



# THE CASE AGAINST THE SAT AND THE ACT

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The pro bono law firm from Public Counsel, based in Los Angeles, plans to file a lawsuit against the University of California system for its mandated use of SAT and Act scores for purposes of admission.

California Governor Newsom acknowledged the SAT and ACT "exacerbates the inequities for underrepresented students, given that performance on these tests is highly correlated with race and parental income, and is not the best predictor for college success."

Stated UC Berkeley Chancellor Carol Christ said of these test scores that they "really contribute to the inequities of our system."

According to Mark Rosenbaum, Directing Attorney at Public Counsel, "Use of the SAT/ACT is not merely bad policy; it violates the California Constitution and anti-discrimination statutes, and is therefore legally and morally impermissible. Students should not have to endure the stress and expense of preparing for and taking the SAT, and the admissions process should no longer be contaminated by this discriminatory metric."

I see these plaintiffs, and their supporters, and I raise them one. These scores ought to be prohibited outright, at least for public institutions of higher learning, and those in the private sector subsidized by the government. Our friends on the left might favor this extreme view on the ground that these tests discriminate against the poor and racial minorities (not Asians though). My argument is that they vitiate against the stupid and ignorant, and government has no business doing any such thing. Low information folk pay taxes, just like anyone else. Public libraries, museums, roadways, parks, recreation centers do not discriminate against those with low IQs. Why should colleges and universities engage in such a dastardly act?

What will be the effect on the incoming freshman class if these exams are not made optional but actually prohibited by law? They will at the outset be admitting students who not only "look like America" but, apart from their ages, roughly constitute the average American: some geniuses, others of mediocre intellectual talents, and some who occupy the left tail of the normal distribution in this regard. *Boobus americanus*, as Mencken would characterize them.

But will not the latter tend to fail out? No. the present intellectual atmosphere on college campuses

vitiates against any such result. It would be discriminatory, that is, patently offensive to the wokesters now in charge of higher education. I go further. They should not be allowed to be given failing grades for, wait for it, they pay taxes just like anyone else. They ought to be allowed to partake in this educational benefit on a par with all other taxpayers. After all, we do not first allow Boobus to enter a public bus, train or trolley, a library, museum or playground, give them an exam while he is there, and then expel him for not answering questions correctly. Why should public university be any different?

This will of course spell the intellectual ruination of not only prestigious state universities such as UCLA, Berkeley, Indiana University, University of Michigan--Ann Arbor, University of Virginia, Georgia Institute of Technology, University of North Carolina--Chapel Hill, University of California--Santa Barbara, University of Florida. It will also do precisely that for high-status "private" schools such as Harvard, Yale, Princeton, Columbia, Stanford, etc., since they too are heavily subsidized courtesy of the long-suffering taxpayer. With the intellectually gifted forced to sit cheek-by-jowl next to those who can barely read, the level of instruction, if it is to be "inclusive" will be bound to plummet. This goes in spades for subsequent reputation.

But this is precisely the goal that ought to be embraced. There should be no such thing as public education in the first place. Anything that moves us in the direction of obliterating this evil institution, such as more intellectual "diversity" must be considered an asset not a debit.

What is the case against public education? The financing of it is coercive. People are compelled to pay for it, against their will. A synonym for coercive levies, not to be mentioned in polite society, of course, is downright theft.

The charge will be launched that without public or quasi public education, our country will be consigned to mediocrity at best, and outright illiteracy at worst. Not at all. There was no such institution until the early 1800s, and our nation did just fine in that regard.

The critics of the present modest proposal will cry out: external economies. These are spill over benefits from college. These will be radically reduces without the subsidies that only taxation makes possible.

But there are flaws in this criticism. Rothbard's (1997, 178) *reductio absurdum* of public goods is as

follows: "A and B often benefit, it is held, if they can force C into doing something. . . . [A]ny argument proclaiming the right and goodness of, say, three neighbors, who yearn to form a string quartet, forcing a fourth neighbor at bayonet point to learn and play the viola, is hardly deserving of sober comment."

Another *reductio ad absurdum* of against this stance is that the government should subsidize soap, smiles, Bach, since all of them give off benefits to third parties. (The difficulty here is that this phenomenon is very subjective. The Walgreen Pharmacy in New Orleans plays Bach, loudly, in an attempt to discourage street people from camping out on its sidewalks and interfering with customer flow. This music thus constitutes a negative externality, or external diseconomy, to these people. Come to think of it, not everyone likes smiles or other people using soap either. The point is, we are at sea without a rudder here. Anyone can make any claim he wishes, and no one can say him nay.)

Then there is the argument that public education is not at all a positive externality, but rather a negative one. It is a very strong one. What with political correctness rampant on the campus, the preserve of wokesterism, it is perhaps no accident that Marxism (cultural and economic), socialism, communism are riding high in these environs. If this is not a negative for civilization and the preservation of the human race, then nothing is. These tendencies are fueled by feminist "studies," black "studies," queer "studies" and other grievance "studies. Using the "logic" of main stream market failure economics, higher education should be taxed, as a public menace, and heavily so, not subsidized to the ornate level which now prevails.

A basic difficulty with this externality market failure argument is that it is too much akin to nailing jelly to the proverbial tree. It can't be done. How do we know, in the absence of voluntary market exchange, that expenditures of this sort are beneficial? When someone purchases a pair of shoes, we are entitled to deduce mutual benefit, at least in the *ex ante* sense. No such conclusion is possible to demonstrate in this field.

Early in his career, Milton Friedman supported public education on positive external economy grounds (neighborhood effects). He thought there were important spill over benefits enriching the overall society, that private educators would not incorporate into their decision-making. Hence, the need for educational subsidies, or public education. But as he grew older and wiser and more radical, he changed his mind on this matter. If even this moderate free enterpriser, this luke-warm supporter of economic freedom, can come out in favor of a separation between government and education, akin to separation of church and state, then those of us who take *laissez-faire* capitalism seriously, e.g., market

fundamentalists, can certainly do so too.

The [\*image\*](#) shows, "Free Rural School," by Alexander Ivanovich Morosov, painted in 1865.

