Affirmative action: stanford encyclopedia of philosophy

Philosophy

Affirmative Action implies optimistic moves embarked to augment the representation of women and minorities in the spheres of employment, education and business from which these categories of people have been historically debarred.

At the time when those steps entail preferential selection i. e. selection on the basis of race, gender, or ethnicity – affirmative action generates severe disagreement. The growth, protection, and fighting for preferential affirmative action has progressed along dual routes. The first one has been legal and administrative since law courts, legislatures and executive departments of government have made and applied rules needing affirmative action.

The other one has been the route of public debate, in which the practice of preferential treatment has generated a huge writing both in favor and against. Sometimes, the two paths have been unsuccessful in making sufficient contact, with the disagreement at the public level not all the time very steadily secured in any present legal basis or practice. (Affirmative Action: Stanford Encyclopedia of Philosophy)

The fading and flow of public debate on affirmative action can be visualized as two points on a line with the first point symbolizing a period of fervent argument which started around 1972 and lessened following 1980, and the second showing revival of debate during the 1990s leading up to the Supreme Court’s verdict during the summer season of 2003 maintaining some types of affirmative action.

The first point included disagreement regarding gender and racial preferences. This is due to the fact that in the initial stages affirmative action remained as much regarding the factory, the firehouse, and the corporate suite as regarding the university campus.

The second point symbolizes a disagreement regarding race and ethnicity. This is due to fact that the hot topic during the turn of the twentieth-first century is regarding college admissions. During college admissions to selected colleges, women did not require any boost; whereas blacks and Hispanics did.

During 1972, affirmative action came to become a provocative public matter. Rightly, the Civil Rights Act enacted in 1964 already made something known as “ affirmative action” which is a remedy federal courts could inflict on the violators of the Act. (Affirmative Action: Stanford Encyclopedia of Philosophy)

Similarly, following 1965 federal contractors had been subject to President Lyndon Johnson’s Executive Order 11246, needing them to take “ affirmative action” to ensure that they were not discriminating.

However in the meantime, while the federal courts were enforcing the Civil Rights Act against discriminating companies, unions, and other establishments, the Department of Labor launched an offensive on the construction forms into a chain of plans across regions wherein they dedicated themselves to numerical hiring objectives.

By means of these contractor promises, the Department could indirectly coerce unruly labor unions, who delivered the workers at the job sites. It is a fact that in case individual men’s careers are affected due to job preferences

extended to women, the chances are that these same men will have profited in the past and will also profit in the future, not essentially in the job competition, rather in some manner from sexist discrimination against women.

On the other hand in case individual women get seemingly unearned bonuses by means of preferential selection, it is extremely possible that these same women will have suffered in the past and/ or will suffer in the forthcoming years from sexist attitudes. (Affirmative Action: Stanford Encyclopedia of Philosophy)

The Civil Rights Act of 1964 prohibited ethnic partiality in American public life. It was supposed to give powers to the guarantee that the laws would be applicable homogenously to citizens belonging to every race and color.

However in less than seven years after its enactment, public and private establishments were delivering, in the guise of affirmative action, absolute preference on the basis of race. Affirmative action was quickly and remarkably changed.

That change has to educate us a great deal. One lesson is that two competing visions of racial justice are there. The initial is that of a society wherein race has stopped to be an instrument for undesirable classification, a society in which, no public authority is allowed to have knowledge regarding the race of those entitled to be safeguarded.

The second point is that of a society wherein the goods of social life are distributed in an even manner among every ethnic group, a culture in which racial inequity has been surmounted. This difference was not in the initial

stages noted as it was generally supposed that when the barriers erected by racial segregation were in the end demolished, the balanced in the distribution of social goods would quickly follow. (Cohen; Sterba 26)

The ethics of affirmative action has embroiled the political scenario of US for more than 30 years. At the opportune time, every ethicist must encounter the predicament it and a host of closely associated policies i. e. multicultural education, diversity management, sensitivity training sessions pose.

The predicament in them really appears to be severe. Admittedly, for instance, US history shows poor treatment meted out to the minorities of the country and it is powerless. Native Americans were evicted and relocated forcibility. Years of enforced discrimination made the blacks trail behind their white counterparts on all fronts including politically and socio-economically.

The 1950s witnessed the beginning of a widespread endeavor to disclaim and bring about equal opportunity. Soon something went wrong. The fight for genuine equal opportunity was lost in the midst of rising bawl by a more and more number of groups for special government favors. Equal opportunity laws, that in the beginning rejected preferential policies, were substituted by affirmative action programs that could not be executed without them.

The supporters of affirmative action contended that blacks and other victims of previous discrimination were placed so below in the economic ladder that in the absence of preferential treatment, equal scope would never be more than a catchy phrase. (Yates 15)

Therefore, policies that mattered around race surfaced with retribution. Employers were required to maintain massive volumes of data on race,

gender, ethnic heritage, and religious background of prospective staff such that they could demonstrate that they had not discriminated against the people chosen by the government as victims.

Government bodies broadened their reach to supervise the implementation. It was the white males who started offering resistance at reverse discrimination immediately. Popularly known instances like Bakke and Weber solved scanty little, even though, and litigation in the future appeared predictable.

In the meantime, special programs of all types not just failed to assist the huge majority of those in targeted groups, rather left them worse off compared to earlier; the main beneficiaries of affirmative action, in the ultimate analysis, have not been economically underprivileged blacks and Native Americans, rather than women belonging to the middle and upper class strata.

The welfare state which is one more legacy of the 1960s, has presently spawned second and third generation dependents devoid of any marketable skills and no incentive to get them. The canopy of affirmative action presently covers roughly two-thirds of the nation’s population, with the disabled and homosexuals being the latest entrants.

Tensions among groups remain at an unprecedented high, with scuffles erupting always. The existing philosophy of multiculturalism that presently underwrites much discussion of race, ethnicity, and gender has triggered division by stressing on the differences among the groups. (Yates 16)

The inherent significance of the phrase civil rights has been transformed since the enactment of the Civil Rights Act of 1964. First of all, civil rights implied, quite simply, that every individual must receive identical treatment under the law, irrespective of their race, religion, sex, or such other social classifications.

In case of Blacks, particularly, this would have represented a remarkable enhancement in those states in which the law and public policy authorized racially distinct separate institutions and extremely discriminatory treatment.

A lot of Americans who were behind the initial thrust of civil rights, as represented by the Brown vs Board of Education verdict and the Civil Rights Act, 1964 in the subsequent experienced betrayal since the original concept of equal individual opportunity evolved towards the notion of equal group outcomes.

The concept that statistical variations in outcomes were weighty presumptive proof of discriminatory processes was not first of all an explicit part of civil rights law.

However, neither was it just an incomprehensible distortion, as a lot of critics started to contemplate, since it emanated logically from the civil rights version. In case the causes of inter-group differences can be dichotomized into discrimination and inherent capability, then non-racists and non-sexists must suppose equal results from non-discrimination. (Beckwith; Jones 57)