

Affirmative Action: The Problem and the Solution

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Abstract: Affirmative action was created in the 1960s as a way to address the problem of discrimination and unfair treatment faced by under-represented groups. However, since the implementation of this policy, debates and controversies have always been one of the key issues that societies pay close attention to. Some argue that some of the most immediate problems that need to be addressed are that of reverse discrimination and the debate between meritocracy and equal opportunity, suggesting that focusing only on diversity may have undermined the principle of meritocracy, at the same time creating a new type of discrimination towards those with low socioeconomic status. Looking through the history and understanding the rationale and implementation of affirmative action, discover the impact these two problems have on education and employment, as well as try to seek potential changes to minimize the negative impact of affirmative action by looking into the possibilities of socioeconomic-based and holistic-based policies.

Keywords: affirmative action, reverse discrimination, equality, diversity

1. Introduction

Equality has always been debated and discussed in the United States. The government has always taken this issue seriously, invested resources and efforts to reduce inequality, and has carried out policies that try to protect minorities. Affirmative action is one such policy. The policy was first created in the 1960s when the civil rights movement took place; the goal was for all people to be treated equally for employment. Affirmative action prohibits employers from taking race, sex, skin color, religion, and other aspects into consideration during the application process. When President Kennedy first introduced Affirmative Action, it was initially intended to ensure that under-represented groups would be promoted the opportunities such that they may be able to achieve equal success compared to most of the people in the society. Later, the Kennedy Administration mandated that federal contractors act on this policy. When President Johnson came into power, this policy took a shift to the modern Affirmative Action that societies have become accustomed to today. In 1965, President Johnson signed Executive Order 11246 to require federal contractors to take Affirmative Action to promote diversity in their workforces [1]. The reason behind this order, according to President Johnson, was that affirmative action was necessary to make up for the historical injustices and mistreatment faced by African Americans and other minority groups. This policy also found its way into the education system within the United States and can be seen in college admissions, as many universities and colleges use this policy to increase their diversity and representation of students

that come from a minority group background. Since affirmative action was first introduced in the 1960s and is still in effect today, it is hard to neglect the importance of the policy in the context of equality and social justice, and it can be seen in several different aspects. The core principle of affirmative action is to address historical injustices. The policy acknowledges and attempts to rectify the historical discrimination and oppression faced by certain groups. It recognizes that past injustices continue to have long-lasting effects on these communities and tries to provide compensation for those who are faced with such treatments [1]. Another important aspect of affirmative action is to promote diversity, as it seeks to create more diverse and inclusive environments in both education and in the workplace. Additionally, affirmative action also helps with reducing discrimination and stereotyping by actively promoting the inclusion of underrepresented groups, as well as challenging societal stereotypes and prejudices. Last but not least, affirmative action calls for equal opportunity since it is seen as a way to level the playing field and provide equal opportunities for marginalized groups. It tries to provide equal chances of success to those who are traditionally disadvantaged or discriminated against. Although affirmative action has initially achieved its goal of helping historically disadvantaged and under-represented groups to have more chance of success; however, problems such as reverse discrimination and the debate between meritocracy and equal opportunity have questioned the impact of affirmative action, but there can be changes made in such ways that it may reduce the negative effect this policy can have in modern society.

2. Controversies and Criticism

The historical accomplishment of affirmative action has shown that the policy has good intentions and can be successful, controversies and criticisms have always been debated in societies and have since seen many legal cases regarding problems with the policy, including the famous Regents of University of California V. Bakke case [2] in the 1970s, as well as Students for Fair Admissions V. Harvard (SFFA V. Harvard) [3] and University of North Carolina (SFFA V. UNC) [4] cases in 2023. One of the most debated aspects of affirmative action is that while protecting minorities, it has caused a problem known as reverse discrimination. As the name suggests, reverse discrimination is the practice or policy of favoring members of under-represented or minorities over members of the majority. It is argued that giving preferential treatment to individuals of minorities can result in unfair treatment of the majority, potentially causing new forms of discrimination unintentionally. As early as the late 1970s, the problem of reverse discrimination had already been taken to court: in the Regents of the University of California V. Bakke case. In this case, Allen Bakke was trying to apply to the University of California, Davis (UC Davis), School of Medicine, but was rejected twice. The decision of the Supreme Court saw Bakke admitted into UC Davis School of Medicine, and the school's policy where they reserved 16 out of the 100 seats for minority students was also struck down [2]. This case has since only led to further debate about whether affirmative action has unknowingly created new types of discrimination. Another problem that emerged over time is the debate between meritocracy and equal opportunity. It is often argued that affirmative action can undermine the principle of meritocracy by prioritizing diversity over qualifications, which results in the admission of less qualified candidates who come from under-represented groups. Whereas meritocracy measures the applicants' abilities and accomplishments, allowing more qualified candidates to be admitted. As a result, sometimes more qualified candidates who are not minorities are sometimes turned down to make a place for less qualified candidates that belong to minority groups. Furthermore, the problem of stigmatization can be obvious to those who benefit from affirmative action, as they may be perceived differently by others, casting doubt on their abilities, undermining their confidence, and potentially making them feel alienated. The most obvious controversies and criticisms of affirmative action can be found in education and employment.

3. Impact

Ever since taking place in the 1960s, affirmative action has had a massive impact on the admission process in colleges, universities, and companies, as well as affecting how minorities are treated within those institutions. In the 1960s when the policy was first introduced, it did give people from the under-represented groups more chance of success, evaluating their status to the same of majority groups. However, over the years, this impact has been debated as to whether it is causing other problems.

3.1. Impact on Education

To this day, universities across the United States still utilize affirmative action during the admission process. They aim to increase diversity on campus by taking into consideration applicants' race, ethnicity, and other factors. As a result, many institutions choose to implement "quotas", which allow admissions to reserve a certain number of spots for under-represented groups. Since the 1960s, there has been a dramatic increase in diversity on campus of universities that have implemented affirmative action, giving the traditionally under-represented groups more chances of receiving higher education and achieving success in the future. This increase in diversity has benefited institutions with a rich educational environment where students from different backgrounds are able to come together, which fosters a richer exchange of ideas and experiences that promotes greater cultural understanding and tolerance. Findings also show that research and publications conducted by a diverse team are more likely to be cited compared to non-diverse teams [5]. Although colleges and universities have benefited from this tactic in increasing diversity on campus, a downside to this approach tactic as well: that reserving spots, can affect the majority or the traditionally advantaged, as the level of competition for admission has increased, reducing their chance of getting in. Additionally, the policy may place certain students in academic settings where they may struggle to keep up with their peers, leading to worse academic performances. This is especially true for African Americans, as they continue to struggle to access and even after having access to higher education [6]. This effect can continue to hurt those students in the future as they are seen as less likely to achieve success. In contrast, Asian Americans are continuously being hurt for a different reason: admissions tend to favor other groups of people compared to Asian Americans, putting them into much more intense competition. Asian Americans have traditionally been doing well in comparison, but with recent movements and an increase in discrimination against the group, they have now become a victim of affirmative action [7]. Compared to other groups, Asians and Asian Americans tend to do better in standardized testing and in other academic-related extracurricular activities. In addition, with more Asian immigrants, they are becoming one of the largest groups, thus ruling them out for the reason of increasing diversity. Also, from a historical point of view, Asians were among the least-liked groups within Western societies. As a result, admissions tend to favor other minority groups over Asian Americans in the process.

3.2. Impact on Employment

Companies and corporations had similar tactics to universities; in addition, they would also apply this policy for promotion. This implementation of affirmative action has allowed groups like African Americans or Hispanics, which traditionally would not have a chance to compete with white people for promotion, to have a chance and become successful. Additionally, creating a diverse work environment encourages people from different backgrounds to work together and exchange ideas, which can improve creativity, innovation, and problem-solving. Many companies and corporations have also developed programs to include and increase diversity through hosting activities. The goal of such a program is to increase engagement, promote equality, and most importantly, increase efficiency in the workspace. On the other hand, increased diversity within the workplace can help

companies better understand and serve a diverse customer base, thus increasing their reputation and attractiveness among different groups of people, instead of targeting a certain group of people. It is not to say that this is without problem, an admission process focusing purely on race, ethnicity, and such factors may cause less qualified individuals to be preferred over those whose experience may actually help the company. This can also be applied to promotions, where promoting someone merely because they are from a minority group rather than merit-based promotions can cause problems in the offices. Furthermore, many from the under-represented groups continue to find barriers, often referred to as the “glass ceiling”, meaning they are still not allowed in the higher leadership rows. In addition, despite the effort affirmative action has achieved over the years in allowing African Americans to have access to not only higher education but also employment, it is still observed that the unemployment rate of African Americans is higher than that of the other groups [8]. Affirmative action has had a significant impact on both education and employment, promoting increased access, diversity, and representation for historically under-represented groups. On the other hand, affirmative action has continued to face problems and challenges that call for changes.

4. Future Outlook

In response to criticism and legal challenges, there have been suggestions for alternative approaches to promote diversity and equal opportunity. These alternatives include socioeconomic-based affirmative action and holistic admissions process, or potentially using technology and artificial intelligence to help with the admission process. Compared to race discrimination, socioeconomic inequality is an emerging problem and has caused a new form of discrimination. So, using a socioeconomic-based policy rather than traditional race-based might see a reduction in the drawbacks of current affirmative action [9]. Socioeconomic-based affirmative action considers the applicants' socioeconomic status rather than merely considering of their race, aiming to address economic disparities that often overlap with racial disparities. Since the 1960s, societies have seen successful people rise from the traditionally under-represented groups and become successful and wealthy. As such, continuing to use race-based affirmative action might cause disadvantages for those who are not minorities, namely, white people and Asian Americans. This approach will truly help promote more chances of success for those who are of low socioeconomic status. The University of Illinois Urbana-Champaign (UIUC) has started trials with implementing a socioeconomic-based admission process rather than purely race-based [10]. Another change that can be made is the holistic admission process. This change allows admissions to examine a wider range of factors when evaluating applicants, including their experiences, achievements, and other factors. The holistic admission process allows admissions to consider the unique circumstances of everyone without solely relying on standardized test scores or grades, allowing everyone to utilize their specialty to increase efficiency.

The future of affirmative action requires a delicate balance between the principles of fairness, merit, and equality. Striking this balance is essential to address historical disparities while ensuring that opportunities are based on qualifications and capabilities. However, finding the right balance can be a challenging process. Since the core of affirmative action is fairness for all, one of the possible policies that can achieve this goal is to have socioeconomic-based affirmative action. With the rising tuition and student debt, this policy would be most beneficial if largely implemented in the higher education systems. Nowadays race and ethnic groups are not a good indication of wealth, instead, there are people from all different groups that are not doing so well economically. As a result, if affirmative action wants to serve the goal of providing equal opportunities for all and wants to grant those in the lower class a chance to improve, a socioeconomic-based policy would best serve the purpose. Additionally, there should be a clear and strong standard for who would qualify for admission through affirmative action. For universities, those who are first-generation college students or have educational disadvantages; and for employers, those who are first-generation immigrants or

those with under-represented professions. Compared to others, first-generation college students tend to come from families with poor backgrounds, so providing them with the chance to become successful in the future does fulfill the goal of affirmative action. The same can be applied to first-generation immigrants, as they lack experience within the country, and they also have a low starting point compared to locals, thus the reason qualifying them for affirmative action and promoting them with more chances. The last important change would be clarity and accountability. Providing clear guidelines and ensuring accountability is vital, as both would be key to a successful implementation of changes and keeping affirmative action on track to achieve the goals it initially set. Clarity can be seen in several ways: standards and guidelines of those who are eligible to apply and reasons for rejection. As for accountability, the use of technology and artificial intelligence would be beneficial, they would check each criterion for applicants, which reduces the problem of human error or potential corruption when implementing the changes. As such, in order to ensure fairness for all as initially intended, policies, criteria, clarity, and accountability are all important elements that must be addressed.

5. Conclusions

In summary, affirmative action has played a pivotal role in advancing equality and social justice by addressing systemic disparities in education and employment. However, it has also faced criticism, particularly the reverse discrimination argument and debates about meritocracy and equal opportunity. Thus, the impact of affirmative action on education and employment is complex, with both positive outcomes and challenges. Also, the future of affirmative action will likely be influenced by evolving trends in diversity and inclusion, potential alternative approaches, and the ongoing challenge of balancing fairness, merit, and equality. Striking the right balance will require thoughtful policy development that addresses historical injustices while respecting the principles of meritocracy and fairness in a changing and increasingly diverse world. Affirmative action remains a critical tool in the pursuit of equality and social justice. While it has its flaws and controversies, it has undeniably increased access and representation for historically marginalized groups. Even as society continues to grapple with issues of discrimination and inequality, affirmative action retains its significance. The controversies surrounding affirmative action continue to call for research and change. It is essential to find solutions to minimize the problems and challenges but also keep the core principles: equality and diversity. Societies are evolving fast, traditional policies like affirmative action must keep up with the changes to be better suited and implemented in achieving its goals. The policy may take new forms, but its commitment to addressing historical inequality and injustices should remain steadfast.

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