

Good essay on  
affirmative action  
legislation have been  
motivated by  
discriminatio...

[Sociology](#), [Social Issues](#)



Affirmative action legislation is conceptualized as the treatment of all individuals equally regardless of race, sex, age, religion or any other form that may cause discrimination that is not appropriate in the eye of a civilized society.

Racial discrimination is more rapid in the western world and especially in the sporting arena; this factor has necessitated the affirmative action Legislation.

Employment discrimination is another factor that has led to affirmative action legislation, on the wake of inappropriate discrimination in labor; laws have been put in place to safeguard the fair consideration of all employable individuals regardless of color, disability or sex.

Affirmative action legislation has gained momentum in the modern society and thus legislation has been upheld in almost all nations of the world. This is with an aim of embracing equal fairs across the humanity.

### **There are resultant advantages and disadvantages accruing from affirmative legislation as discussed below:**

Positive effects of affirmative action:

Upon legislation of affirmative action racial discrimination has been subdued and fear of feeling secure in the midst of individuals of different skin color has reduced, more so individuals have taken caution against discriminating others based on skin color as this could make one a subject of punitive measure provided for in the legal legislations. This legislation has enhanced accommodation between individuals regardless of the skin color. This is an advancement of the society.

Affirmative action which has upheld equal consideration for all persons when it comes to employment has led to increase in meritocracy in society as well as fair competition amongst all persons, more so this kind of practice is very friendly in the socialization of the young generation since they will grow knowing that the best opportunities in society are for those who excel and not those who are favored by unreasonable favoritism.

In the context of an African setup where women have been victims of domestic violence, discrimination on succession rights, marital affiliation, as well as in leadership positions. Affirmative action has safe guarded their rights by ensuring that any woman who is abused by an individual of the opposite sex has the right to seek judicial intervention. In Kenya women have been empowered in such a way that appointments in the public offices must be within the two third gender rule more so, to increase their financial stability the current government has provided a fund scheme to ensure that women access free loans, this facility is only for women and the youth under the age of thirty five.

Affirmative legislation has also increased sound sensitivity amongst individuals especially when handling other people's affairs in order to ensure all practices are exercised within provisions of the laws that emphasize on affirmative action practices.

In the early years individuals could not have enjoyed certain public goods or access certain basic rights simply because of class dictated by their economic might or skin color this can be related to the United States in the early sixties when black skinned men and women could not have lived in certain states or attend certain schools. Integration between the whites and

blacks was highly prohibited. This was the cause of the great movement headed by the late Dr. Martin Luther king. His agitation for equal treatment to all could be seen as a quest for affirmative action quest.

Regardless of the accruing positive effects of affirmative action legislation, certain fears have been raised as well as negative effects being experienced as analyzed below:

The equal treatment to all especially in employment has been criticized as a way of comprising meritocracy in society; this is because, as the society tries to fit in the affirmative legislation, individuals with little qualifications may be absorbed in to the system thus allowing for incompetency where it is not deserved.

Many scholars have asserted that affirmative action in itself is another form discrimination as it is seen to be favoring a certain class of individuals more than the other, for instance in Kenya, Men above the age of thirty five who are excluded in the class of youth don't qualify for the free loans which are entitled to women and youths under the age of thirty five. This form of affirmative action legislation can be said to be discriminating men for no valid reason since not all men above the age of thirty five are financially secure.

Affirmative action has resulted to prosecution of many individuals in the world since they quest may not be welcomed by the incumbent authorities, for instance Dr. Martin Luther King assassination is affiliated to his stand for equal treatment to all regardless of the color and not segregation based on this baseless identity.

Affirmative action is seen as a new form that is corrupting the order that has

existed in the society and those feeling insecure oppose this move while those who are favored by the legislation support it with unending efforts, this creates a lot of tension between the two affected groups which can adversely affect harmony in the society, this was experienced in the united states in the early 70s to late 60s.

Affirmative legislation creates a spiral crisis where the disadvantaged group may push for another form of affirmative legislation in order to counter an enacted legislation all in a bid to retain their interests in the society and thus pushing the society into a form of unreasonable crisis.

Affirmative legislation is very significant in the society as long as it embraces the views of all affected groups with the appropriate fairness.

In order to ensure satisfaction from all the groups, a bottom up approach should be followed in forming such legislations. The opinions of the concerned groups should be accommodated in formulation of the legislation and any amendments treated to such. This would contain any fears from either group and uphold harmony that existed previously.

Affirmative action Legislation should have a time span upon which they should be reviewed so as to contain any form of disastrous effect that may arise as result of their eternity, arguing from a Kenyan case context, the government of Kenyan promoted the girl child protection and education to an extent that it forgot about the boy child, this has led to shifting of the crisis to the boy child since there was no provision of reviewing such legislation.

In summary, affirmative action legislation should be viewed as a tool of bringing balance in society and moving it from a good position to a better

one based on mutual respect of all persons and institutions that make up the society.

## **References:**

Norgean, P. and Samuel, H. (1964). Toward fair employment. New York: Columbia University press.

Smith, J. and Welch, F. (1984). Affirmative action and labor markets. New York: Journal of labor economics.

Burman, G. (1973). The economics of discrimination: The impact of public policy. Chicago: University of Chicago press.

Okumu, M. I. (2003). Experiences with affirmative action in Kenya. University of Nairobi: University of Nairobi Press.

Omosa, M.(2006). Theory and practice of governance in Kenya: towards civic engagement. Nairobi: University of Nairobi press.

Deslippe, D. (2012). Protesting Affirmative Action: The struggle over equality. Newyork: American enterprise Insitute.