Quest for Philosophical Groundings of Affirmative Action Policy

Sooraj Kumar Maurya*

Department of Philosophy, Zakir Husain Delhi College (Evening), University of Delhi, India

Abstract: From its inception to the present, affirmative action has been a never-ending issue. Despite being endlessly debated since its inception, an unmistakable agreement on whether or not a nation's government can implement affirmative action policy appears to have gone unnoticed thus far. Affirmative action is a public policy that seeks to compensate victims of past injustice at the expense of others' possession. This is why it is viewed negatively in terms of equality and possessive individualism. At best, a few fashionable philosophers, such as John Kekes and Carl Cohen, do not believe in affirmative action policy because it, explicitly or implicitly, discounts the equality opportunity principle. In contrast to the position, some thinkers, such as John Rawls, believe that affirmative action policies for the disadvantaged and under-represented should be implemented. The purpose of this paper is to provide a philosophical understanding of affirmative action policy by constructing affirmative action policy's positive (favouring) and negative (disfavoring) arguments. The author's position on this issue will be advanced at the end of the paper.

Keywords: Affirmative action, compensatory argument, corrective argument, diversity argument, substantive justice.

INTRODUCTION

> *Many-if not most- people who are for or against affirmative Action are for or against the theory of affirmative Action. The factual question of what actually happens as a result of affirmative action policies receives remarkably little attention. Assumptions, beliefs, and rationales dominate controversies on this issue in countries around the world.*
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> Thomas Sowell (*Affirmative Action Around the World: An Empirical Study,* Yale University Press: New Haven & London, 2004, Preface, p. ix.)

Political philosophy is largely an all-encompassing philosophical reflection on the conceivable theories for ensuring or achieving the holistic well-being of people living in society. This is the reason political scientists constantly try to develop theories or philosophies about how the government of a country can enforce the right and just distribution of legitimate claims and demands of individuals. The idea of social justice is paramount among all others, taking precedence over ideas like equality, liberty, and rights. It is because justice is such a broad concept that encompasses every aspect of life, including equality, freedom, and rights. Additionally, social justice is a form of justice that looks into how someone should be compensated for something. History shows that there have been many different types of discrimination based on gender, race, and national origin. Social scientists have developed numerous philosophies to address these discriminatory practises, which are both morally and legally wrong. One of these philosophies for ensuring social justice is affirmative action.

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It is interesting to note that affirmative action laws are among the most contentious ideas in modern political theory and law. Affirmative action policy history and discussion first emerged in 1935. It is so because the National Labor Relations Act of 1935, a piece of legislation, is where the term "Affirmative Action" first appeared (James P. Sterba and Carl Cohen, 2006). The act was the first piece of legislation created to address and end the pervasive racial discrimination in the United States. The act, which was the first in American history, was created primarily to guarantee racial justice for people who are less fortunate in society (Blacks). The act took the shape of an order and contained a number of rules and laws intended to confront and eliminate the pervasive racial discriminatory behaviours that were being practised as standard procedure in the country's most important private and public workplaces. Despite the fact that all citizens of the United States of America, including employers, were supposed to abide by the act, no employer has ever accepted and applied this specific act and its wordings. disadvantaged groups (Blacks) in society.

The second wave of affirmative action policy begins in the 1960s. The wave starts with an order called "Executive Order of 10925." In 1961, President John F. Kennedy of the United States signed this order. It is

*Address correspondence to this author at the Department of Philosophy, Zakir Husain Delhi College (Evening), University of Delhi, India;
E-mail: sooraj.au998@gmail.com

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important to note that this was the first time the term "affirmative action" was used in a systematic and legal way (2006) (Carl Cohen and James P. Sterba). The order is merely a revision of the 'National Labour Relations Act, 1935.' It does imply that the theme of this order was the same, namely, to eliminate the widespread serial racial discrimination that exists in major workplaces throughout the United States of America. However, the order was far more assertive and refined than the previous act, the 'National Labor Relations Act, 1935.' It is because the order, i.e., Executive Order 10925, defined affirmative action in a very candid manner to a scientifically desirable certainty in the very beginning. The order defined affirmative action policy as the adoption of a specific set of legislations or the adoption of positive rules and laws to eliminate the widespread legally morally undesirable groups of actions and practises of racial and gender discrimination that exist in the major workplaces of the United States of America. Sowell (2004)

The preceding discussion makes it abundantly clear that the primary goal of Order-10925 was to eliminate racial discrimination. In addition, the order defines the use of the term affirmative action in American black history. Affirmative action was used and understood without any abstract sceptical ideas from then on. President John F. Kennedy's introductory speech in relation to affirmative action policy can be crystallised as the main objective of this order-10925 was to a large extent about ensuring 'equal treatment of all' and equal opportunity of all during employment regardless of race, creed, colour, or national-origin. He reiterated his point by stating that all employers and contractors in the nation (both private and public) are required to follow the order without hesitation or exception. The "Executive Order 11246" of 1965 revised and reaffirmed the order-10925's original intent. The aforementioned discussion can be used to conclude that affirmative action is a kind of ground-breaking positive approach to guaranteeing equal opportunity in employment for everyone living there, regardless of their race and gender (James P. Sterba and Carl Cohen, 2006).

The Civil Rights Act of 1964, a groundbreaking victory in the fight against racial discrimination, served as the foundation for the third wave of enshrining affirmative action in the American political system. The philosophies contained in the "National Labor Relations Act, 1935," the "Executive Order of 10925," and the "11246" have long been known. The "Civil Rights Act, 1964" is credited with being the first deliberate and methodical step in integrating the philosophies of the two orders. It is because the "Civil Rights Act, 1964" was the cornerstone of the United States' history of confronting racial discrimination. Furthermore, it was incorporated into the American constitution with no significant changes. Furthermore, the Civil Rights Act of 1964 was not only a revitalization of the philosophies laid down by American President John F. Kennedy and the Leading Liberals of the United States, but it also included some significant modifications and refinements to both executive orders. As a result, the Act's main goal was to level the playing field so that fair procedures could guarantee equal opportunity for all. The Act contained specific preventive and precautionary provisions requiring all significant institutions to employ fair and impartial hiring practises and criteria, regardless of applicants' race, creed, colour, or national origin. According to Title VI of the Civil Rights Act of 1964,

> *No person in the United States shall. On the ground of race, colour or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (Carl Cohen and James P. Sterba, 2006).*

Regrettably, as the Act was being passed, riots broke out in the country's major cities. America has its new leader, i.e. President Lyndon Johnson, during these riots. President Lyndon Johnson argued that when framing and putting affirmative action into practise, we shouldn't just concentrate on the formalities of hiring because that is completely insufficient. According to him, we should place a greater emphasis on substantive issues than just ensuring fair hiring practises.

Furthermore, in order to carry out the Act, Lyndon Johnson issued another order, namely 'Executive Order 11246.' The Order provided guidance to the Federal Government's executive departments and agencies. According to the Order, all government and private agencies must establish and maintain a positive programme to ensure equal opportunity for all employees. According to the Order:

> *It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified*

> *persons, to prohibit discrimination in employment because of race, creed, colour or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each department and agency (Carl Cohen and James P. Sterba, 2006).*

Two years later, the sex clause is added to the Order, which was intended to end sex-based discrimination at significant workplaces. It is interesting to consider that both American presidents had the same goals in mind, namely the eradication of all forms of discrimination from institutions. The US Department of Labor has established the "Office of Federal Compliance Program" select committee in response to the Order. The committee was intended to take the place of the "Equal Employment Opportunity Commission," a body that had already been established by the previous "Executive Order 11925." The committee's objective was to address individual complaints of discrimination. It is interesting to note that the "Office of Federal Compliance Program" has been more effective than the "Equal Employment Opportunity Commission" in enhancing the conditions of society's underprivileged classes (James P. Sterba and Carl Cohen, 2006).

The preceding discussion was about mentioning legislative initiatives taken by various legislative authorities to establish an easy way to implement the policy of affirmative action against discrimination. Now, the paper will discuss previous legal cases involving discrimination, which compelled the government to implement policies such as preferential treatment. According to this line of thought, the first case related to affirmative action heard by the United States Supreme Court was 'Griggs v. Duke Power Company,' which was filed in 1971. Francis (Francis, 2000) The petitioner claimed that the Duke Power Company had adopted hiring criteria that were discriminatory against minority groups. Therefore, the Duke Power Company is in violation of the "Civil Rights Act of 1964," specifically Title VII. The first case in the area of education was "Regents of University of California V. Bakke." Fitzgerald (2000). In 1978, the case was resolved. In this instance, Davis Medical School at the University of California rejected Bakke's admission. Despite this, he has achieved a higher grade than the average class of people who are socially and economically disadvantaged, or minority groups. 'University of California' typically reserves 16% of all seats for students from the socially and economically disadvantaged class, which is interesting to discuss here. Bakke reasoned that if the quota had not been allotted to the underprivileged groups, he would have been admitted to the university. That is why he took the roaster of the University of California to the United States Supreme Court. The decision favoured him (2006) (Carl Cohen and James P. Sterba).

The Supreme Court determined that the use of quotas in the affirmative action programme to remedy or compensate the effects of societal discrimination is a violation of the "Civil Rights Act" and the "Equal Protection Clause of the Fourteenth Amendment." It is more noticeable in this case than in later cases like 'Grutter v. Bollinger.' The core of the case remained the same. 'Barbara Grutter' was a White female applicant in this case. She was denied admission to the 'University of Michigan Law School' because of her race, a clear violation of the 'Fourteenth Amendment' and 'Title VI' of the 'Civil Rights Act, 1964' (Carl Cohen and James P. Sterba, 2006). The University argued that the state had a compelling interest in ensuring a critical mass of minority students, and the Supreme Court agreed, ruling that affirmative action programmes in education are legal if they are tailored to serve compelling government interests. Additionally, the case is linked to getting the government's attention. As a result, it is desirable and ought to be used at a higher level in society to ensure everyone's wellbeing. As a result, the Supreme Court has approved the University of Michigan's judgement. Later, as attempts were made to formulate and implement affirmative action policies, the desired increase in the number of different communities and genders appeared in more than sufficient numbers. This result compelled world leaders to implement affirmative action policies to combat discrimination.

More recently, Cheryl J. Hopwood filed a lawsuit against the University of Texas on September 29, 1992, in the "Hopwood V. Texas" case after being rejected by the University of Texas, School of Law in 1992. Better (2000) Hopwood's application for admission to the School of Law was rejected because she is a white woman. Hopwood is more qualified than other admitted minority candidates, despite this. After numerous court hearings, the Court has determined that an educational institution may adopt a preferential hiring policy if it is intended to address historical discrimination committed by that very institution. Better (2000) As a result, the Hopwood decision became the final law governing the consideration of race in recruitment processes in order to achieve diversity in

educational workplaces. Since this decision, the affirmative action policy has been implemented in all public and private institutions.

The author has accumulated a maximum of eleven arguments. The first eight arguments are positive, and they propose affirmative action policy. The last three arguments are negative and oppose affirmative action policy.

A. The Positive Arguments of Affirmative Action

- The Compensation Arguments
- Corrective Argument
- Diversity Argument
- The 'No One Deserves His Talent' Argument Against Meritocracy
- The Need for Role-Model Argument
- The Equal Results argument
- The Argument for Compensation from Those Who Innocently Benefitted from Past Injustice
- The No One Deserves His Talents Arguments Against Meritocracy

B. The Negative Arguments of Affirmative Action

- Affirmative Action Requires Discriminating Against A Different Group
- Affirmative Action Encourages Mediocrity and Incompetence
- An Argument From The Principle of Merit

A. The Positive Arguments of Affirmative Action

The Compensatory Argument

Affirmative action supporters defend the policy and law of affirmative action as a form of reparation. The compensatory argument is justified by the fundamental concept of atonement for past wrongdoings. Interestingly, it must be made clear that the compensation is not for the sake of someone wrongdoing another, but rather for horrible wrongdoings, discrimination, and domination of one class over another done in the past. This resulted in severe deprivation and under-representation of certain groups. Francis (2000) For instance, members of majority groups have prevented members of minority groups from receiving outstanding services and filling important positions that would have been available to them had it not been for the actions of majority group members. As a result, majority groups have unjustly amassed more rights and wealth than they should have, which is not only morally repugnant but also doubtful in every scenario. Fitzgerald (2000). Unexpectedly, the compensatory justification for affirmative action also draws support for its validity from the elements that make up compensatory justice. It's because compensatory justice argues that minorities and women should be compensated for basic services and amenities (Carl Cohen and James P. Sterba, 2006). Additionally, every harm in return requires compensation.

Corrective Argument

This moral argument is known as the least contentious form of affirmative action. The argument proposes affirmative action, which is based on deplorable procedures that have been used for centuries to separate specific segments of society. Thus, it asserts the fundamental idea that systems should be fair in their recruitment processes. It follows that all procedural requirements must be met, which may include open advertising of faculty positions.(Carl Cohen and James P. Sterba, 2006) An effort has been made to inform the members of the groups who have not only been the targets of previous injustice but have also been the cause of unfavourable representation while posting job openings online. Employers and admissions officers must ensure that information about open positions is disseminated to qualified applicants from sections of the population that should have a sufficient number of members in those institutions, as well as to candidates from underrepresented groups in the country.(Francis, 2000)

There are unethical and immoral practises that can be seen in the partial and targeted dissemination of advertisement-related inquiries, resulting in candidates from underrepresented groups and women being unable to quickly obtain information about the availability of vacancies. It is due to the employer's attitudes toward targeted passing of job advertisements in newspapers with coverage of among the desirable candidates. Becker (2000) Employers rely on informal methods of advertising as well as a network of already employed workers, almost all of whom are White. As a result, there is a moral and urgent need for adequate impartial and unrestricted dispersion and distribution of

advertisements to the marginalised and excluded segments of society. This type of argument is therefore crucial for ensuring equal employment opportunities. Therefore, it is evident in this type of argument that information and advertising should be distributed impartially. And objectivity is regarded as one of the core principles of administration and management. Because of this quality, societal institutions are guaranteed to be open and honest with all social classes. The argument is based on historical injustices. Numerous wrongs have been committed in the past. The errors caused a society to have a wide socioeconomic disparity. Affirmative action corrects historical wrongs, which is necessary to close the gap.

Diversity Argument

The diversity argument is a different category of moral argument that addresses current wrongdoing rather than trying to right past wrongs. According to the argument, the main objective of this type of affirmative action is to promote diversity in all of the current social, political, cultural, and economic institutions, both public and private (James P. Sterba and Carl Cohen, 2006). The most well-known case in American history, "Regents of University of California V. Bakke," can be used to trace the origins of this type of affirmative action. Case resolved in 1978. In this instance, Davis Medical School at the University of California rejected Bakke's admission. Despite this, he received more points than the average class of people who are socially and economically disadvantaged, or minority groups. 'University of California' typically reserves 16% of all seats for students from the socially and economically disadvantaged class, which is an interesting point to discuss. Bakke believed that he would have been admitted to the university even if the quota hadn't been given to the targeted classes. Because of this, he filed a case against the University of California's roaster before the US Supreme Court (James P. Sterba and Carl Cohen, 2006). He benefited from the ruling.

Barbara Grutter, the applicant in "Grutter V. Bollinger," was a White female. Due to her race, she was denied admission to the University of Michigan Law School, in direct violation of the 14th amendment and Title VI of the Civil Rights Act of 1964. The University argued that the state had a compelling interest in ensuring a critical mass of minority students, and the Supreme Court agreed, ruling that affirmative action programmes in education are legal if they are tailored to serve compelling government interests. Additionally, the case is linked to getting the government's attention. As a result, it is desirable and ought to be used at a higher level in society to ensure everyone's wellbeing (Simon, 2000). As a result, the Supreme Court has approved the University of Michigan's judgement. As efforts were made to strengthen the policy, everyone became aware of the benefit. Therefore, every nation had made an effort to implement the affirmative action policy. In the more recent "Hopwood V. Texas" case, Cheryl J. Hopwood was turned down by the University of Texas, School of Law in 1992, despite the fact that she was more qualified than other minority applicants who were accepted. After so many court dates, the Court has determined that an educational institution may justifiably adopt a policy of preferential hiring if it is intended to remedy past discrimination committed by that very institution.

Affirmative action should be adopted as a policy to develop a composite culture of the institution because, in order to maintain the rich diversity in the institutions and increase diversity within them, preferential treatment policies must be implemented.

The 'No One Deserves his Talent' Argument against Meritocracy

Individuals in this ecological community are designed to live in specific ways of symbiotic relationships with other men. The linear and random chains of relationships form a system in which each individual is reliant on others to meet his or her basic needs in order to survive in society. While living in the order, an individual becomes involved with various institutions such as family, college, university, and other workplaces. Every person has lived in some kind of institutional setting since birth. The institution governs an individual's thoughts and behaviour. An individual's entire life is administered, from birth to death. Thus, it can be stated that since no one deserves anything. As a result, society can use any criteria that are readily available to help the underprivileged sections of society. In this argument, it has been asserted that the wrongdoing is in evaluating individuals and their qualifications in light of predetermined societal standards. Like in the article "The Case Against Affirmative Action," Pojman contends that the standards for minimally qualified individuals have been established by white people and other privileged groups. It's because the privileged classes created the laws and the systems, and they evaluate everyone according to their predetermined

standards (James P. Sterba and Carl Cohen, 2006). However, qualifications ought to be more of a comprehensive standard that examines a candidate's background in both history and society.

Furthermore, it is important to recognise who is deserving of the position of countryside administrator. The first candidate might have received excellent test scores but has never visited a village in his life, while the second candidate may have experienced discrimination in the same town. Therefore, the second candidate would be the objective response. Exams and scores are therefore just a way to establish a minimum standard, and if society is to advance as a whole, each individual must be recognised for who they are.

The Need for Role-Model Argument

Affirmative action supporters present the argument of 'Need for Role Model' to reach out to the logical substratum and scientific certainty of affirmative action. It is predicated on the assumption of the individual-embracement. figure's (2019, Ezorsky) The role-model not only serves as a source for evaluating one's own behaviours; it also has a firm grip on an individual's life. As a result, the role-model is likely to become the imaging criteria for generated subjective experiences in the lives of followers. The follower continues to be inspired by the embraced icon and seeks unending encouragement and invitation from the personality of the following role-model. A person comes out picturing himself/herself in the virtues and bravery of role models (Ezorsky 2019). Nonetheless, the proponents of this proposition combine two crucial and contentious adjectives: ethnicity and gender. Essentially, the role-model should be from the same community in order for the subjects (followers) to be more attached to the role-model (fulfilling the requirement of belongingness) (2019, Ezorsky). The role-model argument for affirmative action concludes by asserting that the role-model of one's own racial or sexual type is unavoidably necessary.

The argument is based on imitating someone in a dignified and respectful position in society. In today's partial society, all of the dominant heroes and role models come from the nation's saturated class; thus, the argument goes, a role model from the deprived class can change the internal mentality and present a different scenario to the world. They may be able to strive for the best in society in order to gain the same respect as the role model. As a result, the role model is crucial in moving ahead of the community, which is only possible through affirmative action.

The Equal Results argument

An ethical distinction between equality of outcome or result and equality of opportunity serves as the foundation for the equal result. The underlying theme of the argument is that various studies have supported the idea that whites have always enjoyed advantages over blacks due to the persistence of discrimination and deprivation against them. Therefore, the state should carefully examine the outcome and results from the racial and sexual projection in order to minimise the effects of the extensive slavery and dominance that have led the black people to this abnormal position. 2004 (Anderson). In this way, the concept of achieving a desirable numerical projection to arrive at the racially and sexually just society serves as the foundation for the fair result argument. The argument states that there should be a level playing field for all competitors, but in order to treat them fairly, their abilities and talents must be so limited due to prior discrimination that they are unable to participate. Therefore, the argument states that they should be given the same socioeconomic circumstances that they might have received if they had not been subjected to discrimination in order to achieve the same results.

The Argument for Compensation from Those Who Innocently Benefitted from Past Injustice

The just compensation argument is simply extended to include compensation from those who unintentionally benefited from prior injustice. The claim makes compensation or redress for women and people of colour at the expense of past injustices and discrimination against white people. The argument seeks to analyse the issue of stakeholders and stockholders of wrongdoings and discrimination because they have been severely discriminated against in terms of morally desirable positions and made to become disaffected from the desired positions. The argument's earlier goal was to comprehend the analysis of compensation (Simon, 2000). This provides an answer to the question of whether all young white people are innocent, are no longer targets of discrimination, or are still recipients of it. The argument responds that whites, or the younger generation of whites, are not guilty of oppressing blacks, minority groups, and women (2006) (Carl Cohen and James P. Sterba). Nonetheless, they are direct beneficiaries of positions and representations in public and private workplaces that would have been occupied by blacks and women as well. As a result, affirmative action is an extremely desirable moral toolbox for mitigating the effects of past injustices at the expense of the possessions of young white males.

The No One Deserves his Talents Arguments against Meritocracy

Individuals in this ecological community are designed to live in specific ways of symbiotic relationships with other men. The linear and random chains of relationships form a system in which each individual is reliant on others to meet his or her basic needs in order to survive in society. While living in the system, an individual becomes involved with various institutions such as family, college, university, and other workplaces. Every person has lived in some kind of institutional setting since birth. The institution governs an individual's thoughts and behaviour. An individual's entire life is administered, from birth to death. As a result, it can be stated that since no one deserves anything. As a result, society can use any available criteria to help the underprivileged class of society (Pojman, 1998).

The Negative Arguments of Affirmative Action

Affirmative Action Requires Discriminating Against a Different Group

The defence is meant to be the strongest one against affirmative action. According to this argument, affirmative action policies are designed to guarantee the redress or compensation of prior injustices. The claim is that because of the wrongdoings of white people, there is a huge disparity between the socioeconomic distribution of goods and services among black people, women, and other minority groups in society (Pojman, 1998). Making up for past wrongs is necessary to close the gap, and affirmative action does just that. For instance, while whites are not directly responsible for the disadvantages faced by modern-day black people, they are still obligated to pay reparations, but because of advantages bestowed upon them as a result of their forefathers' gross injustices Because of the ongoing prejudice of their white neighbours, even innocent whites continue to benefit. Nonetheless, it has no moral significance because affirmative action does not consider discriminating in favour of a wealthy black or female who has the opportunity to get the best education and services available over a poor white; the white should also be treated as individuals in and of themselves. As a result, respect for individuals is essential, which entails treating each individual as an end in itself, rather than as a means to an end. To quote Louis P. Pojman:

What is wrong about the discrimination against Black is that it fails to treat Black people as individulals, judging them instead by their skin color not their merit, what is wrong about discriminating against women is that it fails to treat them as individuals, judging them by their gender, not their merit. What is equally wrong about Affirmative Action is that it fails to treat white males with dignity as individuals, judging them by both their race and gender. Present Strong affirmative action is both racist and sexist (Pojman, 1998).

Affirmative Action Encourages Mediocrity and Incompetence

Affirmative action always takes diversity and sufficiency into account. The efficiency and professionalism of workplaces are impacted by this idea of filling open positions. It goes without saying that applicants who are less qualified or who identify as black or female should not be considered for these higher-level positions (1998, Pojman). It causes institutions to be undervalued, which results in institutional incompetence. It is for this reason that Louis P. Pojman claims that the current affirmative action policy supports the preference hiring of blacks and women to the best positions of higher-level jobs despite the lack of objective, concrete proofs and criteria to support the same (Pojman 2000). Hence, the arguments seem perfect to oppose the policy of affirmative action.

An Argument from the Principle of Merit

With tradition, it has been thought essential that all higher-level jobs should be awarded to the utmost qualified individual of the society. Moreover, the institutions and stockholders entertain the qualities, undoubtedly making the profession efficient and qualitative. Hence, the best position and offices should be given to the best-qualified persons of society. As Pojman has stated:

> *The Koran states that A ruler who appoints any man to an office when there is in his dominion another man better qualified for it, sins against God and against the State (Pojman, 1998).*

It is unnecessary to argue that white people are in a better position than black people and women, who should have previously received the positions due to their lower qualifications. According to Pojman, there are two main moral justifications for implementing meritocracy at important workplaces. The first is the deontological argument, which upholds the idea that every person should be treated as an end in

themselves rather than just as a means to achieve a specific goal Pojman (2000).

Affirmative action, on the other hand, uses white people to help women and people of colour. For instance, person "A" answered questions correctly 95% of the time, while person "B" answered questions correctly 50% of the time. As a result, the grades for "A" and "B" were equal in the end. The justification for awarding a grade of "B" is that "B" refers to a section of society that is underprivileged, disadvantaged, and underrepresented. 'B' and his ancestors have endured centuries of discrimination. Therefore, "B" is deserving of receiving grace points since "A" is a direct beneficiary of the previous wrongdoings. While the other underlying principle, Utilitarianism, holds the idea of maximum pleasure for the greatest number of people, it means that an individual's freedom and capacity can be violated at the expense of society's welfare. However, according to Pojman, even if we honoured excellence, only future situations would benefit. Because society requires better leaders, teachers, police officers, physicians, and lawyers, which can only be ensured by rewarding excellence rather than simply providing positions to less qualified people, as affirmative action does (Pojman, 1998). As a result, affirmative action policies are morally repugnant.

CONCLUSION

To summarise, the paper has discussed all of the affirmative action arguments, as well as their hidden moral grounds. Affirmative action is defined as the actions taken to prevent members of historically oppressed groups from being excluded from prestigious positions, employment opportunities, and educational institutions. Its goals are to lessen prejudice, close the income gaps between groups, and encourage racial and gender diversity in all occupations and endeavours. It is clear that more action is required given the persistence of occupational segregation by sex and race to a degree that cannot be explained by differences in qualifications or voluntary behaviour. Alternatives to affirmative action, like assisting those from disadvantaged backgrounds regardless of race or sex, "just enforcing the law against discrimination," or waiting for educational advancements to give groups better qualifications, would not accomplish the goals of affirmative action. Affirmative action is also needed in society, according to research. However, there is an urgent need for changes in the procedures to ensure justice. As a result, policymakers and philosophers must consider not only the procedural but also the substantive aspects of justice. Affirmative action can also be a moral toolbox for ensuring the substantial welfare of society.

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