



Analysing Affirmative Actions From Different Lenses: Insights From Rawls, Dworkin, Young, And Sen

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Citation: Arti Soyal , et al. (2023) Analysing Affirmative Actions From Different Lenses: Insights From Rawls, Dworkin, Young, And Sen , Educational Administration: Theory and Practice, 29(4), 903 – 907
Doi: 10.53555/kuey.v29i4.6000

ARTICLE INFO

ABSTRACT

The word “Affirmative Action” refers to the positive discrimination done by government institutions for the upliftment of underprivileged people to create equality in society. It is the criteria that recognize that there is an unequal distribution of resources and to create equality in society there is a need for certain kinds of positive discrimination in favor of those who are underprivileged. In different countries this provision is described differently for example in the US it is called ‘affirmative action,’ in Europe it is called ‘positive action’ and in India, it is called ‘affirmative action.’

This paper analyzes the perspective of different political theorists on this issue, including Iris Marion Young, Ashok Acharya, Krishna Menon, and John Rawls. The second part of this paper relates ‘Affirmative Action’ with the concept of justice and tries to understand how this positive discrimination is justified to create a just society.

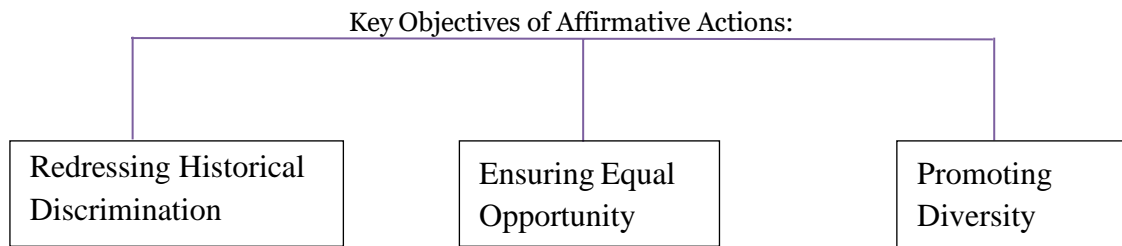
Key Words: Affirmative Action, Justice, Capability, and Equality

Introduction:

Affirmative Action refers to those laws and practices that are intended to increase the opportunities for historically underrepresented groups, by granting them preferred treatment or consideration. Affirmative action aims to redress historical injustice and advance diversity and equality. It strives towards providing equal access to opportunities and a level playing field for all. This concept is itself quite controversial and a highly debated topic as the people who do not get any profit due to these policies question this biased behavior of the government and the reverse discrimination faced by them. Different political theorists have a different stand on this issue and this paper briefly mentions some of the dominating views in this area. This paper looks at four different perspectives on affirmative actions including John Rawls, Ronald Dworkin, I. M. Young and Amartya Sen. The research methodology of this paper is discourse analysis as the author heavily relies on both books and articles. The first part of this paper defines affirmative action and the second part of this paper explains the different take of different thinkers in regard to affirmative actions. The paper concludes with the observation that all the political thinkers believe that the affirmative action can positively help in the upliftment of the underprivileged people in one way or another.

Affirmative Actions:

The word “Affirmative Action” refers to the positive discrimination done by government institutions for the upliftment of underprivileged people to create equality in society. It is the criteria that recognize that in society there is an unequal distribution of resources and to create equality in society there is a need for certain kinds of positive discrimination in favor of those who are underprivileged. In different countries this provision is described differently for example in the US it is called ‘affirmative action,’ in Europe it is called ‘positive action’ and in India, it is called ‘affirmative action.’



a) **Redressing Historical Discrimination:** The goal of affirmative action is to make up for the disadvantages that particular groups have historically faced because of institutional discrimination. Under this, the government takes proactive measures to ensure that the historically disadvantaged group can compete fairly so that they can get access to same opportunities as everyone else.

b) **Ensuring Equal Opportunity:** the goal of this objective is to remove the barriers caused by biases and prejudices that keep qualified people from taking up advantageous opportunities. Under this, the government works towards taking up those actions that guarantee equitable representation in the hiring, admittance, and contracting processes.

c) **Promoting Diversity:** affirmative action works towards a more diverse environment in schools, institutions, and workplace space by enriching the experiences and learning amongst the members of the society. Under it, diversity is promoted as an advantageous quality, which fosters innovation and, cross-cultural understanding.

Theoretical Perspective:

Political theorists support affirmative action based on different reasoning from correcting historical wrongdoings to promoting diversity. They aim to create equality in society and to achieve that they call for the active involvement of the government in different capacities from the distribution of the resources to the enhancement of capabilities. The following are thinkers have different take on affirmative actions:

John Rawls: Justice as Fairness:

Rawls (1971) talks about creating a just society and he believed that ‘a just society’ can be created when the lawmakers work towards the upliftment of the underprivileged and this can be done when they work under the ‘veil of ignorance.’ Rawls stated that this veil of ignorance will remain in place till the time they are making the laws once the laws are formed the veil of ignorance will vanish and these lawmakers will again become aware of their social standing. But once the laws are made they will be equally applicable to all including the lawmakers.

Rawls stated that if the lawmakers are not aware of their social baggage then there is a higher chance that they will opt for those policies which provides maximum benefit to the underprivileged people. Therefore he stated that while making the laws and policies for the society the lawmakers will remain under the veil of ignorance, he stated that under this situation the lawmakers will be aware of the concept of justice, equality, and freedom¹ and the ground realities of the society which is divided between privileged and underprivileged people. Rawls believed that the lawmakers under the ‘veil of ignorance’ would opt for those policies that would uplift the underprivileged people the most to secure their own position. He pointed out that since these lawmakers don’t know whether they belong to the privileged category or not they will try to protect themselves by ensuring equality in the society.² Rawls stated that these lawmakers are risk-takers as they are not aware of their social standing and while ensuring the benefit of the underprivileged they are taking risk of either gaining or losing depending on their social standing once the veil of ignorance is removed.

Rawls stated that such people would choose the following principles of justice:

1. Everyone is entitled to the maximum amount of liberty that is compatible with others who have similar levels of liberty.
2. Economic and social inequalities must be set up.:
 - a) linked to posts and offices applicable to all who meet fair equality and opportunity needs and,
 - b) least privileged get the greatest advantage.

Based on the above-mentioned difference principle, we can derive that Rawls can be fitted into the Pro-Affirmative Action lobby. His theory supports the affirmative actions are for the benefit of the least advantaged people so as to promote just and equal society.

Ronald Dworkin: Equality of Resources

¹ Rajeev Bhargava and Ashoka Acharya. (2008). Political Theory: An Introduction. Pearson p. 79

² Rajeev Bhargava and Ashoka Acharya. (2008). Political Theory: An Introduction. Pearson p. 79

Dworkin (1981) calls for ensuring equality of resources, affirmative action is seen as a method to correct historical imbalances in the distribution of resources. He believes that a distributional scheme has the potential to bring equality of resources among individuals. For the distributional scheme to work effectively, Dworkin suggests a two-phased procedure:³ the insurance scheme and the ambition-sensitive auction. To explain the two-phased procedure he uses an imaginary situation: assume that due to a natural calamity, some shipwrecked people find themselves on a deserted island. Gathered on a resource-rich island they decided to distribute resources equally amongst themselves. To make sure that there are no clashes between the people they distributed equal amounts of money amongst themselves. Now all the individuals have an equal amount in their hands and as per their requirement, they bid for the resources that they require and desire, this auction is termed by Dworkin as an 'ambition sensitive auction.' For example, if a person named 'X' desires veggies instead of fast food then he should bid for that resource only. So the person 'X' is spending his resources on only those products which he desires and nothing else. Now Dworkin mentioned that just like person 'X' other people would also bid for the resources which they desire. He, states that after the auction if every person is satisfied with the resources in their hand and they are not jealous of the resources of others then Dworkin states they have passed the ambition-sensitive scheme. This means that if a person 'X' had bid for veggies instead of fast food then after the end of auction he should not have second thought about his choice or he should not be jealous of those people who are having fast food instead of veggies. Dworkin says that if no individual is jealous of other people's accumulation of resources then they had passed the 'envy test' and they had bid for those resources only which they desired.

The second test that Dworkin puts forth for the successful completion of this auction is by ensuring that it was an 'ambition sensitive auction' meaning that the special needs of the individuals are also catered. According to Dworkin the auction of resources can be justified as fair only when the existing inequalities among the people are addressed. He points out that all individuals are not equal some of them require special attention due to their special needs, the needs of a healthy individual are different than the needs of a physically challenged person. A healthy person while bidding for resources is only aiming for those resources that he desires, but a differently abled person while bidding for resources is spending a good portion of his money on the necessities. For example, if every individual is given 10000Rs to bid for their desired resources then a person who is differently abled or who requires medical help finds themselves in a disadvantaged stage because they have to spend a good amount of their money on their minimum required needs. After buying resources like a wheelchair or a walking stick or medicines these individuals are left with only 5000Rs, Dworkin pointed out that these people are not getting an equal chance in the auction. While other people have 10000Rs in their hands the people who require special attention have only 5000Rs for the auction thus they are in a disadvantaged stage.

To address these inequalities of resources Dworkin calls for an insurance scheme under which before the beginning of the auction and distribution of money amongst the individuals the pool of money is utilized to purchase the resources that are needed by the differently abled people or people with special needs. Dworkin stated that after taking care of the needs of every individual the money will be distributed and although people will receive less money now everyone will have an equal amount in their hand which they can utilize as per their wishes.

Dworkin believed that after clearing both the phases an equal society can be achieved in which there would be equality of resources leading to an equal and just society. Based on this imaginary scenario, Dworkin supported affirmative action in society as stage one of his theory calls for equal opportunities for all, and stage two of his theory ensures that no one is stopped from exercising those opportunities due to their social background.

I. M. Young: Politics of Difference

Young (1990) favors Affirmative Action as she is an institutionalist she wants these actions in the institutions. In her book 'Politics of Difference' we find that her understanding of justice is not limited to distribution it expands to create situations so injustice can be ended. To explain this we can take an example, suppose there are two people 'x' and 'y' while 'x' earns 100rs a day 'y' earns nothing. So in this case Young will talk about creating situations so even 'y' can earn 100rs a day that is by enhancing his capabilities to end injustice. She defines injustice in terms of oppression and

domination as she says that these two concepts have to be the starting point for a concept of social justice rather than a distribution concept.

She described five dimensions of oppression in her writing: exploitation, marginalization, helplessness, cultural imperialism, & violence.

Exploitation: While talking about this kind of oppression she starts with the Marxian Feminist notion of exploitation. She concludes that a distributive model is often applied to understand exploitation. While talking about marginalization she says that it is "unjust because it limits the ability to employ skills in ways that are

³ Rajeev Bhargava and Ashoka Acharya. (2008). Political Theory: An Introduction. Pearson p. 77

socially acceptable and specified.”⁴ She further argues that “even if marginal people were given a happy material life in institutions that respected their freedom and dignity, the unfairness of marginality would nonetheless express itself in the form of uselessness, boredom, and a lack of self-respect.”⁵ While talking about the powerlessness face of oppression she says that “professionals often suffer from a reduced sense of authority, status, and identification due to their decreased power.”⁶ And she puts Cultural imperialism in the category of oppression as “the dominant group’s cultural expressions are the only ones that are generally shared, making them the standard, the universal, and so unremarkable.”⁷ As individuals face cultural imperialism, they see themselves becoming positioned, defined, and defined from the outside by a dominant meaning network composed of people they do not identify with and who do not identify with them.⁸ While talking about ‘violence’ she says that “violence and cultural imperialism are interlinked.”⁹ She says that it (violence) is a social practice, moreover, she adds that group violence comes close to legitimacy in that it is tolerated.

Young says that all these phases of oppression are interlinked and the major ones are exploitation and marginalization and the other three works, moreover, within them. She says that progress toward justice can be made by state policies to address precious group distinctions. She calls for Affirmative Action to equalize opportunity for those who face oppression.

Amartya Sen: Capability Approach

Sen (1993) called for enhancing the capability of the individual to promote equality in society. His theory emphasizes on the importance of freedom to achieve well-being and the process which enables it. The core concepts of his theory are a) capability, b) functioning, and c) freedom.

He argued that the individual should be made capable of utilizing those opportunities which promotes their well-being. He stated that just providing resources is not the right approach, in Sen’s view the individual should be made capable to utilize those resources too. For example, providing a hungry person with ration material is not enough that person has to have the capabilities to use those resources in a manner that supports his or her health. Sen pointed out that to make individuals capable of effective functioning of the state machinery needed which promote education to enhance the capabilities of the citizens. Sen pointed out that the resources approach just talks about the distribution of resources but it does not provide freedom of choice to the individual therefore the individuals should be made capable so that they can freely choose what they want and what they don’t want. He contended that individuals should focus on true freedom instead of the accumulation of resources like the ability to read, having good health, self-respect, and being able to participate in the community.

Sen was of the view that people’s capabilities should be enhanced instead of the accumulation of resources. He said that the resources should only be seen as a means of well-being as they only provide us with the things that make our lives meaningful. Therefore, Sen said that the focus of social policy should be on capabilities instead of resources he pointed out that the resources approach only focuses on providing materials while the capability approach provides individuals with capabilities. For example, to promote education the resources approach focuses on providing resources like books and education services, but the capability approach focuses on promoting reading capabilities among the individuals.

Conclusion

Affirmative actions call for creating a society based on equality in which not everyone has ‘equality from’ but also ‘equality to’ meaning that they will not have nominal equality but practical one. An equality under which they will not only have the right to do something but will also have the resources and capabilities to exercise the opportunities in front of them. All the theorists emphasized the fact that in society there is the existence of some kind of inequality and to overcome that we need the intervention of the state. The theorists had different takes on the kind of intervention for the upliftment of underprivileged people but while some believed that the state should provide resources others believed that not just providing resources but enhancing the capability of the individual is also equally important. No matter what is the take of different theorist but they all agreed on one point that is the importance of affirmative action for creating a just and equal society.

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⁶ Young, I. M. (1990). Justice and Politics of Difference. New Jersey. Princeton University Press p.57

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⁸ Young, I. M. (1990). Justice and Politics of Difference. New Jersey. Princeton University Press p.61

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