**FAIRNESS**

The United States has a history of discrimination based on characteristics such as race and sex in settings like employment and education. Affirmative action policies attempt to remedy past harms and prevent future discrimination by taking into consideration a group's protected characteristics for the benefit of an individual during selection or hiring. For example, the University of Michigan Law School used to consider race as one of a number of factors when evaluating an applicant for admission.[[1]](#footnote-1) However, in 2006, Michigan voters through a ballot initiative banned “affirmative action based on race, gender, and ethnicity.”[[2]](#footnote-2)

Proponents of affirmative action praise its remedial efforts. They argue that policies that often favor more privileged applicants such as legacy, donor, and sports admissions are true examples of unfair procedures. Of Yale’s class of 2025, “14 percent were the offspring of a Yale graduate . . . .”[[3]](#footnote-3) As a result, qualified candidates from historically under-privileged groups may be overlooked. Opponents argue that the consideration of protected characteristics in admission and hiring is inappropriate and leads to the selection of unqualified candidates at the expense of more qualified candidates. When Barbara Gruetter applied to Michigan Law while the college maintained its affirmative action policy, she was denied. Barbara had “applied with a 3.8 undergraduate GPA and an LSAT score of 161.”[[4]](#footnote-4)

*What do you think? Does affirmative action create preferential selection procedures that favor*

*less qualified candidates over more qualified candidates?*

*I have no opinion or my opinion is conflicted: It depends on how you view the qualifications.*

*Sometimes, diverse perspectives make people more qualified for a job, despite being less*

*qualified on paper.*

*I agree: however I would not say that the promotion of less qualified candidates is necessarily*

*bad. If they are able to compete at a similar or higher level than those who they replace, then I*

*believe that there is not necessarily an issue.*

*I disagree: I believe affirmative action creates procedures that help equally qualified candidates*

*that have unfair disadvantages to overcome those disadvantages.*

**COLLECTIVE WELLBEING**

While affirmative action policies are argued to have a positive benefit for individuals from historically underrepresented backgrounds, proponents of these policies also assert that diverse environments themselves can serve to benefit everyone. In defense of its affirmative action policy, Michigan Law argued to the Supreme Court that a “critical mass” of individuals from historically underrepresented backgrounds would enrich student learning through means such as better conversation. In the corporate setting, the push for more female and nonwhite board members is done with the expectation that diverse perspectives will increase creativity and company profits in turn. In fact, in 2018, California passed a law requiring, “boards of public companies with their principal executive office in the state to have at least two female directors, and … in 2020, [passed a law requiring that] boards … have one or more directors from an “underrepresented community…”[[5]](#footnote-5)

Opponents of affirmative action note that mere diversity does not alleviate issues with

inclusivity or produce the benefits of inclusivity.[[6]](#footnote-6) They note that in some cases, homogeneity has benefits. For example, some studies show that racial matching between doctors and patients

leads to better health outcomes. Critics of affirmative action further argue that concepts like

critical mass are too ambiguous and immeasurable to implement meaningfully.

What do you think? Do affirmative action policies create new winners and losers, but not

generally improve collective wellbeing?

*I disagree that Affirmative Action creates new winners and new losers, necessarily. Affirmative*

*Action policies have been shown to be disproportionately employed by wealthier members of*

*minority groups, rather than being used across economic lines evenly. As an example, 71 percent*

*of black and latino students at Harvard are classified as "wealthy" by their own analysis.*

*"Winning" in this instance is something that I would associate with attaining wealth. Therefore,*

*because those who benefit from affirmative action policies are those who are already in positions*

*of advantage in America, I disagree with the premise that it creates new winners and losers. As*

*for the issue of collective well-being, I do believe that there is some marginal benefit, as*

*Affirmative Action does allow for some previously economically disadvantaged people to have*

*access to opportunities they otherwise would not have access to.*

*I disagree: I think affirmative action can positively affect the wellbeing of people by providing a*

*more inclusive atmosphere*

*I agree: I think this is true on average at a societal level, but not in every instance*

**HELP OR HINDRANCE**

The first use of affirmative action was John F. Kennedy’s 1961 Executive Order to ensure that federal contractor “applicants are treated equally without regard to race, color, religion, sex, or national origin.”[[7]](#footnote-7) At the time, it was argued that people of color and women did not have the same opportunities for socio-economic success that white men had. To actively counteract this trend, institutional leaders gave preference to marginalized individuals in academic and employment settings. Some argue that these actions equalize opportunity, dissolve harmful stereotypes, and increase civility among those of diverse demographics.

On the other hand, some argue “lower [minority] representation in highly-paid jobs and

university positions” are due more to differences in individuals’ income and education, rather

than demographics.[[8]](#footnote-8) Demographic preferences reinsert characteristics like race and gender into the equation, when socioeconomic disparities are the true concern. When affirmative action

results in the selection of under qualified candidates, those individuals will be more likely to

perform poorly and eventually quit or drop out.[[9]](#footnote-9) This does not help the individual. And it can

entrench or create negative stereotypes about the ability levels of the very people affirmative

action is meant to help.

What do you think? Does affirmative action hinder progress towards a world where one’s

demographic attributes (race, gender, sexual orientation, etc.) do not affect their socio-economic

prospects?

*I have no opinion or my opinion is conflicted: What are you talking about? Do you actually*

*think that there is a possible world where one's demographic attributes are meaningless to your*

*social position? Do you think we can get to such a world by closing our eyes?*

*I disagree: We still are not at a point, or remotely close, where everyone is treated equally and*

*therefore it is necessary at times to proactively help demographic attributes that are treated as*

*inferior.*

*I agree: … I don't see how affirmative action enables us to reach a point of demography-blind*

*prospects. At what point would we abandon affirmative action? If the answer is: when every*

*organization at every level of society perfectly mirrors the demographics of the city/state/nation*

*as a whole, then I take it we'll never get rid of affirmative action.*

**SURVEY**

Add the numbers of your responses together. This will help us pair people up for discussion.

**Prompt A**: Affirmative action creates preferential selection procedures that favor less qualified

candidates over more qualified candidates.

1. Agree. 2. I have no opinion or my opinion is conflicted. 3. Disagree.

**Prompt B**: Affirmative action policies create new winners and losers, but do not generally

improve collective wellbeing.

1. Agree. 2. I have no opinion or my opinion is conflicted. 3. Disagree.

**Prompt C**: Affirmative action hinders progress towards a world where one’s demographic

attributes (race, gender, sexual orientation, etc.) do not affect one’s socio-economic prospects.

1. Agree. 2. I have no opinion or my opinion is conflicted. 3. Disagree.

**Total: \_\_\_\_\_\_\_\_**

1. *Grutter v. Bollinger,* 539 U.S. 306 (2003) [↑](#footnote-ref-1)
2. Richardson, J., & Burke, M. K. (n.d.). *Reaffirm Affirmative Action?* ABC News. Retrieved February 11, 2023, https://abcnews.go.com/US/LegalCenter/story?id=2644440&page=1 [↑](#footnote-ref-2)
3. Saul, S. (2022, July 13). *Elite Colleges' quiet fight to favor alumni children*. The New York Times. Retrieved February 11, 2023, from https://www.nytimes.com/2022/07/13/us/legacy-admissions-colleges-universities.html [↑](#footnote-ref-3)
4. *Oyez: Grutter v. Bollinger* . (n.d.). Retrieved February 11, 2023, from https://www.oyez.org/cases/2002/02-241 [↑](#footnote-ref-4)
5. Eavis, P. (2022, January 3). *Board diversity increased in 2021. some ask what took so long*. The New York Times. Retrieved February 12, 2023, from https://www.nytimes.com/2022/01/03/business/corporate-board-diversity.html [↑](#footnote-ref-5)
6. Riordan, C. M. (2014, November 2). *Diversity is useless without inclusivity*. Harvard Business Review. Retrieved February 12, 2023, from https://hbr.org/2014/06/diversity-is-useless-without-inclusivity [↑](#footnote-ref-6)
7. *Affirmative Action Policies Throughout History*, The American Association for Access, Equity, and Diversity (2023), from https://www.aaaed.org/aaaed/History\_of\_Affirmative\_Action.asp#:~:text=1965%20%E2%80%93%20President%20Lyndon%20B.,expand%20job%20opportunities%20for%20minorities [↑](#footnote-ref-7)
8. Harry J. Holzer, *The Economic Impact of Affirmative Action in the US*, 14 SWEDISH ECON. POLICY REV. 41, 47–49 (2007), from https://www.government.se/49b738/contentassets/6310cf0f5c5049c6b0ee15d1cfc49b74/harry-holzer-the-economic-impact-of-affirmative-action-in-the-us [↑](#footnote-ref-8)
9. NPR. (2007, August 30). *Report: Affirmative action harms minority law students*. NPR. Retrieved February 11,2023, from https://www.npr.org/2007/08/30/14055198/report-affirmative-action-harms-minority-law-students [↑](#footnote-ref-9)