

Why & with What Success has Affirmative Action been used to Promote Equality in the USA?

The introduction of affirmative action came with the realisation that the rights and appropriate representation of minorities couldn't be guaranteed solely through legislation. This conviction had been proven by persistent discrimination against minorities despite civil rights laws and constitutional guarantee. The combination of attempts made on the part of the Supreme Court and Congress to combat inequality included: amendments to the constitution, landmark decisions e.g. declaring segregated schools unconstitutional in the Brown v. Education Board of Topeka Case and a passage of civil rights legislation in the 1960s such as the 1964 civil rights act which outlawed racial discrimination in public places, required employers to provide equal employment opportunities and stated that uniform standards should be applied for establishing the right to vote. However, these attempts were counteracted by the existence of de facto segregation and Southern states choosing to ignore the rulings. Segregation remained rife with blacks continually discriminated against in housing, voting, school and employment. The USA was in a state of de jure segregation; the theory of equality was present but it still needed to be put into practise. A way to do this was by introducing racial advantage through affirmative action. The term was first introduced by President Kennedy but was developed and enforced by President Johnson who vowed "We seek...not just equality as a right and a theory but equality as a fact and as a result."

Affirmative action is otherwise known as positive discrimination. It was designed as a temporary tool to level playing field for all Americans. The key feature of affirmative action is that it takes active measures to promote access to education, employment, school admissions, salary increases and financial aid for previously disadvantaged groups. It gives them the equal opportunities which they might otherwise be deprived of. In its soft form, affirmative action calls for job adverts to be targeted at racial minorities and women. Its hard form- which is the most effective involves use of goals, timetables and quotas which reserve a certain percentage of places for socio-politically disadvantaged groups.

The Supreme Court upholding the legality of affirmative action in the Regents of the University of California v. Bakke case (1978) paved the way for progress in affirmative action and a number of successful applications. Enforcement of equal opportunities was also driven by support from Presidents Nixon and Clinton as well as others. Although the affirmative action took a setback in the 2000 and 2001 Michigan cases, when the court ruled affirmative action was no longer justified as a way of redressing past oppression and injustice, the Court did decide that race can be one of many factors considered by colleges when selecting their students and promoted the importance of diversity at all levels of society.

Affirmative action has had successful results: it boosted the income, promotion and labour force participation of both women and minorities e.g. between 1982 and 1995, the percentage of female managers and professionals in the U.S. rose from 40.5 to 48.0%, blacks from 5.5 to 7.5%, and Hispanics from 5.2 to 7.6%. These statistics are supported by a 1995 study by Murrell and Jones which found that affirmative action has increased the representation of women and minorities across all levels of employment in the U.S. An ACLU (American Civil Liberties Union) briefing paper on affirmative action reported that 6 million women have received opportunities in employment and education as a direct result of affirmative action programs. The OFCCP (Federal Contract Compliance Program) enforces affirmative action and non-discrimination in Federal contractors and subcontractors. The agency gives awards to exemplary Federal contractors that have multi-faceted and innovative programs that enhance employment opportunities for all employees.

However, after its introduction in 1961, flaws had already begun to show in affirmative action policies from the late 1970s. Its reverse discrimination became subject to much controversy. Further opposition to affirmative action began to mount. Critics argue that it has failed to achieve its stated goal of equal opportunities because it requires the very discrimination it is seeking to eliminate, against members of previously dominant groups e.g. white men. Instead of promoting equality, it promotes prejudice and resentment towards the beneficiaries of affirmative action from those who have been adversely affected. This may cause minority groups to be targeted even more. Affirmative action can be seen as unfair and unjust because those who suffer (i.e. those who don't get the job or who don't get admitted to a particular university) should not be held accountable for crimes they did not commit; they were not part of the system that oppressed minorities in the past. Furthermore, since all people should have equal rights, no individual's rights should be sacrificed to compensate for another's. From this point of view, affirmative action appears to have done more harm than good.

Success of affirmative action had a number of setbacks. Even the landmark affirmative action case of 1978 limited further application by outlawing inflexible quota systems employed by affirmative action programmes. During the 1990s, the Supreme Court increasingly restricted the programme's scope and use. There has recently been a strong push among American states to ban racial or gender preferences in university admissions. In 2006, nearly 60% of Michigan voters decided to ban affirmative action in university admissions. Conservatives still remain opposed to affirmative action because they resent the idea that some unqualified minorities were getting a 'free ride' on the American system.

The passage of civil rights granted to minority groups throughout the 60s and 70s only created de jure segregation. Affirmative action was the solution to putting theory into practise. It has been applied successfully in a number of cases and a review of statistics shows that it has resulted in greater equality amongst

minorities and women over the last few decades. Proponents argue that it is the best way of eliminating unfair decision-making because other forms rely on elites behaving objectively and without power abuse, which may not be their own self-interest, and so is unlikely. Affirmative action being required by law from all federal government agencies was a huge promotion for equality in the public sector. However, its promotion of equality has been limited because it appears to replace discrimination for minority groups with discrimination for dominant groups and sacrifice the rights one group to benefit others. It has also conflicted with constitution on numerous accounts.