

Lecture Notes on Affirmative Action, EC 137, Prof. Glenn Loury

- I. Some Distinctions: "Weak" vs. "Strong" AA; & Goals vs. Quotas
 - A. "Weak" = Outreach, recruitment, extensive search, training – all efforts aimed to promote diversity
 - B. "Strong" = use of preferential hiring/admissions standards (Does higher wage for minorities=AA?)
 - C. AA defenders say these not same. "Goals" OK but "Quotas" bad – but, why?
 - D. Goal="soft" and Quota="firm target". Does this distinction survive in practice? (Texaco case.)
 - E. The key question is "What happens if 'goal' not met?" Strong penalties turn goals into quotas.
 - F. AA often anti-discrimination law-enforcement tool, not just race-based redistribution of opportunity. Need numbers to find discriminators; remedy for discrimination may require "quotas."

- II. Contexts in which AA Employed
 - A. Employment: E.O. 11246; OFCCP reporting/compliance reviews. History: Johnson/Nixon/Reagan
 - B. Government Procurement: Set-Asides, at Fed. and state/local level. (Clinton's Mend/Don't End)
 - C. College Admissions (gets more "play" than extent would warrant)
 - D. Private, "voluntary" efforts. Political/economic realities: big (not small) business supports AA—why?

- III. Objectives of Affirmative Action Policies (Should ask how well achieved, and by what means.)
 - A. The "representation" vs. the "role-model" vs. the "chaperone" motives.
 - B. To insure non-biased hiring practices; to correct for the effects of past discrimination.
 - C. To reduce general group inequality. To secure/dignity and respect for "out" group.
 - D. To change the conception of organization by bringing in diverse points of view.

- IV. Some Arguments Pro and Con [Summarized here; to be reviewed at greater length later]
 - A. Limitation of the "Color-Blind" Principle
 1. Discrimination in "contract" vs. "contact"
 2. Training/enforcement/outreach already violate color-blind principle.
 3. CB locks-in effects of past, which are perpetuated by non-color-blind social actions.
 - B. What does a person have a "right" to anyway?
 1. Does "equality of opportunity" principle imply "meritocracy" principle. (What's that, anyway?)
 2. Right "to be judged by same standard" not same as "right to be judged by *any particular* standard."
 3. Equal weight on one's interest in the calculation of policy not same as equal benefits from policy.
 - C. Why race/gender and not "class"? Which races? What about "ethnicity?"
 1. "Asians" complicate picture: non-white minority with high test scores and a history of discrimination
 2. Women (middle class, esp.) are very different from disadvantaged minority groups.
 - D. AA as "reparations" and the problems of victim-based claims.
 1. Rely on magnanimity of oppressors
 2. The dilemmas of comparative victimology
 - E. "Informational externalities". Stigma; stereotyping; patronization. Problem of honor/respect, to which a legislated outcome need not be a remedy. (Aff. Action for Nobel Prizes won't work.)
 - F. Incentive problems

- IV. Why worry about "group" representation in the top jobs?
 - A. May be evidence of discrimination. Absence of some groups conspicuous, reinforces stereotypes.
 - B. Balances power among groups (E.g., in politics, the regionally or ideologically "balanced ticket").
 - C. "Representation" not just statistical; looks after group interests, monitors deliberations.
 - D. US Constitution requires geographical representation. Why? How else might the people be represented?
 - E. Some examples of (dis)representation. Which are problematic? Why?
 1. Supreme Court. Which "groups" should be represented? [Women, "minorities". Non-lawyers? Italians, Jews? Political ideology? Why must this be informal?]
 2. Military. Should officer corps reflect (ethnic/gender) composition of enlistees? Those fighting/dying in wartime should reflect (class/ethnic/religious/regional) composition of population?
 3. Children not represented, depend on parents, lobbyist to protect their interest. Contrast elderly.
 4. Should juries be representative – but how?