

AFFIRMATIVE ACTION

The goal of affirmative action is to help restore equality of opportunity. Opportunities that have been lost because individuals have been treated as inferiors because of certain attributes (such as sex or race).⁴¹ The aim of this measure is to decrease discrimination against these individuals and increase the number of such individuals employed in occupations where discrimination has occurred. Affirmative action aims to restore employment opportunities that would have been lost as a result of discrimination.⁴²

Affirmative action is often thought of as backward looking.⁴³ However, I see it as forward looking. It is only backward looking insofar as history informs us how equality of opportunity has been denied to some candidates. It is current rather than past inequalities affirmative action is meant to remedy. As such it is forward looking.

Affirmative action is often referred to by other terms, such as preferential hiring or reverse discrimination. I have chosen not to employ these phrases because of the implications they have. The first suggests that beneficiaries are in some way receiving preferential treatment. I will argue they are not. The term reverse discrimination suggests that what is now occurring is simply a reverse of the discrimination that occurred before.⁴⁴ I shall argue that this claim is equally unfounded. I shall instead favour the term affirmative action, which suggests an undertaking to right a present wrong.

In order to remove existing imbalances in equality of opportunity it is necessary to treat people differently. This may be done through measures like affirmative action, which means actively recruiting people from groups who are discriminated against. Affirmative action can include measures such as quotas, where a number of places are set aside for individuals from the relevant group. For example, in Germany firms that employ more than 20 people

⁴¹ See F e i n b e r g, "Affirmative Action," 272.

⁴² See O v a d i a E z r a, "Equality of Opportunity and Affirmative Action," *Philosophy in the Contemporary World* 14, no. 1 (2007): 22-37.

There is a debate over what the goals of affirmative action should be (see F e i n b e r g, "Affirmative Action," 273). Some think the number of disadvantaged individuals in any given occupation should be proportional to the population. Others that it is sufficient to remove unfair barriers and make selection procedures fairer. However, the definition I have given is broad enough that it can allow for these different goals.

⁴³ See G e o r g e H u l l, "Affirmative Action and the Choice of Amends," *Philosophia* 43, no. 1 (2015): 113-34.

⁴⁴ For instance under the heading "The Redirection of Sexist Discrimination" Antony Flew argues that "the drive to outlaw sexist discrimination has—thanks to ... the political pressure of New Wave Feminists—resulted in a similarly widespread extension of legally enforced sexist discrimination in favour of women." F l e w, "A Response to Jean Hampton's Feminism," 26.

have to employ at least 5% of their workforce from the registered disabled.⁴⁵ Another example of affirmative action may be to have short lists that are composed either entirely or in large part by members of disadvantaged groups. For example, in order to increase the number of women in the English Parliament the Labour Party continues to use all women short lists for some constituencies.⁴⁶ Affirmative action is meant as a temporary measure and can be discarded once discrimination is no longer a problem. The purpose of affirmative action is overcome a present injustice.

While quotas might be more appropriate where there is a specific history of prejudice being displayed there are other less stringent measures that might be used. Examples include advertising more widely, inviting applications from minorities, and challenging the methods of selection. One might initially set lower standards for women in areas where they have little or no experience. Additional experience gives men an unfair advantage in a test that does not demonstrate aptitude. Which method should be put in place will depend on the situation. Working environment may also be something that affirmative action can influence where that working environment prohibits an individual from performing to the best of their abilities and thus advancing their career. Increasing the number of female mechanics, for example, may help to remove a chauvinistic atmosphere (where one exists).

One of the benefits of affirmative action is that it creates role models and lets women know that they have more options.⁴⁷ In industries where women do not have role models they are less likely to attempt to get jobs. Having no role models is an obstacle insofar as women will think that if other women have not achieved success in a particular occupation, then there is little point in their trying. As Judith Jarvis Thomson argues, it is plainly true that women need role models because they “need concrete evidence that those of their ... sex can

⁴⁵ See National Disability Authority, “Statutory Targets on Employment of People with Disabilities in the Public Sector,” [http://www.inis.gov.ie/website/nda/cntmgmtnew.nsf/0/84AA79B029E870-AE8025729D0046CAED/\\$File/people_with_disabilities_in_public_sector_04.htm](http://www.inis.gov.ie/website/nda/cntmgmtnew.nsf/0/84AA79B029E870-AE8025729D0046CAED/$File/people_with_disabilities_in_public_sector_04.htm).

⁴⁶ See Rosie Campbell, “All Women Shortlists Remain a Controversial but Effective Way to Improve Women’s Representation in Politics,” <http://parliamentarycandidates.org/news/all-women-shortlists-remain-a-controversial-but-effective-way-to-improve-womens-representation-in-politics/>.

⁴⁷ See Lori Beaman et al., “Female Leadership Raises Aspirations and Educational Attainment for Girls: A Policy Experiment in India,” *Science* 335, no. 6068 (2012): 582-86. Affirmative action can encourage women to enter competitions. See Loukas Balfoutas and Matthias Suter, “Affirmative Action Policies Promote Women and Do Not Harm Efficiency in the Laboratory,” *Science* 335, no. 6068 (2012): 579-82.

become accepted, successful, professionals—plainly, you won't try to become what you don't believe you can become.”