

from
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Fort Worth, pp 337-9

It has become more and more difficult to present an account of affirmative action—or reverse discrimination—which does not immediately trigger biased reactions, while allowing students and professionals on both sides of the argument to look at the problem with at least partially disinterested eyes, but a recent study by a philosopher has finally done it. Luc Bovens of the University of Colorado found that his Caucasian students, about to enter the job market, were particularly unsympathetic to affirmative action “under any guise.” This being the case, he described for his class an affirmative action situation in which the reactions of most of his students were not at all those so evident in the American context, namely, the preferential treatment of Communist party members in state-run companies under Communist rule. (Bovens actually gave the example to his students *before* they began talking about affirmative action.) When Eastern European communism collapsed a few years ago, the managerial and other positions that had been filled by Communist party members were suddenly up for grabs. The problem was, however, that after so many decades of communism only the Communist party members had had the necessary education, training, and experience to perform the jobs, and so they were the only fully qualified applicants. People who had refused to join the Communist party, often at great disadvantage to themselves and their careers, were not as qualified and were often wholly unqualified, regardless of any potential they might have had to learn the required skills. But, in the backlash against communism, there was an obvious reason to give preference to those who had refused to join the Communist party, rather than continue to reward those who were members of the party and had played a part in the oppression and degradation of everyone else. What reasons could be given for overlooking well-qualified and experienced Communist managers in favor of less qualified or unqualified non-Communists? After discussing this example in class, Bovens then switches the case to American affirmative action.

Should We Hire Communists? —

There are two consequentialist arguments in support of preferential treatment for candidates who did not work their way into managerial positions through ties with the Communist party. First, it might be argued that it will be beneficial in the long run to give a special edge to candidates who show promise yet have never had the opportunity to develop their talents. Second, there is the danger that old practices of nepotism within an in-group power elite will die hard if managerial positions in private companies are mainly stacked with former members of the Communist party.

Both these arguments play a role in the affirmative action debate in this country as well. As to the first argument, it is a common policy of admission committees in U.S. colleges to scout for talent from poorer school districts that is not reflected in test scores. The same argument could be made in support of giving a special edge to promising women and minorities in admission procedures for educational programs and selection procedures for jobs. The analogue to the second argument in the affirmative action debate is that a concern for more qualified candidates who are denied jobs due to affirmative action is misplaced. For without some affirmative action constraints, the subtle biases and barriers of the good-old-(white)-boys network would remain untouched and a much larger number of more qualified women and minorities would be overlooked for less qualified white male competitors.

Compensation for Past Injustice

One may also present a compensatory argument for not hiring more-qualified former Communist managers. Since former Communist managers built up their qualifications on grounds of exclusionary practices, it is not unreasonable that they be hindered from reaping all the benefits of these qualifications and that they be forced to accept a special edge for their competitors who were victimized by such exclusionary practices. This argument is reflected in the claim that affirmative action in this country is justified on the ground of the right of women and minorities to be compensated for past discrimination. This claim has typically received criticism on two scores.

First, it is argued that those who benefit from affirmative action are not the ones who have suffered most from past discrimination. But in this respect the situation in this country is not any different from the situation in Poland. Among the candidates who meet the minimal standards and did not have any ties with the Communist party, it would hardly be surprising to find proportionately more people whose lives were less deeply affected by the political conditions than people who have genuinely suffered under the Communist repression. I do not believe this observation should block preferential treatment in Poland since this practice provides for at least some means of compensation which may then need to be supplemented by other programs. And if it does not block preferential treatment in Poland for candidates who were not associated with the Communist party, why should it block affirmative action in this country for women and minorities?

Second, it is argued that at least some Caucasian men who are asked to make sacrifices today through affirmative action programs are not themselves responsible for past racist or sexist practices. But again there is a parallel with the Polish situation. Certainly there will be some individuals with successful careers who carried their Communist-party cards with moral integrity and have not themselves partaken in any political corruption. Yet they too have enjoyed the advantages of an unjust political system and this is sufficient to justify that some of these advantages will be neutralized due to a policy of preferential treatment.

Equality of Opportunity

A final argument is that candidates who were not affiliated with the Communist party did not receive an equal opportunity in the past to develop their capacities and that to provide for this opportunity is to give them a special edge on the job-market.

Yet a core argument by opponents of affirmative action in this country is that giving a special edge to women and minorities violates the rights of Caucasian men to equal opportunity. Let us consider how this argument would fare in the Polish context. It would be ironic if the former Communist manager were to claim that discounting some of his or her qualifications were a violation of equality of opportunity considering that these qualifications were built up precisely on grounds of an exclusionary political system. But is an appeal to equality of opportunity by Caucasian men in opposing affirmative action in this country any less ironic? Caucasian men have been able to build up their qualifications on grounds of cultural institutions that are exclusionary of women and minorities in many respects. Hence, the same irony shines through when they demand that the full competitive force of their qualifications be respected in the light of equality of opportunity.

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