

Students for Fair Admissions v. Harvard: Building on Historical Precedent to Clarify Decades of Affirmative Action Jurisprudence

George Papazoglu

Abstract

The United States Supreme Court has historically viewed the practice of affirmative action, where racial minorities are given a boost in areas such as university admissions, with heightened scrutiny. This paper examines the Supreme Court’s decision in *Students for Fair Admissions v. The President and Fellows of Harvard College*, 600 U.S. 181 (2023), which effectively terminated affirmative action in America’s higher education institutions. It considers the importance of previous rulings, precedents, and statutes, as well as the decision’s effect on debates concerning race and the Fourteenth Amendment.

Current legal discussions emphasize the ruling’s importance in shaping college admissions and bringing many diversity initiatives to a standstill. However, this paper highlights that the effects of the Court’s decision are best understood by looking at past precedent, set in cases like *Grutter v. Bollinger*, 539 U.S. 306 (2003), and *Regents of the University of Cal. v. Bakke*, 438 U.S. 265 (1978), emphasizing the importance of broader legal arguments over what qualifies as discrimination and how the Constitution should see race, thus filling a gap in current scholarship. While the ruling may not have explicitly rewritten precedent, it opened up a whole new chapter in race and civil rights by taking an unambiguous, less nuanced stance on affirmative action in universities, changing the narrative from previous decisions and greatly impacting enduring jurisprudential debates.

Email: georgeapapazoglu@gmail.com

Introduction

Question: To what extent was the Supreme Court’s decision in *SFFA v. Harvard* a shift from prior court decisions and accepted legal frameworks?

Context: Prior to *Students for Fair Admissions v. The President and Fellows of Harvard College*, 600 U.S. 181 (2023), universities frequently used race as a deciding factor in admissions across the United States. Members of underrepresented racial groups were given a boost as a means of countering historical marginalization and heightening on-campus diversity, raising questions regarding potential discrimination against non-minority applicants [1].

Earlier decisions:
Bakke – Rejected racial quotas while permitting Aff. Action.
Grutter – Diversity established as a compelling state interest.
Fisher – Prohibited “outright racial balancing.”

Legal Methodology

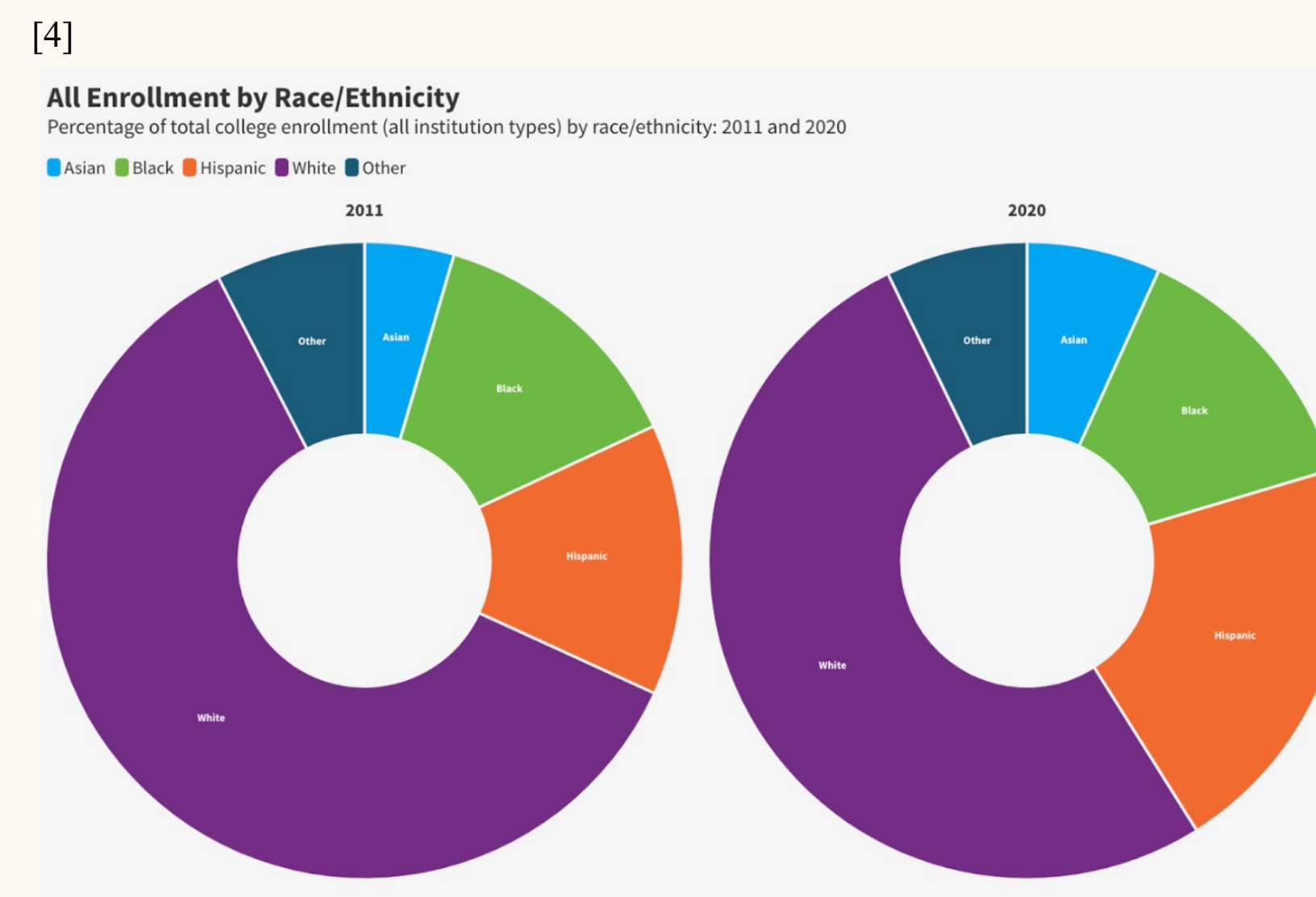
Research design: Legal literature review summarizing and enhancing existing scholarship.

Primary sources: *Bakke*, *Grutter*, and *Fisher*, as well as other precedent like *Yick Wo* and relevant legislation such as the Equal Protection Clause of the 14th Amendment as well as Title VI of the Civil Rights Act.

Select literature (see References):
Watson, “Did the Court in SFFA Overrule Grutter?”
Chau, “Affirmative Action’s Strict Scrutiny Revisited.”
David Hinojosa and Genevieve Bonadies Torres, “The Absurd Reach of a ‘Colorblind’ Constitution.”

The Supreme Court’s Decision

The Supreme Court sided with SFFA in a 6-2 margin, forever changing the history of race consciousness in American society and reinforcing the legal theory of constitutional colorblindness [3]. The Court’s decision highlighted a sharper approach compared to prior rulings that seemed to raise nuance and further questions of constitutionality within the realm of strict scrutiny on a chronic basis [2]. The ruling prohibits universities from considering an applicant’s race independent from other nonacademic variables as a factor in the decision-making process [1].



References

Poster based on:
[1] Papazoglu, George. “Students for Fair Admissions v. Harvard: A Consequential Supreme Court Ruling Sparking Considerable Debate and Clarifying Decades of Affirmative Action Jurisprudence.” *Oxford Journal of Student Scholarship* 8, no. 1 (2026). <https://doi.org/10.65161/rectJfIC1H7TbboyT>.

Other sources:
[1] Watson, Bill. “Did the Court in SFFA Overrule Grutter?” *Notre Dame Law Review* 99, no. 2 (2023). https://ndlawreview.org/wpcontent/uploads/2024/01/NDLRR99.0113_Watson-1.pdf.
[2] Chau, David. “Affirmative Action’s Strict Scrutiny Revisited: Creating Meaningful Compelling Interests.” *Princeton Legal Journal* 2, no. 1 (2023). <https://legaljournal.princeton.edu/affirmative-actions-strict-scrutiny-revisited-creating-meaningful-compelling-interests/>.
[3] Hinojosa, David, and Genevieve Bonadies Torres. “The Absurd Reach of a ‘Colorblind’ Constitution.” *American University Law Review* 72 (2023). <https://aulawreview.org/blog/the-absurd-reach-of-a-colorblind-constitution/>.
[4] Barshay, Jill. “Proof Points: New Higher Ed Data by Race and Ethnicity.” *The Hechinger Report*, February 20, 2023. <https://hechingerreport.org/proof-points-new-higher-ed-data-by-race-and-ethnicity/>.