reported such contacts, compared to 65% of the athletes,⁹¹ and athletes reporting recruitment has substantially increased over time. In 1976, only 31% of athletes at coed liberal arts colleges reported being recruited compared to 18% for students at large.⁹² This does not say anything about the academic qualities of the re-

85. *Id.* at 259-60.

86. *Id.* at 32.

87. *Id.* at 35.

88. *Id.* at 268-69.

89. *Id.* at 57.

90. *Id.* at 58.

91. *Id.* at 312 Scorecard 2.2.

92. *Id.*

cruited athletes. Furthermore, we know that today, once colleges accept students, particularly the most selective colleges, they increasingly pull out all the stops to get the admitted students to come. This is because they want these admitted students, and because yields are important statistics in competing with other schools. This is why recruitment has risen so dramatically. The fact that a coach calls students who indicate on their application that they play a sport, and may have already been accepted, is a far cry from Coach Joe Paterno visiting prospective football players at their homes with their parents before they even apply to Penn State. Many of the “recruited” athletes wind up never playing. The authors fail to show *serious* recruitment has risen. My guess is that it actually has in the sense that it has spread from the Higher Profile to the Lower Profile sports, but that the percentage of team members seriously recruited in Lower Profile sports is much smaller than in Higher Profile sports.

The Ivy and NESCAC follow-up studies use a new definition of recruitment – being on a coach’s list.⁹³ Since different schools have different standards for putting athletes on such a list, the authors asked each school in their study to make judgments as to what it really meant to be recruited. In NESCAC, Williams was excluded because it could not identify a group of recruited athletes. The authors assert that the final “tags” of recruited athletes are reasonably comparable, but this is purely ipse dixit; they present no evidence to support this assertion.⁹⁴ The authors claim that the number of recruited athletes has gone up from 1989 to 1995. This may be true but their follow-up studies cannot show this. First, they use a different definition of recruitment in *Game of Life*, student self-reporting of contacts, and in the follow-up studies, coach’s list. Second, while the same four Ivies (Columbia, Princeton, Penn and Yale) participated in the both the *Game of Life* and the follow-up study, no such comparable results are available for NESCAC since ten schools were in the follow-up study compared to three schools in the *Game of Life*. Let us even suppose more of the matriculated athletes were on a coach’s list over time. Would this show the students on the list were actually recruited in the sense of coaches trying to persuade them to come, or that the list just reflected that coaches were better able to identify athlete applicants?

The authors of the follow-up study also claim that the level of recruitment is reasonably consistent across schools.⁹⁵ Given that different schools are using their own idea of what recruitment actually is, this would be highly improbable. Indeed, the NESCAC data shows that the results are far from consistent. The percentage of recruitment for men in NESCAC is 46-58% for five schools, 20-24% for two schools and 74-80% for two schools.⁹⁶ One thing is clearly consistent between the *Game of Life* and the follow-up studies, a significant divergence between claims and actual data.

93. NESCAC Study, *supra* note 58, at 9; Ivy Study, *supra* note 58, at 8.

94. NESCAC Study, *supra* note 58, at 10 n.13; Ivy Study, *supra* note 58, at 9 n.16.

95. NESCAC Study, *supra* note 58, at 10.

96. *Id.* at Figure B2.

c. Preferential Admissions.

The authors contend that athletes enjoy a huge and growing preference in admissions.⁹⁷ Holding SAT scores constant, the authors contend that male athletes had a probability of being admitted that was 23% more than students at large in 1976, an advantage of 30% in 1989, and that this advantage had increased to 48% in 1999.⁹⁸ Women show comparable numbers.⁹⁹ This 1999 male athlete advantage was larger than for minorities or legacies, respectively 18% and 25%.¹⁰⁰ This finding has been widely cited by those supporting the book's anti-athletic attack. This finding is, however, entirely unreliable. First, it is based on only one non-scholarship school!¹⁰¹ It is hardly comforting when the authors assure us that the findings are representative since *one* other school in 1989 had an even higher advantage for athletes. Second, the admissions "advantage" is based on a showing that athletes are much more likely to be admitted than students at large.¹⁰² This is undoubtedly true because, as discussed above, admittable athletes are winnowed out in advance of the formal admissions process. The result is that a very high percentage of seriously recruited athletes are virtually assured of admission before the formal admissions decision is made. A star high school quarterback knows he is going to be admitted to Michigan, Princeton or Williams before applying. The authors are aware of the problem, but when dealing with this subject, in Chapter 2, "The Admissions Game: Recruiting Male Athletes and the Implications of Selection," Schulman and Bowen refer to it only in the middle of a long endnote.¹⁰³ When summarizing their findings 219 pages later in Chapter 12, they admit that the admissions advantage is only enjoyed by recruited athletes "who end up on the carefully winnowed lists of desired candidates submitted by coaches to the admissions office,"¹⁰⁴ without confronting the obvious problem of comparing winnowed and non-winnowed rates of admission.¹⁰⁵

The authors can use their more general data base – from 26 non-representative schools – to compare SAT scores of admitted athletes with those of students at large. They portray the picture that admitted athletes have significantly lower SAT scores and that the gap has increased over time.¹⁰⁶ This is, however, actually based on data for one subset of athletes, High Profile male

97. SHULMAN & BOWEN, *supra* note 1, at 58.

98. *Id.* at 41 Figure 2.3.

99. *Id.* at 131 Figure 6.2.

100. *Id.* at 41 Figure 2.3.

101. *Id.*

102. *Id.* at 40.

103. *Id.* at 382 n.9.

104. *Id.* at 259.

105. The NESAC and Ivy studies continue to compare admission rates for recruited athletes and other students even though the authors now explicitly recognize the winnowing problem in the text rather than in a footnote. See NESAC Study, *supra* note 58, at 12; Ivy Study, *supra* note 58, at 11.

106. SHULMAN & BOWEN, *supra* note 1, at 58.

athletes¹⁰⁷ - at Division IA *private* universities, where such athletes are a very small percentage of the student body and undoubtedly comprise a higher percentage of minorities than does the student body as a whole (the authors do not analyze the data to determine this).¹⁰⁸ The authors emphasize the fact that, in 1989, High Profile athletes in these Division IA private universities had a 284 SAT gap with other students.¹⁰⁹ But the picture is altogether different if one looks at the data more closely. In 1976 and 1989 the data look as follows:

TABLE A: SAT COMPARISONS FOR MEN: 1976 AND 1989¹¹⁰

1976	DIA Public	DIA Private	Ivies	Coed LA
Students at Large	1110	1215	1299	1228
Lower Profile Athletes	1014	1145	1263	1187
Intercollegiate Athletes	978	1109	1218	1164
Lower Profile Difference	-96	-70	-36	-41
All Athletes Difference	-132	-106	-81	-64
1989	DIA Public	DIA Private	Ivies	Coed LA
Students at Large	1154	1287	1337	1261
Lower Profile Athletes	1060	1165	1298	1235
Intercollegiate Athletes	1009	1097	1270	1200
Lower Profile Difference	-94	-122	-39	-26
All Athletes Difference	-145	-190	-67	-61

Three key points emerge. First, Division IA private universities apart, there has been virtually no change in the SAT “gap” between athletes and other students (students at large) between 1976 and 1989. Second, by 1989, the gap had actually closed at the Ivies and coed liberal arts schools, and was rather small, -67 and -61 points respectively (for women -60 and -20).¹¹¹ Third, for Lower Profile athletes, the gaps at all schools were considerably smaller than for all athletes. At the Ivies and coed liberal arts schools, the 1989 gaps were quite small, respectively -39 and -26 points.¹¹² Despite this data, the authors claim that Lower Profile athletes have a “large” advantage.¹¹³ Menand, in *Sporting Chances*, shows his own proclivity to misuse statistics by pointing out that the SAT gap for varsity tennis players at coed

107. Throughout the book, the authors single out High Profile athletes, e.g. for preferences in admissions, lower academic achievement, and different values. This is a very tricky category because football, basketball and ice hockey players, the High Profile group, are not High Profile, in the sense of press attention or large crowds, at many of the schools. For example, many of the schools do not have ice hockey, and basketball and football hardly fit the mold for High Profile at the Ivies and coed liberal arts colleges.

108. *Id.* at 44.

109. *Id.*

110. *Id.* at 313 Scorecard 2.3.

111. *Id.* at 334 Scorecard 6.3.

112. *Id.* at 313 Scorecard 2.3.

113. *Id.* at 44.

liberal arts schools in 1989 was 143 points.¹¹⁴ This is true.¹¹⁵ Maybe Bowen, who was captain of the Denison varsity tennis team, could explain this. Perhaps tennis players do not test well or Division III schools have a special place in their heart for tennis. In any event, it is a complete outlier among the more general statistics for Lower Profile athletes. The important point is that the SAT difference for Lower Profile athletes is quite small and for some types of schools getting smaller.¹¹⁶

This is incredibly important because most of the athletes at most of these schools, despite the large size of football teams, are Lower Profile athletes with SAT scores closer to other students. The authors give data (1997-98) only on the percentage of Lower Profile (LP) male athletes in some of the schools, but the data they do give are quite interesting.

TABLE B: NUMBER AND PERCENTAGES OF MALE ATHLETES 1997-1998¹¹⁷

School	Number of Teams	Total Athletes (%)	LP Athletes (%)
Michigan	10	362 (03%)	225 (62.2%)
Stanford	15	460 (14%)	349 (75.9%)
Duke	11	371 (11%)	258 (76.0%)
Tulane	6	209 (07%)	86 (41.1%)
Columbia	11	371 (14%)	286 (77.1%)
Princeton	16	537 (22%)	413 (76.9%)
Denison	9	305 (31%)	215 (70.5%)
Williams	14	411 (40%)	316 (76.9%)

This data is only for men. If one added the women into the mix, Lower Profile athlete percentages would be considerably higher given that women do not play football (assuming one wants to treat women's basketball and ice hockey as High Profile). Almost all women athletes are Lower Profile.¹¹⁸

114. Menand, *supra* note 76, at 86.

115. SHULMAN & BOWEN, *supra* note 1, at 47.

116. The NESCAC and Ivy League studies on the '95 class give no overall comparison between athletes and non-athletes, or between Low Profile athletes and non-athletes, thus making it impossible to compare the 1995 and 1989 results. However, they report that the SAT gap in NESCAC for Low Profile Men was 32 for men and 35 for women, as compared to an overall difference for all Low Profile athletes in 1989 of 26. NESCAC Study, *supra* note 58, at Figure B7. This is not much change considering the test itself is changing over time. For the Ivies, the difference for Low Profile men in 1995 is 60 and for women 30, as compared with 39 overall in 1989. Ivy Study, *supra* note 58, at 16. The follow-up studies show that the gap for *recruited* athletes in 1995 is greater than for all athletes but one cannot tell whether this gap has increased over time, given the different definitions of recruitment in *Game of Life* and the follow-up studies. In the Ivies, there is virtually no difference between the SAT I scores of non-recruited athletes and all other students. *Id.* at Figure B8. This is not surprising given the fact that there are very few non-recruited athletes in the High Profile sports, where there is the greatest difference in SAT scores. In ice hockey 100% of the players were recruited in 1995, and 89% in football (where there are large numbers) and 82% in basketball *Id.* at Figure B2a.

117. SHULMAN & BOWEN, *supra* note 1, at 34 Table 2.1.

118. *Id.* at 127 Table 6.1.

The data show that for a very high percentage of athletes, probably 90% if women are included, one is dealing with a relatively small SAT advantage, particularly at the Ivies and coed liberal arts schools. And this even overstates the case because the SAT advantage the authors present is an average for all athletes, not for each athlete, a point the authors completely ignore. At Williams, for instance, only 13% of the entering class each year gets special athletic admissions breaks, which Williams calls tips.¹¹⁹ Thus, many athletes, and particularly many Lower Profile athletes, get no break as athletes on SATs. Furthermore, of those athletes that do get tips, certain impact players, of which there are very few, may be the only players that get sizeable SAT advantages. Put another way, the SAT advantage for many of the individual Lower Profile athletes is much smaller than the already very small (26 points for coed liberal arts colleges) *average* advantage for Lower Profile athletes as a whole.¹²⁰ That is to say that the 26 point advantage may not reflect a bell-shaped distribution curve, but rather a few athletes with a very large advantage, with the rest having a negligible advantage. This would have come out if the authors had used median as well as mean statistics.

It does appear from the data that the SAT gaps for High Profile male athletes are significant and growing, ranging in 1989 from -135 at the coed liberal arts colleges (-99 in 1976) to 284 at the Division IA private universities (-180 in 1976).¹²¹ These SAT preferences are largely an issue about football, given the relatively small numbers of hockey and basketball players, and obviously as such have no effect on women. In my view, if the authors had delved into their data in an inquiring way, they might have found that the bigger gaps at Division IA private universities with “pre-professional” sports programs resulted from very low standards for minority athletes compared with relatively high standards for the student body at large. Their data do show that in 1989 African-Americans were 39% of the athletes at Division IA private universities, and 35% of the athletes at Division IA public universities.¹²²

d. Diversity.

The authors also find, but downplay by omitting from their summary of findings, that athletes are considerably more conservative than students at large.¹²³ This is true in every school category. In 1989, 37% of male students overall described themselves as liberal or far left compared to 26% of athletes.¹²⁴ In the same year, 15% of the female students described themselves as conservative, as compared to 21% of the women athletes.¹²⁵ The authors discount the obvious virtues of this diversity by questioning whether athletes

119. Mark Robertson, *Exploring Admissions and Athletics*, Williams Rec., Mar. 13, 2001.

120. SHULMAN & BOWEN, *supra* note 1, at 313 Scorecard 2.3.

121. *Id.*

122. *Id.* at 54 Figure 2.8.

123. *Id.* at 58.

124. *Id.* at 316 Scorecard 2.6.

125. *Id.* at 338 Scorecard 6.9b.

sufficiently interact with other students “to allow these differences to have the kinds of beneficial educational effects that we would expect them to have.”¹²⁶ While the authors may question the extent of interaction, do they suggest that athletes do not go to class or only have classes with other athletes? No. Do the authors suggest that random assignment of roommates at many of these schools in the formative freshman year has no effect? No. This technique of downplaying important findings that do not buttress their anti-athletic mantra is as pervasive in this book as the selective presentation of data.

4. *The Academic Experience*

a. Graduation Rates.

The authors find that both men and women athletes have slightly higher graduation rates than the students at large.¹²⁷ For men, this is true in all types of schools except for Division IA private universities.¹²⁸ No breakdown by type of school is given for women. The authors discount these findings by saying athletics helps keep students on track,¹²⁹ as if this were not important. The authors also show that the graduation rate for athletes is less than for students who engage in other extracurricular activities.¹³⁰ Does this detract from the fact that athletes do better than students at large? I suppose the authors could have also downplayed the finding by observing that the graduation rate of athletes was lower than the students in the top 5% of the class. The authors again try to minimize the graduation rates finding in their summary where they state that athletes have “very high” graduation rates,¹³¹ as opposed to saying athletes have graduation rates higher than other students. Personally, I do not think the graduation rates of athletes at many of the “selective” schools are very important – *all* students at Williams or Princeton should be expected to graduate – but if the authors want to analyze them, they should do so fairly.

b. Academic Performance.

1. *Game of Life*

Male athletes do significantly less well in the classroom than students at large, and the difference has increased over time.¹³² In 1989, the mean GPA percentile for all students was 49 compared to 34 for athletes,¹³³ and 39% of all male students were in the bottom third of the class compared to 58% for athletes (49% for Low Profile athletes).¹³⁴ The authors assume this is

126. *Id.* at 56.

127. *Id.* at 261.

128. *Id.* at 317 Scorecard 3.1.

129. *Id.* at 61.

130. *Id.* at 61-62, 61 Figure 3.1.

131. *Id.* at 261.

132. *Id.* at 261-62.

133. *Id.* at 318 Scorecard 3.2.

134. *Id.* at 319, Scorecard 3.3.

bad,¹³⁵ but why exactly? One-third of the student body has to be in the bottom one-third of the class and there is no compelling reason why all groups within the student body should be evenly distributed in this lower third. Would it be just as bad if artists were disproportionately in the lower third, and how about minorities? The authors' data also show that the mean GPA percentile of Lower Profile athletes is approximately the same as students who do not participate in extracurricular activities.¹³⁶ Would the authors, therefore, suggest that schools cut down on the number of students who have no plans to engage in extracurricular activities?

The mean GPA percentile differences for women are much smaller. All women in 1989 had a mean GPA percentage of 52 compared to 46 for women athletes.¹³⁷ And the trend for women is more complicated. The grade gap trend is much higher at the Division IA public and private universities than at the coed liberal arts or women colleges. For example, at Division IA private universities, the mean GPA differential changed from a +1 in 1976 (women athletes had slightly better grades than all students) to a -10 in 1989.¹³⁸ At coed liberal arts colleges, however, athletes went from -2 in 1976 to -3 in 1989, hardly significant, and at women's colleges athletes went from -1 in 1976 to zero in 1989.¹³⁹ These are nuances the authors ignore.

One of the findings that has received much attention is that athletes not only do worse academically than the rest of the class, but they under perform their predicted performance, controlling for differences in SAT scores, majors and socioeconomic status.¹⁴⁰ The authors present this data separately for High and Lower Profile athletes (but not for athletes as a whole):

TABLE C: UNDERPERFORMANCE OF ATHLETES, CONTROLLING DIFFERENCES IN SAT SCORES, MAJOR, AND SOCIOECONOMIC STATUS (BY ATHLETE STATUS, COHORT, AND DIVISION, MALE ONLY)¹⁴¹

	DIA Public	DIA Private	Ivies	Coed Liberal Arts
1976				
High Profile athletes	3.7	-5.0	-10.1	-3.5
Lower Profile athletes	2.1	2.5	-4.5	-8.3
1989				
High Profile athletes	-1.1	-7.7	-10.8	-8.8
Lower Profile athletes	-3.8	-7.2	-6.7	-3.0

Note: Bold values are significant at a 90 percent level of confidence

135. *Id.* at 64-65.

136. *Id.* at 70 Figure 3.3. In 1976, Low Profile athletes had a mean GPA of 47, while students who did not participate in any extracurricular activities had a mean GPA of 49. In 1989, Low Profile athletes had a mean GPA of 45, while students who did not participate in any extracurricular activities had a mean GPA of 48. *Id.*

137. *Id.* at 338 Scorecard 7.1.

138. *Id.*

139. *Id.*

140. *Id.* at 65-66, 66 Table 3.1.

141. *Id.* at 66 Table 3.1.

The values in the matrix represent the performance gap in terms of rank-in-class. Thus, the -10.1 for High Profile Ivy male athletes in 1976 indicates that the typical athlete in this group had a rank-in-class of 10.1 percentile points lower than non-athletes with the same SAT scores, majors and socio-economic status.¹⁴² Interestingly, by this measure in 1989 High Profile Ivy athletes do the worst, and Division IA public university athletes do the best (where the small difference was not statistically significant). Similar results obtained for women.¹⁴³

What can explain this? The authors reject time spent on sports as an explanation because students involved in other extracurricular activities over perform their expected academic performance, (men¹⁴⁴ and women¹⁴⁵). This is unconvincing because the authors fail to quantify the comparable time commitments of athletes and students doing other extracurricular activities. Is the average time spent by a student in the orchestra or newspaper the same as the average time spent by an athlete on sports? *College Try* makes the point that Duke's basketball team had 34 engagements during the 1999-2000 season, mostly away from home and in the middle of the week and athletic and academic commitments can conflict, a typical problem for Division IA High Profile sports.¹⁴⁶ Moreover, unlike the orchestra and the newspaper, athletes are physically and psychologically exhausted by sports.

Further, the authors completely ignore the synergies of some extracurricular activities for academic performance. Thus, the writing skills acquired on the newspaper or research skills learned in debating can payoff in grades in classes, unlike athletic skill. One also suspects the poor predicted performance for Ivy League athletes compared to Division IA public university athletes is accounted for by the fact that courses in the Ivies are more challenging. While the authors control for majors, it is entirely possible that athletes in Division IA public universities take less demanding courses within their majors. The authors' unsupported explanation for the difference is "jock culture," i.e., the anti-intellectual predilections of athletes.¹⁴⁷

2. *The Follow-up Studies*

The Ivy League follow-up study seems to show that the academic performance of athletes has deteriorated between 1989 and 1995. The mean GPA gaps for male High Profile athletes, male Low Profile athletes and all women athletes were respectively 21, 8 and 9 in 1989, and 30, 14 and 9 in 1995. This comparison ignores the different impact of the Ivy League Academic Index (AI) in these two years.¹⁴⁸

142. *Id.* at 66.

143. *Id.* at 146-48, 147 Figure 7.4.

144. *Id.* at 69-70.

145. *Id.* at 150.

146. Hacker, *supra* note 80, at 52.

147. SHULMAN & BOWEN, *supra* note 1, at 74.

148. The description of the AI is based on a number of confidential discussions with various sources.

Let me start with how the AI works today, which is essentially the way it worked in 1995. The three components of the AI are: (1) the average of the math and verbal scores from SAT I, converted to a scale of 20-80; (2) secondary school rank converted to an 80 point scale; and (3) the higher of the SAT I average, or the average of three SAT II scores, again on a 20-80 scale.¹⁴⁹ Thus the maximum AI would be 240. The minimum AI without substantial non-athletic justification must be 169.

Different constraints based on AI apply to football, men's basketball and ice hockey and all other sports. For football, only 140 players may be matriculated over any four-year period. These matriculations must conform to certain limits within four "bands" determined on the basis of standard deviations (s.d.) below the mean AI of admissions to a school over a four year period: no more than 40 for 1 s.d. below, no more than 60 for 2 s.d. to 1 s.d. below, no more than 32 from 2.5 to 2 s.d. below and no more than 8 from the floor of 169 to 2.5 s.d. below. Let us take an example of how this would work. Assume a school has a 4-year admitted AI mean of 220 and a standard deviation of 12. Over four years, 40 students could matriculate with an AI of 208-220 (1 s.d. below the mean), 60 with an AI of 196-207 (2 s.d. to 1 s.d.), 32 from 190-195 (2.5 s.d. to 2 s.d.) and 8 from 169-189 (floor to 2.5 s.d.). A low total in any band may be offset by a higher number in a higher band, but not visa versa. Thus, one could have four matriculations from 169-189 and 36 from 190-195 but one could not have 12 from 169-189 and 28 from 190-195. It is unclear whether a school could increase admissions within bands below the mean by increasing admissions over the mean.

For men's basketball and ice hockey, the AI average of each year's group of admitted student-athletes must be no lower than one standard deviation below the average AI of the school's previous admitted four classes. The maximum matriculations over four years are 32 for basketball and 40 for hockey. Assuming the same hypothetical school above, with a four year admitted AI average of 220 and a standard deviation of 12, the admitted AI average of the entering players could be no lower 208. For all other sports, there are no official rules, but teams are expected to maintain an AI of no lower than one standard deviation below the school's mean over time.

In all sports without bands, including men's basketball and ice hockey, poorer scoring athletes can be offset by higher scoring athletes. For example, in principle, the men's ice hockey team at our hypothetical school with an average AI of 220 could admit 20 students over four years with an AI of 180, as long as the average AI of the other 20 students admitted was 236. This sets up some perverse incentives. Coaches may try to recruit high AI bench sitters, who will be admitted on purely academic standards, to come to their schools to improve their ability to have lower AI players. In the process, the coach may not be altogether honest with the high AI student that he or she will be a bench sitter, knowing that such honesty might push the student to go elsewhere. I have seen what I believe could be examples of this.

149. The ACT can be substituted for SAT.

The AI operated quite differently for football, the largest men's sport, in 1989. In the period of 1983-1992, including 1989, admissions were based on a comparison of average AI scores between those admitted to the school and admitted student athletes, whereas, as described above, after 1992 there was a band system for football and a comparison between the average AI of admits with those of matriculating students. The banding system in football may have changed the AI composition of the team. Before the bands, some high AI over performers might have canceled out some lower AI under performers. Further, basing the AI of incoming students on matriculations rather than admits conceivably lowered the overall AI of incoming student-athletes. This would be the case if the mean of matriculating football players (the constraint in 1995) was lower than the mean of admitted football players (the constraint in 1989).

The general point is that the AI system in place in 1989 may have led to a very different distribution of AI scores among athletes than the AI system in place in 1995. The greater under performance of student-athletes in 1995 might be explained by the presence of fewer high AI bench sitters in football. The follow-up study does not address the impact of the change in AI.

c. Fields of Study.

Shulman and Bowen, in the *Game of Life*, find that male athletes tend to major more in social sciences, and particularly in economics, than do students in general.¹⁵⁰ This is criticized by the authors (one of whom is an economist and the other a top business officer at the Mellon Foundation) as money grubbing professionalism.¹⁵¹ There is an echo here of the traditional English antipathy to professional education at universities. The authors say they are concerned that the demand for economic and political science courses requires staffing up in these areas to the neglect of others.¹⁵² In their "Taking Stock" chapter, they state, "[i]n an ideal world, we would suppose, schools would like to see a diversity of majors, values, and career choices among all subgroups of students."¹⁵³ Why should this be? Why cannot athletes be conservatives? Why cannot musicians want to be musicians?

The authors have some difficulty in fitting women athletes into their professionalism story. They observe that female athletes concentrate in humanities in "far smaller" numbers than students at large.¹⁵⁴ Actually the difference is rather small, 25% of female athletes compared to 31% of female students in general.¹⁵⁵ Apparently NOT majoring in humanities is bad. Unlike for men, the authors adduce no data showing that women athletes concentrate more in any particular field than other women students. They claim

150. SHULMAN & BOWEN, *supra* note 1, at 74-78.

151. *Id.* at 75, 272.

152. *Id.* at 77-78.

153. *Id.* at 275.

154. *Id.* at 152.

155. *Id.* at 339 Scorecard 7.2.

this is true for psychology – which might well be – but provide no data.¹⁵⁶ The authors appear somewhat embarrassed by the fact that women athletes in 1989 majored in sciences, math and engineering at the same rate as other students but discount this result because in 1976 women athletes majored *more* in these subjects than other students.¹⁵⁷ In other words, *women* athletes are a problem because they do not do better than the student body as a whole. This is sexist. In fact, the authors do not really give the reader the correct picture. A more careful examination of the data shows women athletes are even with other students in math and engineering in both 1976 and 1989,¹⁵⁸ and ahead of other students in the natural sciences in 1989.¹⁵⁹

5. *Lives After College and University*

The authors' views on athletes are severely tested when they look at how male athletes do after graduation. Male athletes get more MBAs, work more in the financial services industry and make more money than the general student population.¹⁶⁰ The authors disparage these accomplishments by observing that athletes are not involved in fields where “structures are created and technological products are designed.”¹⁶¹ In other words, people in financial services are really not as productive as others even though they make more money. Well, the market seems to disagree. The authors then suggest, without any systematic evidence, that the old-boy jock network, helping jocks get into business school or land jobs, might account for the higher earnings.¹⁶² Even if this network existed and helped these athletes get jobs, people do not last in jobs unless they perform.

The authors go on to suggest that the success of athletes in business has nothing to do with what they learned in school, rather it is “mainly a function of some combination of the vocational interests and values of athletes (which were evident when they entered college), their experiences playing sports before they entered college, and the contribution of their personal traits to marketplace success”¹⁶³ This is then nailed down by showing that there is no correlation between higher earnings and “amount of athletic treatment,” that is how much you played sports in college, i.e. number of years or number of sports.¹⁶⁴ This is quite astonishing; it suggests that athletes could walk directly onto Wall Street and skip college completely. Come to think of it, they might as well skip high school because these athletic traits are probably already well established in elementary school. The obvious point is that these athletes learn a lot in college, which *combined* with their character skills enable them to be successful in business. Yet in their summary of find-

156. *Id.* at 155.

157. *Id.* at 153.

158. *Id.* at 339 Scorecard 7.3.

159. *Id.* at 340 Scorecard 7.4.

160. *Id.* at 110-11.

161. *Id.* at 93.

162. *Id.* at 263.

163. *Id.* at 97.

164. *Id.*

ings the authors state that “[t]he earnings advantage of male athletes is attributable to both pre-college differences and post-college choices.”¹⁶⁵

Again, the story for women is somewhat different. According to the authors, women in 1989 looked like the rest of the class with respect to earnings and graduate degrees.¹⁶⁶ One might think the fact that women athletes look like the rest of the class is good – at least they were not money grubbing Wall Street types like the male athletes. But it is not good enough for the authors, because in 1976 women earned more money and graduate degrees than their peers, so drawing even in 1989 represented a downward trend.¹⁶⁷ Further, they add that the 1989 cohort might have done much worse, but their “energy and drive as athletes may have compensated for their less accomplished academic achievements.”¹⁶⁸ In other words, like men they only did well because of innate skills, not because of what they learned in college.

6. *Other Findings*

a. Leadership.

In Chapter 9, the authors seek to debunk the “myth” that athletes are leaders, finding that they display no more leadership than the student body at large.¹⁶⁹ The authors attempt to show that while athletes *think* they are leaders,¹⁷⁰ they do not disproportionately engage in public service or become CEOs.¹⁷¹ In addition, with respect to civic activities, they outdo their peers only in leadership of alumni/ae and youth groups (men only).¹⁷² This is hardly a convincing showing that athletes are not leaders. One does not have to be a CEO to be a business leader – how about managing directors or CFOs, or general counsels? And the degree to which athletes go into government (the authors define leadership in public affairs as working for the government¹⁷³) has little to do with leadership, that is just a career choice. Is an IRS agent a leader? And of course, the authors positively dislike the fact that ex-athletes are active in leadership of youth sports; they are only training college athletes of the future.

b. Alumni/ae Views on Sports.

The authors also adduce evidence that alumni/ae think sports are overemphasized in college.¹⁷⁴ In my opinion, this part of the book reaches a low point in the use of statistics. The authors begin by presenting the following figure:

165. *Id.* at 263.

166. *Id.* at 264-65.

167. *Id.* at 175-76.

168. *Id.* at 162.

169. *Id.* at 265.

170. *Id.* at 183-85.

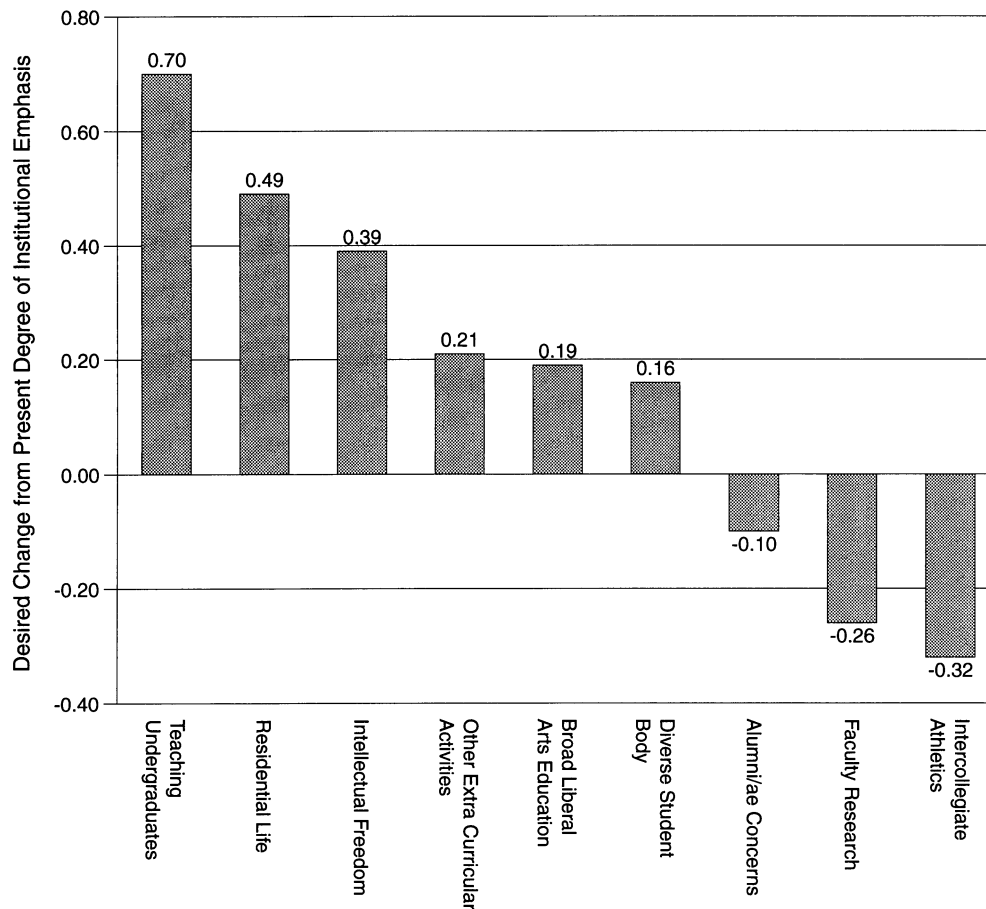
171. *Id.* at 187-88.

172. *Id.* at 265.

173. *Id.* at 187.

174. *Id.* at 265.

INSTITUTIONAL PRIORITIES (AS DESIRED EMPHASIS MINUS PERCEIVED CURRENT EMPHASIS): 1951, 1976 AND 1989 CLASSES COMBINED¹⁷⁵



These results are based on surveys of the three classes analyzed in the book, 1951, 1976 and 1989.¹⁷⁶ Alums were asked to rank the emphasis given to an activity and the emphasis that should be given to an activity on a 5-point scale. So if alums thought sports were getting an emphasis of 4 but deserved an emphasis of 3, the score for athletics would be - 1, which would represent a vote for a 20% de-emphasis.¹⁷⁷ The authors never bother to translate these rather meaningless raw scores into percentage points. But viewed in percentages, a score of - .32 is not exactly an overwhelming indictment, it calls for a 6% de-emphasis. The graphic greatly distorts this difference. Nor is it clear what to do based on these findings. The authors obviously do not want to say the will of the alumni/ae should generally be followed since this would throw out the baby, faculty research, with the bath water, sports. Rather their point is that if schools want to de-emphasize sports, they need not worry about an adverse reaction from alums. But I

175. *Id.* at 201 Figure 9.7.

176. *Id.* at 200.

177. *Id.* at 201.

doubt that the rather slight de-emphasis voiced by the former students would resonate well with some of the radical changes these authors propose.

The authors then give us a breakdown for all students in the 1976 class by the five types of schools.¹⁷⁸ This shows that while Division IA public university alums think there should be close to a 20% de-emphasis, the Ivies and coed liberal arts schools' students call only for a 3.8% and 3.0% de-emphasis, respectively.¹⁷⁹ This is hardly significant. And women's liberal arts colleges want an *increase* in the emphasis on athletics, recording a score of +.21 or an increased emphasis of 4.2%.¹⁸⁰ (By the way, the authors never tell us why they are only giving us a breakdown for 1976 and not for 1989.)

Lest the reader get the impression that graduates of the Ivies and coed liberal arts schools do not have a real problem with the emphasis on athletics, the authors supply another breakdown by type of school, again for 1976 only, showing that there is a major division between athlete and non-athlete alums.¹⁸¹ At the Ivies, athlete alums want to increase the emphasis by .29, or 5.8%, while non-athletes want to de-emphasize by .32 or 6.4%.¹⁸² Similar results obtain for the coed liberal arts schools. Despite their gyrations, the authors cannot run away from the data showing that if alumni want a de-emphasis on sports, it is really small potatoes.

In their summary of findings, the authors state: “[i]n the aggregate, alumni/ae from all three eras and from all types of institutions want their schools to place less, not more, emphasis on intercollegiate athletics than the schools do at present.”¹⁸³ The problems with this statement are (1) that they do not present breakdown data for any year other than 1976, (2) that their data clearly show that the 1976 class at women's colleges wants an increase in emphasis, and (3) that the “less” is just a *bit* less.

c. Alumni/ae Giving.

The authors seek in Chapter 10 to debunk “myths” about giving: that athletes give more to their schools than other students or that alumni/ae giving is influenced by whether sports teams are successful.¹⁸⁴

To begin with, the giving data are based on only 18 of the 26 schools generally relied upon in the book.¹⁸⁵ Most importantly, there are no data at all on Division IA public universities, at which many of the findings in the Chapter are aimed.¹⁸⁶ The lack of the Division IA public data is disclosed in an endnote and never explained.¹⁸⁷ No giving breakdowns in the text are given by type of school. The authors explain in an endnote that the actual giving

178. *Id.* at 203 Figure 9.8.

179. *Id.*

180. *Id.*

181. *Id.* at 204 Figure 9.9.

182. *Id.*

183. *Id.* at 265.

184. *Id.* at 205-06.

185. *Id.* at 206.

186. *Id.* at 403, n. 1.

187. *Id.*

analyzed was for very few years.¹⁸⁸ The giving data for the classes of 1951 and 1976 was for 1989-1993, while the data for the class of 1989 was for 1994-1998.¹⁸⁹ The only explanation for use of these rather short periods of time, and for the class of 1951 a period more than 38 years after graduation, was “[a]s a rule, the giving data are available only for recent years when gifts were recorded in electronic form.”¹⁹⁰ This is quite curious given the fact that in a related study, upon which this Chapter relies,¹⁹¹ the authors use giving data for the Class of 1976 from 1988-1998 (as compared to 1989-1993 in the book).

Here are the basic data the authors present on general giving rates by male athletes:

TABLE D: GENERAL GIVING RATES (MALE ONLY)¹⁹²

	1951	1976	1989
High Profile Athletes	64%	49%	39%
Lower Profile Athletes	60%	58%	56%
Students at Large	56%	54%	51%

In describing these results, the authors focus on the fact that High Profile athletes gave at higher rates in 1951 than other students but by 1989 they gave at rates 12% lower than other students.¹⁹³ The data also show, however, that Lower Profile athletes give at somewhat higher rates than other students and that they have continued to do so over the period of the study – there is no downward trend here.¹⁹⁴ The authors’ explanation for the decreasing giving rates of High Profile athletes is that they have become more disaffected from their schools.¹⁹⁵ They do not investigate the obvious alternative explanations; viz., that their incomes are lower than the student body as a whole or that they prefer to give what money they have to athletics, or some mixture of the two. Other data do show that the athletic giving rates of male High Profile athletes are just a bit below the athletic giving rates of Lower Profile athletes.¹⁹⁶

When one looks at breakdowns by type of school, one sees that general giving by all male athletes (High and Lower Profile included) is higher in the 1951, 1976 and 1989 classes than by students at large in the Ivies and coed liberal arts colleges.¹⁹⁷ The biggest negative gap in 1989 is for High Profile

188. *Id.* at 206, n.1.

189. *Id.*

190. *Id.*

191. *Id.* at 407, n.17. See also Sarah Turner, Lauren Meserve & William G. Bowen, *Winning and Giving: Football Results and Alumni Giving at Selective Private Colleges and Universities*, 82 SOC. SCI. Q. 4 (2001).

192. SHULMAN & BOWEN, *supra* note 1, at 344 Scorecard 10.1.

193. *Id.* at 208.

194. *Id.* at 208 Figure 10.1.

195. *Id.* at 208-09.

196. *Id.* at 347 Scorecard 10.5.

197. *Id.* at 344 Scorecard 10.1.

athletes at Division IA private universities (18% versus 47% by the students at large).¹⁹⁸ This may reflect the fact, as the authors acknowledge,¹⁹⁹ that these athletes have already contributed significant sums to their schools by playing revenue producing sports.

The authors downplay the strong general giving by athletes by showing that overall those involved in extracurricular activities give at higher rates than athletes,²⁰⁰ but this cannot take away from the point that athletes generally give at higher rates than the students at large. Moreover, breakdowns by type of school show that significant differences between male athletes and those engaging in other extracurricular activities only exist for Division IA private universities.²⁰¹ In 1989, the giving rate for intercollegiate athletes at the Ivies was 47%,²⁰² compared to extracurriculars of 52%,²⁰³ while athletes at the coed liberal arts colleges gave at the same rate as the extracurriculars, 62%.²⁰⁴ The comparable numbers in 1989 at Division IA private universities were 41% for extracurriculars compared to 33% for athletes.

The authors barely touch on general giving rates for women athletes, stating "giving rates were essentially the same for men and women graduates of the schools for which we have data" ²⁰⁵ Lets take a look at the data.

TABLE E: GENERAL GIVING RATES FOR MEN AND WOMEN ATHLETES, 1951, 1976 AND 1989²⁰⁶

	<u>1951</u>	<u>1976</u>	<u>1989</u>
High Profile Athletes (men)	64%	49%	39%
Lower Profile Athletes (men)	60%	58%	56%
Women Athletes	N/A	63%	58%
Male Students at Large	56%	54%	51%
Female Students at Large	N/A	56%	53%

Women athletes in the classes of 1976 and 1989 give at higher rates than students at large or even Lower Profile male athletes. If one looks at the breakdown by type of school, one sees that women athletes do better than the general student body except in Division IA private universities. The numbers are:

198. *Id.*

199. *Id.* at 209.

200. *Id.* at 210-11; 211 Figure 10.2.

201. *Cf. Id.* at 344 Scorecard 10.1 *with Id.* at 345 Scorecard 10.3.

202. *Id.* at 344 Scorecard 10.1.

203. *Id.* at 345 Scorecard 10.3.

204. *Id.*

205. *Id.* at 210.

206. *Id.* at 344 Scorecard 10.1, 345 Scorecard 10.2.

TABLE F: GENERAL GIVING RATES FOR WOMEN ATHLETES BY TYPE OF SCHOOL, 1976 AND 1989²⁰⁷

	1976		1989	
	Athletes	Other Students	Athletes	Other Students
Division IA Private	45%	50%	47%	50%
Ivies	60%	50%	51%	50%
Coed Liberal Arts	75%	63%	74%	63%
Women's Colleges	75%	38%	72%	38%

These numbers are considerably better than the comparisons between male athletes and the general student population, but are never discussed by the authors; they are only contained in the appendix. They show no downward trend in giving for coed liberal arts and women's colleges. The differences for both types of schools, between athletes and other students, were greater in 1989 than in 1976. And in Division IA private universities, the negative difference is significantly less than it is for male athletes, and the negative difference has narrowed a bit over time.

d. Winning and Giving.

The authors also sought to explode the myth that winning teams produced more giving. Their summary empirical finding on this point is: “[t]he data flatly contradict one of the strongest myths about college athletics – namely, that winning teams, and especially winning football teams, have a large, positive impact on giving rates.”²⁰⁸ This summary is not justified by the authors' own findings, however, which are based on the Winning and Giving Paper.

The database for the book's findings on winning and giving shrunk from the 18 schools generally used for analyzing giving, to 15 schools, half of the 30 schools the book started with. The identity of the 15 schools that have dropped out can be gleaned from the Winning and Giving Paper: Division IA private, Georgetown, Stanford and Tulane; Division IA public, all of the schools, Miami University, Penn State, Michigan and North Carolina; Ivies, none; coed liberal arts, Kenyon, and Women's Colleges, all of the schools, Barnard, Bryn Mawr, Smith and Wellesley. The authors express no misgivings about the representativeness of their shrunken sample.

When analyzing the relationship between winning and giving, the authors look only at the class of 1976, as did the Winning and Giving Paper. The Winning and Giving Paper justifies this by stating that the 1976 class gives a long time perspective. While this may justify not using the class of 1989, it certainly does not justify eliminating the class of 1951. The authors had the giving data for all three classes, and it is hard to imagine that it would be difficult to get additional winning and losing data for earlier years. At the very least, the authors should have explained their choices.

207. *Id.* at 345 Scorecard 10.2.

208. *Id.* at 266.

With respect to the data presented for the 1976 class, they are apparently based only on football records,²⁰⁹ although this is never clearly stated. In their discussion, the authors refer only to football, and the Winning and Giving Paper is based only on football. Recall the summary empirical finding quoted above: “[t]he data flatly contradict one of the strongest myths about college athletics – namely, that winning teams, and especially winning football teams, have a large, positive impact on giving rates.”²¹⁰ The authors’ conclusions, however, are not based “especially” on football but “only” on football. This distinction is not irrelevant, particularly for schools where football is not particularly important, and where a significant percentage of students play a variety of sports, e.g., the Ivies, coed liberal arts schools, and the women’s colleges. Here one would want to test for overall winning records, as does the Sears Cup, rather than just for football records.

While the asserted bottom line of this section of their book is that winning in football does not increase giving, the authors do report that there is a relationship between increased general giving and winning at the Division III coed liberal arts schools.²¹¹ The authors discount these results by attributing them to the large number of athletes, percentage-wise, at these schools.²¹² But general giving dollars contributed by athletes helped to support schools just as much as those contributed by non-athletes. In any event, the authors’ summary empirical findings are greatly overstated. The authors have exploded no “myths.” Furthermore, they have failed to come to grips with the concerns of the larger universities, particularly public universities, who fear financing will dry up from government and boosters – not just alumni/ae – without winning.

e. Financing of Sports.

The Chapter on this subject is rather disappointing and results in no important findings. While the authors talk about the importance of athletic budgets, their failure to state what percentage of the different college or university budgets as a whole academic revenues and costs are makes it very difficult to evaluate the importance of their findings.

PRESCRIPTIONS FOR THE FUTURE

In their concluding Chapter 14, “Thinking Ahead: Impediments to Change and Proposed Directions,” the authors set out what amount to quite meager recommendations. They begin by expressing the hope that they have supplied useful information for considering what to do about sports in colleges and universities.²¹³ They have provided a lot of information, but much of it is unreliable and highly slanted. They further claim the possibility of negative reaction from alumni/ae or revenue loss if a school de-emphasizes athletics is

209. *Id.* at 220-21.

210. *Id.* at 266.

211. *Id.* at 220.

212. *Id.* at 222.

213. *Id.* at 291.

highly exaggerated.²¹⁴ In fact, the data show that alumni/ae in many of the schools think sports should be slightly de-emphasized, Ivies and coed liberal arts; and women's college graduates think they should be increased in emphasis. Moreover, coed liberal arts students' giving rates are positively correlated with winning. The authors have no data to support the particular changes they recommend – abolishing athletic scholarships in Lower Profile sports,²¹⁵ or abolishing football at Division III schools,²¹⁶ following the Haverford and Swarthmore models. The authors ignore the University of Chicago, which abolished football in 1939 only to reinstate it 30 years later. No college president would be well-advised to take these actions based on this book. The authors fail to appreciate that the most important constituency to worry about in considering such measures is not graduates but future applicants.

As already indicated, the authors want to abolish athletic scholarships in Lower Profile sports. Such scholarships are available at present only in Division IA public and private universities. Here is the explanation they give for keeping scholarships in High Profile sports: “[p]roviding some form of financial reward to High Profile athletes in Division IA schools is at least consistent with viewing support of these programs as an essentially inescapable institutional investment.”²¹⁷ What does this mean? The authors dismiss concerns of fairness, and ask that the gender equity issue be put aside. They say ending such scholarships can hardly be said to be unfair because it will free up money for more worthy educational purposes, e.g., spending on the library, graduate students or other extracurricular activities.²¹⁸ But the issue of fairness is not between athletes and the library but between athletes inter-se. And given the fact that there are no women football players, one cannot put aside the gender equity issue. Reading between the lines, it is fairly clear that the authors think it is easier to go after the Lower Profile sports because they are Lower Profile.

The authors stress that any important changes in de-emphasizing sports will require the schools to act in concert.²¹⁹ Why is this? The authors say this is required in order to avoid “persistent doormats” or “consistent champions” within a conference.²²⁰ Why is that so important? The authors do not really say, but I suspect the answer is that a persistently unsuccessful sports program will discourage athletes from coming to the school, and might have negative effects on the overall perception of a school. But so what? If schools really believe in the educational vision of the authors, they will not care. The real problem is that the market generally demands a reasonable success in athletic programs, and that this market outcome can only be avoided by concerted action, thereby raising antitrust concerns.

214. *Id.* at 291-93.

215. *Id.* at 300-01.

216. *Id.* at 299-300.

217. *Id.* at 300.

218. *Id.* at 300-01.

219. *Id.* at 304-05.

220. *Id.* at 304.

Finally, the authors give their observations about Title IX, counseling against following the "male model."²²¹ This is not surprising because Title IX seeks equity for women in sports. More women athletes and more women athletic scholarships are not something the authors really want to see. They suggest that Title IX objectives could be met by funding women athletic programs with the money saved by ending Lower Profile and ice-hockey male scholarships.²²² Earlier the authors wanted to spend the Lower Profile scholarship money on the library;²²³ here they want to spend it on women athletes. But this just leads back to the fairness issue that the authors seek to dismiss, scholarships for High Profile rather than Lower Profile men, or scholarships for basketball and football and not ice-hockey.

CONCLUSIONS

This book deals with a very important subject, the proper role of athletics at colleges and universities. Its basic message is that "selective" schools would be better off admitting and educating students seriously interested in their studies, rather than athletes. In effect, they see college athletes as crowding out the more deserving consumers of a college education. This is only one of many views one might have of the role of a college or university. One could believe that even select schools should provide some foundation for later professional pursuits. Or one could believe a school should emphasize the arts. Or one could believe that a school should have revenue-producing sports programs. Or one could believe that a school should have no sports programs at all. All of these visions are available in the marketplace. Specialization and competition among schools are the hallmarks of higher education today. The authors would seek to impose their own view of the mission of selective schools on all selective schools. The marketplace, however, fortunately gives students choices. If highly qualified students really want the elitist Shulman-Bowen model, more schools will gravitate in that direction. The current mix of education and athletics at the selective schools in this study does not, despite the authors' suspicions, result from some grand jock conspiracy of coaches, alumni and donors. It results from consumer choice. The authors correctly believe that placing restraints on the market is the only way their vision can be realized.

In analyzing why it is bad to have so many athletes on campus, the authors focus on the pernicious effects of jock culture. In their view, while athletes are competitive and hard working, they have anti-intellectual values and are often bad actors, e.g., cheats, rapists and worse. This is a legitimate concern, but is it a concern at most of the "selective" schools in this study? There are data to support the view that athletes do not do as well as the students at large, but the differences are not that great, 39% of all male students were in the bottom third of their class in the 1989 class compared to 49% for the Lower Profile athletes, who comprise more than 90% of all of the athletes,

221. *Id.* at 305-07.

222. *Id.* at 306.

223. *Id.* at 301.

and this discrepancy can easily be attributed to time commitments rather than anti-intellectual values. We do know that athletes are more conservative, and that male athletes are more interested in financial success, than other students. But this does not make them anti-intellectual, and indeed it brings these values into the classroom where they can compete with the values of the rest of the student body. Evidence in the book for “bad boy” behavior at the selective schools in the study is nonexistent. The authors fail to grasp the fact that there is no unbreachable divide between being an athlete and being a student; one can be both. As the SAT and performance data show, the differences between a very high percentage of athletes and other students are quite small.

By far the worst feature of the book, however, is its misuse of statistics. The study is built on a non-representative database of 30 schools that is actually only 26, and contracts to 18 and then 15 in the analysis of giving. The study constantly emphasizes selective aspects of the data. So when the authors want to talk about the high concentration of athletes, they focus on the coed liberal arts schools rather than the Division IA public or private universities; when they want to analyze SAT advantages or academic performance, they look at High Profile rather than Lower Profile athletes, or when they want to emphasize money-grubbing professionalism, they focus on men rather than women. Their claim that there is a 48% preferential admissions advantage for athletes is based on a flawed analysis of one school with the assurance that it is representative because one other school has the same preference. The authors emphasize that all the trends are bad, but there are no bad trends for percentages of athletes in the student body, SAT gaps, graduation rates, or academic underperformance in coed liberal arts schools. The authors incredibly claim that male athletes succeed on Wall Street only because of their athletic values, as proved by the lack of correlation between earnings and the time spent on sports in college. Obviously, these athletes learned a lot in school to succeed, even though they may not be intellectuals. Again and again one sees what, in my opinion, are disingenuous and manipulative arguments. The figure that I have included in this review which distorts small differences in alumni/ae views by use of inappropriate scales is a “graphic” example of the misleading presentation of data used throughout this book. Perhaps one can understand these distortions of data from Shulman, who is not an academic, or a statistician by training, but it is shocking coming from Bowen, an accomplished economist, who was assisted by a junior economist at Virginia.

While this book has, as I suggested at the beginning of this piece, stirred up a lot of debate, to date most college presidents have not taken action based on it. The biggest effect of the book was its possible influence in abolishing football at Swarthmore.²²⁴ The Ivy League schools have, as yet, taken

224. Conversation with Neil Austrian, who was Chairman of the Swarthmore Board of Managers when football was abolished in December 2000, August 16, 2001. While the *Game of Life* was not actually published until 2001, the manuscript and preliminary findings were apparently available to the Swarthmore Committee that made the decision.

no specific action based on the book. Indeed, four of the Ivies (Brown, Cornell, Dartmouth and Harvard) were sufficiently underwhelmed by the *Game of Life* so as not to participate in the follow-up study. Three NESCAC schools, Amherst, Williams and Wesleyan, have agreed to cut back preferential admissions for athletes by at least 10%. Given that each school may have different ratings of applicants and preferences for athletes, this will likely operate quite differently at each school. Moreover, since Wesleyan's yield of admits may be lower than that of Amherst and Williams, their cutback may be less meaningful—they can cut back on preferential admissions for the athletes that are likely to go elsewhere. This is why the Ivy League Index system focuses on restricting matriculations rather than admissions. Further, the limits set by the three schools will apparently not affect athletes who possess other desirable qualities, including artistic talent, or are legacies.²²⁵

Williams has gone further than Amherst, increasing the absolute standard for admitting any athlete, based on its own index. It seems that the new Williams President, Morton Schapiro, has become a champion of the *Game of Life*, in deed if not in word. Schapiro is an economist who has been funded by Mellon and regards Bowen as a mentor. Bowen received an honorary degree at Williams in May 24, 2001, the first commencement at Williams over which Schapiro has presided. The other eight NESCAC schools, however, have not as yet signed up for any restrictions on admissions of athletes.

I would suggest that schools try to find ways to make sure that athletes, and particularly Higher Profile athletes, are integrated into the educational life of the school. Princeton's new program of having faculty advisors for teams is a good step in this direction. Also, schools should explore with the NCAA the possibility of having more choices in deciding at what level to play various sports. In principle, a school should be able to play various sports at different levels, e.g., football at Division IA but cross-country at Division III. This would give college presidents more choices about the role of athletics at their institutions. It is very important for schools to try to address the underperformance issue. In my view, the problem is essentially one of time. One solution would be to let athletes take fewer courses during the academic year, and take longer to finish school, or to compensate by taking summer courses.

Despite its title, this book is not about the game of life. Someone seriously interested in the game of life would have more understanding of the value of sports to life. In attending games at Williams, I have often passed by the following plaque on a facility on Cole Field, used for women's field hockey and lacrosse, donated by Sheila and Robert L. Stone '44, which reads "Dedicated To The Women Athletes And Their Coaches Who Strive Together To Be The Best They Can Be. A Lesson Learned On Cole Field But Useful In The Game Of Life." It could not be said any better.

225. Pamela Ferdinand, *Good Sports — and Maybe Not, Colleges That Once Promoted Athletics Take A Second Look*, WASH. POST, December 28, 2001, at A3.

Nor is this book a justified attack on the philistines by the guardians of intellectual values. It is rather an attack by the liberal elite on the values of more conservative and less “high brow” athletes. As George F. Will has quipped, “the culture of the athletic department is less harmful to higher education than the English Department.”²²⁶ I could not help but thinking about the authors’ demonology about jock culture as I listened to the eulogies at the funeral of Justice Byron White, certainly one of the greatest scholar-athletes this nation has produced.

226. As quoted in Chester E. Finn, *The Cost of College Sports*, COMMENT., October 2001, at 53.

