

A Critique of Leslie Pickering Francis’ Arguments of Affirmative Action

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Many-if not most- people who are for or against affirmative action are for or against the theory of affirmative action. The factual question of what actually happens as a result of affirmative action policies receives remarkably little attention. Assumptions, beliefs, and rationales dominate controversies on this issue in countries around the world.

Thomas Sowell (*Affirmative Action Around the World: An Empirical Study*, Yale University Press: New Haven & London, 2004, Preface, p. ix.)

Abstract—Affirmative action has been a ceaseless issue from its conception to the present. Despite being endlessly discussed since its beginning, a universal agreement on the existence of affirmative action still appears entirely untouched. Now, the social engineers do not face the dilemmas to seek a method by the fair allocation of laws and rights can be ensured but rather to determine how the victims of injustice ought to be compensated. Affirmative action is a public policy designed to compensate the victims of injustice which is done for the betterment of deprived and underrepresented classes on the cost of others’ possession that appears against the concept of equality and possessive individualism. For this reason, some philosophers such as John Kekes and Loius P. Pojman do not believe in the policy that explicitly or implicitly discounts the equality before the law, and the policy or law that shows deviation from the same should not be admired at all. On the other hand, some philosophers such as Leslie Pickering Francis and John Rawls say that there should be policy and lawn like affirmative action for assuring a level playing field. It is because there is a disparity in the social-economical scenario distributed in the community which is visualized in the form of absenteeism of the candidates belonging to the deprived and under-represented classes from the significant workplaces of the nation. As a result, the deprived and under-represented classes do not have favorable socio-economical situations as the candidates of general classes are capitalizing. In this paper, the author would attempt to analyze the arguments of Leslie Pickering Francis critically for favoring affirmative action. The paper will conclude by advancing the author’s position regarding this issue.

Keywords: *Affirmative action, Compensatory arguments, Corrective arguments, Redistributive arguments.*

I

Historically, the term ‘Affirmative Action’ was first used in ‘National Labor Relations Act, 1935’ which enacted in 1935.¹ The act was a cluster of orders banning the discriminatory behavior of employer against union members or union organizers. But the first use of the phrase “Affirmative Action” is usually attributed to ‘Executive Order of 10925’, which was issued by American President John F. Kennedy in the year 1961. The order asserts that affirmative action is meant for taking appropriate steps to eradicate the widespread practices of racial, religious, and ethnic discrimination. The goal as revealed by president John F. Kennedy was to ensure *equal opportunity in employment.*²

The Act has taken the form of the ‘Civil Rights Act, 1964’. The Civil Rights Act act was merely a reflection of the composite idea which was carried by American President John Kennedy and the Leading Liberals of that time. The central theme of the act was to create a level playing field where equal opportunity for all can be assured through fair procedures. The order contained the provisions that all the government agencies have to ensure that the criteria, and considerations of hiring applicants for employment, should be regardless of their race, creed, color, and national origin.

The title VI of the Civil Right Act, 1964 declared that-

No person in the United States shall, On the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under

¹ Sowell, Thomas. *Affirmative Action Around the World: an Empirical Study*. Yale University Press: New Haven & London, 2004, Preface, p. 191.

² Cahn, Steven M. *Affirmative Action Debat*. Edited by Steven M.Cahn, Rutledge. New York and London, 2002, P. 191.

any program or activity receiving Federal financial assistance.³

Unfortunately, as the act was passed, the riots erupted in the major regions of the United States of America. During these riots, America has got it's new, i.e., President Lyndon Johnson. President Lyndon Johnson argued that while framing and implementing affirmative action, we should not merely focus on the procedural aspects of hiring, because it is not enough at all. According to him so we should emphasize on substantive issues more than only ensuring fair procedures of recruitment. He was addressing at Howard University, he said:

*You do not take a person who for years has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, you're free to compete with all the others, and still justly believe that you have been completely fair. Thus, it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates. . . We seek not . . . just equality as a right and a theory but equality as a fact and equality as a result.*⁴

Furthermore, Lyndon Johnson to implement the Act effectively issued another order, i.e. 'Executive Order 11246'. The Order contained directions for all executive departments and agencies of the Federal Government. The order had provisions that all the government and private agencies should establish and maintain a positive program to ensure the equal opportunity of all employees. The order stated:

*It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each department and agency.*⁵

Two years later, the clause of sex is added in the order which was directed to eliminate the discrimination based on sex at significant workplaces. It is interesting to discuss that the motives and intentions were the same to both the American President, i.e., to eliminate all the kinds of discrimination for the institutions. In response to the Order, the US Department of Labor has created a special committee, named as "Office of Federal Compliance Program." The committee was supposed to replace the already existing committee "Equal Employment Opportunity Commission" which was established by the former "Executive Order 11925". The committee was aiming to respond to the individual complaints regarding discriminations. It is interesting to mention that the 'Office of

Federal Compliance Program' proved more effective to improve the situations of deprived classes of the society in comparison to the 'Equal Employment Opportunity Commission.'

The above discussion was related to mentioning the legislative initiatives taken by the different authority of Legislature to establish an easy way to implement the policy of affirmative action against the discrimination. Now, I am going to discuss the earlier legal cases which were related to the matter of discrimination that compelled the government to make policy like preferential treatment. In this line of thinking, the first case in the US Supreme Court related to affirmative action was '**Griggs v. Duke Power Company**' which was filed in 1971.⁶ The petitioner argued that the Duke Power Company had adopted the criteria for hiring the job candidates which was discriminatory against the minority groups. So, the Duke Power Company violates uniform law, i.e. 'Title VII' of the 'Civil Rights Act, 1964'. In the Education sector, the first case was '**Regents of University of California V. Bakke.**' The case filled in 1978. In this case, Bakke's admission got a rejection at Davis Medical School, University of California. Despite, he has scored more marks than the cutoff of an average socially and economically disadvantaged class, i.e., minority groups. It is interesting to discuss here that 'University of California' usually reserved 16 percent seats of total available seats for the students from the socially and economically disadvantaged class. Bakke had an idea in his mind that if the quota might not have allotted to the targeted classes, he must have got admission in the University. That is why; he challenged the roster of the University of California in the US Supreme Court. The decision was in his favor.

Supreme Court found that the use of Quotas in the affirmative action program to remedying or compensating the effects of societal discriminations is nothing but preferably in the violation of 'Civil Rights Act' and 'Equal Protection Clause of the Fourteen Amendment.' It is noticeable here than in later case such as '**Grutter V. Bollinger.**' The essence of the case was the same. Here, 'Barbara Grutter' was a White female applicant. She was refused to take admission in 'University of Michigan Law School' based on the race which was a pure violation of 'Fourteenth amendment' and 'Title VI' of the 'Civil Rights Act, 1964'.⁷ The University argued that there was a compelling interest of the state to ensure a critical mass of students from minority class and Supreme Court that affirmative action program in education permitted if it is related to the tailoring to meet a compelling government interest.⁸ And the case is related to ensuring the government's interest. Hence, it is desirable and should be applied at a

³ *Ibid*, pp. 194-196.

⁴ Cahn, Steven M. *Affirmative Action Debat.* Edited by Steven M.Cahn, Rutledge. New York and London, 2002, pp.xii.

⁵ *Ibid*, p.xii.

⁶ Cahn, Steven M. *Affirmative Action Debat.* Edited by Steven M.Cahn, Rutledge. New York and London, 2002, pp.194-196.

⁷ Grutter V. Bollinger - Wikipedia." Insert Name of Site in Italics. N.p., n.d. Web. 30 Apr. 2019 https://en.wikipedia.org/wiki/Grutter_v._Bollinger.

⁸ *Ibid*.

higher level in society to assure the well-being of everyone. Thus, the Supreme Court has accepted the decision of 'University of Michigan.' As the efforts are made to strengthen the policy, the profit became known to all. So, each country had tried to adopt the policy of affirmative action.

More recently, in '**Hopwood V. Texas**' case Cheryl J. Hopwood' being rejected by the University of Texas, School of Law in 1992, filed a case against the University of Texas on September 29, 1992, in the U.S. District Court.⁹ Hopwood, being a white female, was denied to take admission in School of Law. Despite, Hopwood being better qualified than other admitted minority candidates. After so many legal dates the Court has given the decisions that an educational institution can adopt the policy of preferential hiring justifiably when it is related to design to correct for the past discrimination of that very inst institution.

Thus, the decision of the Hopwood case became the final law of the land concerning the use of race in admissions to attain educational diversity. Since this decision the policy of affirmative action is applied in all the public and private institutions to maintain the diversity at the workplace.

II

*Surprisingly, it turns out that degree to which people in general are in favor of affirmative action depends in large measure on how that policy is described.*¹⁰

It is interesting to mention that sometimes favoring and disfavoring of particular concepts, ideas and ideologies depend upon in large measure on how the concepts and ideologies are defined and analyzed. The same thing can be applied in an attempt to understand the essence of affirmative action. Here, the author would like to present different definitions proposed by some well-known philosophers regarding affirmative action. Each description has some specific forms and contents which are designed to eliminate some particular types of morally undesirable and impermissible characteristics in the societal institutions in the ways of discrimination, subordination, obsession, and subjugation. It is difficult to bind up the policy of affirmative action in words, but some attempts are made to describe it, are as follow:

John Kekes has talked about two kinds of affirmative action. The first kind of affirmative action is weak affirmative action. The second kind of affirmative action is Strong affirmative action. The basic idea of weak affirmative action can be understood through the principle of liberty which is the key to open all the principles and derivations of liberalism. According to the liberty principle, there should be fair and just

procedures to ensure universal access to all the individuals regardless of their race, gender, religion, and sex. The justice of this kind of affirmative action is based on a procedural form of justice. Procedural justice demands that if the procedures are fair, the outcomes are bound to be fair. The presence of reasonable rules and laws are enough to begin a race of life. A person is entitled to attain anything by his ability through honest means. Treating everyone is the same is the critical notion of the weak form of affirmative action.

The Strong form of affirmative action: This kind of affirmative action can be understood through the difference principle propounded John Rawls. The difference principle adheres that the inequalities are fair when they are related to the betterment of the left out sections of the society. Thus, the goal of Strong affirmative action is to go beyond the rule of procedural justice to the rule of substantive justice, to fill the all the social scarcities, which they might have owned if the discrimination might not have occurred. Substantive justice means distributing social goods according to the need of the people. A substantive principle tells us which cases to count as like and which as unlike. For instance, race competition is organized in a school. There is a difference between a professional racer and a village boy participating in a race, an able racer, and a disabled racer. Hence, if according to the fair procedures, they are being kept in the same category, they are already loosing. It is because they don't have the same physical competency. The above descriptions need an assertion of John Kekes:

*It is customary to distinguish between two forms such a policy may take. The aim of the weak form is to ensure both open access to the initial pool from which people are selected and selection in accordance with fair procedural rules that apply to everyone equally. The aim of the strong form is to go beyond the weak one by altering the procedural rules so as to favor some people to increase the likelihood that they rather than others will achieve the desired position. The strong form of affirmative action, therefore, involves preferential treatment while the weak one does not.*¹¹

According to Myrl L. Duncan affirmative action is needed in the current society. It acts as a means to form a sustainable community where each individual would be considered as an individual and discrimination will be an ugly feature of history that would guide them. Myrl L. Duncan asserts:

Affirmative action has been defined as a public or private program designed to equalize hiring and admissions opportunities for historically disadvantaged groups by taking

⁹ Hopwood V. Texas - Wikipedia." Insert Name of Site in Italics. N.p., n.d. Web. 30 Apr. 2019. https://en.wikipedia.org/wiki/78_F.3d_932.

¹⁰ Cahn, Steven M. *Affirmative Action Debat*. Edited by Steven M.Cahn, Rutledge. New York and London, 2002, P. 199.

¹¹ Kekes, John. "The Injustice of Strong Affirmative Action." *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, Temple University Press, 1993, P. 144.

*into consideration those very characteristics which have been used to deny them equal treatment.*¹²

According to Robert S. Taylor affirmative Action is not a policy but rather a cluster of policies or a program consisting of at least five categories:¹³

1. First Category: Formal equality of opportunity: In this approach, an affirmative action program aims to implement a neutral policy to ensure that opportunities are open to everyone regardless of race, gender, religion, or any demographic attribute.
2. Second Category: Aggressive formal equality of opportunity: Instead of neutrality and non-intervention, supporters of Category 2 would aggressively use sensitivity training, external monitoring, and outreach efforts to achieve a fair outcome in admission and employment.
3. Third Category: Compensating support: In this approach, specialized training programs, financial aid, mentoring, or tutoring is provided to deprived classes to compensate for their disadvantages.
4. Fourth Category: Soft quotas; in this method, "bonus points" are provided in the selection, and admission.
5. Fifth Category: Hard quotas; this approach aims to achieve proportional representation of the population in the given society

James P. Sterba has defined Affirmative Action as follow:

*A policy of favoring qualified women and minorities candidates over qualified men or nonminority candidates, with the immediate goals of outreach, remedying discrimination, or achieving diversity, and the ultimate goals of attaining a colorblind(racially just) and gender-free(sexually just)society.*¹⁴

By the definitions as mentioned above of affirmative action, it can be clearly said that affirmative action is a policy designed to end the all the authors agree at the point that some types of injustices have occurred with some particular groups or class of the society in the past. Those injustices have compelled them to live in subordinate positions in all the possible social, economic, political, and cultural institutions of the society. And morality appeals that the victims of injustices deserve compensation and affirmative action does it with fair procedures. Moreover, the forward class and groups which are

involved in doing injustices, there is a dire need for taking preventive measures to stop further wrongdoing. It is because without taking any active efforts to stop the mentality of dominating on some social and economically backward class. For this some morally justifiable action must have to undertake and adopting the policy of affirmative action is that kind of preventive measure which will stop the strenuous further wrongdoing in every societal institution. Along with this precautionary measure, one more instigative was needed which will create future equality. For this, some quotas and other forms of public policy have to be hired which will be centered on the direct benefitting of the left out class thing is left.

Furthermore, affirmative action is designed to eliminate the absence of particular groups of people who have been subordinated or left out from appointment in specific jobs. For this reason, affirmative action is a kind of insurance entity which is trying to break the tradition of promoting certain groups of people in certain appointments. In the United States of America, the government has taken the initiative to implement the policy of preferential hiring or affirmative action. All the public and private institutions had got the strict rule and regulations to follow the policy of affirmative action to achieve diversity.

Barbara R. Bergmann in his book "In Defense of Affirmative Action" has said that 'affirmative action is a policy that tried to eliminate three main undesirable factors from the society.'¹⁵ The first one is affirmative action is needed to make a substantial effort along with the procedural efforts to fight against discrimination, subordination, and oppression of certain minority groups and women that still exist in many public and private enterprises of the society. Affirmative action is a series of practical steps that are directed to deconstruct the discrimination, preparing promising candidates for the jobs, removing the barriers that prohibit them from developing themselves. The second one is achieving race and gender diversity in all the public and private institutions of the society. This diversity would help to integrate the nation into one string. The third factor is that affirmative action reduces poverty in the marginalized groups of the society marked by their race and gender. It is because discrimination is playing a significant role in creating a vast economic gap between white and black in the United States of America. So, Affirmative action can be summed up as follow:

¹² Duncan and Myrl L. "The Future of Affirmative Action: A Jurisprudential/ Legal Critique." *Harvard Civil Rights-Civil Liberties Law Review*, 30 Nov. 1981, eric.ed.gov/?id=EJ275618.

¹³ Taylor, Robert S. "Rawlsian Affirmative Action." *Ethics*, vol.119 no.3,2009, pp 476-478., doi: 10.1086/598170.

¹⁴ Cohen, Carl, and James P. Sterba. *Affirmative Action and Racial Preference: A Debate*, Oxford University Press, USA, 2003, pp. 199-200.

¹⁵ Bergmann, Barbara R. *In Defense of Affirmative Action*, A New Republic Book: BasicBooks, 1996, pp. 07-11.

Immediate Goals of Affirmative Action	Ultimate Goals of Affirmative Action
<ul style="list-style-type: none"> • To Offset the Past Discrimination • To Counteract the Present Unfairness • Compensating for the Past Discrimination 	<ul style="list-style-type: none"> • To attain Future Equality and Amity • To achieve Racially Just Society • To reach Sexually Just Society • To attain diversity

Thus, it can be said that affirmative action is a policy of preferential treatment directed to compensate the victims of injustice. In this effort, some attempts have to be taken that can be in the form of plans, and laws that are designed for the betterment of representation of deprived classes. Having the immediate goals of remedying discrimination for achieving diversity, and the ultimate goals of attaining a racially just and sexually just society regardless of their race and gender.

In this comprehensive definition of affirmative action, two attainable ultimate goals are found namely racially just and sexually just. Both the terms are in need of complete analyzable. James P. Sterba has used the word colorblind society and racially just society as the synonymous of each other. According to him, a colorblind society is the state of a society in which race is not considered more significant. A sexually just society is the state of a society in which sex of an individual is not considered more significant. In this kind of morally praised society all the possible opportunities which are truly desirable and distributable in the community are open for all, i.e., men and women, blacks and whites, majority groups and minority groups.¹⁶

III

Leslie Pickering Francis' Arguments of Affirmative Action

In Social philosophy, every process of philosophizing demands a logicity which leads to argumentation. The method of argumentation is solely based on arguments. The argument is a set of propositions which are set logically in order, and the order of the propositions lead to a fair, just and logical conclusion.

In social philosophy, it is challenging to argue some ideas on the fundamental basis of argument forms; it is because when we strive to delve within the subject matter of social philosophy, the concepts are closely interrelated to each other. So, a well-formed argumentative structure is quite tricky. Arguments of Affirmative Action which are given to defend the Affirmative Action, are as Forward-Looking Argument, Backward-Looking Argument, Compensatory Argument,

Corrective Argument, Diversity Argument, Argument against Meritocracy, Role model Argument, Open Access Argument, Argument from Equality, and Argument from Favoring the Same.

Leslie Pickering Francis in her article "In Defense of Affirmative Action" has discussed her views on affirmative action. She has discussed three kinds of arguments of affirmative action:

Compensatory Arguments

Corrective Arguments

Redistributive Arguments

Compensatory Arguments: Idea of compensation is based on the repayment of the primary goods that is, those things any rational being would desire, such as opportunities, liberties, rights, and wealth which were payable to them regardless to their creed, color, and gender. But unjustly, the primary goods some other groups were acquired by some other groups. That led to the unjust acquisition of rights and wealth which is immoral in all cases. That's why the arbitrary actions are not admirable on any philosophical grounds. That's why these kinds of unethical practices should not be praised in any manner. This is the underlying theme of the compensatory argument of proposing affirmative action. According to Francis, the classes of the mainstream of the society have acquired more than sufficient places in all the comprehensive and pertinent social and economic institutions of the nation. Leslie Pickering Francis gives a sketch for this discrimination; in her own words:

*Compensatory arguments are most easily defended when an identified individual suffers a particular loss at the hands of another party who was at fault. An example would be a faculty member who could show that she was not given tenure because her department chair was biased against women. Here, the injury demands compensation because it: was a wrong; she was treated unjustly. The victim is the sufferer of the loss. The appropriate compensation would make her whole for the loss; and the appropriate compensator is the department chair whose misconduct caused the loss.*¹⁷

That led to propagate ideas of favoritism. As a result, the individuals of the targeted class are not getting adequate places in any societal and economic institutions. Moreover, the targeted class are not able to acquire sufficient representation in every institution. They cannot be able to compete with the classes of mainstreams of society. Morality asserts that victims of injustice should be compensated.

¹⁶ Cohen, Carl, and James P. Sterba. *Affirmative Action and Racial Preference: A Debate*, Oxford University Press, USA, 2003, pp. 199-200.

¹⁷ Francis, Leslie Pickering. "In Defense of Affirmative Action." *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, Temple University Press, 1993, P.24.

Leslie Pickering Francis asserts that there is not a single feasible way to find out the victims of injustice. It is entirely arbitrary that some groups of the society are assumed as the victims of injustice without any justification. Leslie Pickering Francis says that it is quite tricky the groups of injustice and if a person has done discrimination to blacks on what grounds one can support to consider the whole group as the doors of injustice. In her own words:

*A decision whether to modify redress in light of the burdens imposed on others, to take one example, requires discussion of what it is now just to do in light of all the circumstances. Here again, the compensatory argument runs up against corrective and redistributive issues. Compensation is not the only and perhaps not even the central issue when we move beyond allegations of biased treatment of identified individuals to larger-scale issues about the composition of university faculties. Thus compensation is not the primary argument for affirmative action programs in employment in higher education.*¹⁸

Thus, Leslie Pickering Francis does not support the compensatory argument for favor affirmative action.

Corrective Arguments: The argument is based on the wrongdoings of main classes towards the individuals of deprived or targeted classes. The wrongdoings have led to a society in the severe gap of socioeconomic distribution among the existing classes. The corrective argument, first of all, talks about the recognizing the place where the injustices are occurring in a large amount. Later to that tries to identify specific practices among all the happening practices that are causing imbalance or injustices in the individual situation. For instance, consider as an example an educational institution that has been transferred the responsibility for appointments decisions to departments. By the given decisions, the department has recruited the eligible candidates in the department. Saying that all the rules and regulations forwarded by the recruitment cell, the department has recruited the most qualified and desirable candidates. Now, it has been seen in a faculty that almost entirely white male candidates are hired. A noticeable issue, whether a correction is needed here or not. Interesting is that none can deny that there is some wrongdoing is being followed by the faculty member that has created such a number and single diversity in the faculty. While looking into deep it can be understood that there is only one thing, i.e. practices which they are following, have to be rectified and being corrected. It is because is here the practices are playing the role of the master key that has opened up all the doors of discrimination towards some race. In her own words:

*The corrective argument's thrust is simple: injustices ought to be eliminated. But as the legal cases reveal, this simple claim glosses over complex questions about what justice requires in unjust situation.*¹⁹

Minority and women have been deprived of their primary socio-economic status since time immemorial. For all-round development of their life, it is the vital necessity of upbringing them on the level playing stage. The very essence of justice lies in justice as fairness. The nourishment of individual capability requires a well ordered basis such as family, society, state, etc. it is because for the lower qualifications the minorities are not wholly responsible. It was the extraordinary occupying social, economic and education opportunities on the cost of Minorities. If some groups of the society are not fortunate enough for these benefits. It is the humble responsibility of the institution to include such factors as: societal deprivation, diversity, multiplicity, different cultural and linguistic criterions, etc. for the inclusion of the students of these communities. Thus, affirmative action would not only increase the representation of lower qualified people, but also it will decrease the future inequality of the society in a broader sense.

The argument from correction talks about the pointing out the unfair practices and to take some precautionary measure to eradicate these morally impermissible practices. But, the problem arises that the policy of preferring less qualified persons over the well-qualified persons in the institutions to remove the causes of injustice and to compensate the victims of injustice. The ground reality is unlike it. It is instead creating the same reasons of injustice in a different form by discriminating one group over other groups by suspending the fair procedures of justice. John Kekes also reveals the same aftermaths in the way of compensating for the past. To quote John Kekes' original saying:

*But we must not forget about the consequences of preferential treatment for those who have been injured by it. These people will feel Unjustly harmed, and they would be right in so feeling. They have not been responsible for the past injustice, or, at the very least, no more so than other people in their society, and yet the effect of the policy is to force them to bear an unfair share of the burden of it.*²⁰

Redistributive Arguments: Redistributive argument is based on the affirmation that all the occurring, premier public and private institutions are unjust in some or other ways. Which entails that there should be taken some positive steps for

¹⁸ Francis, Leslie Pickering. "In Defense of Affirmative Action." *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, Temple University Press, 1993, P.24. P.26.

¹⁹ Francis, Leslie Pickering. "In Defense of Affirmative Action." *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, Temple University Press, 1993, P. 27.

²⁰ Kekes, John. "The Injustice of Strong Affirmative Action." *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, Temple University Press, 1993, P. 154.

traveling from unjust to just situation. For which most justified positive steps have to adapt to eliminate discriminations of all kinds. And affirmative action is needed for this to cure the injustices prevailing workplace. In her own words:

*It may also provide a pool of professionals who share cultural, ethnic, or racial identities with those in need of services. The issues here are not just whether professionals from disadvantaged communities are likely to return to serve there, but also whether they share the identities that make it more likely that they will be able to deliver services effectively.*²¹

To increase the representation of all classes of the society in any socio-political institution; it is necessary to hire the policy of preferential treatment, that would maintain the rich diversity in the institutions. The very essence of justice lies in justice as fairness. The nourishment of individual capability requires a well ordered basis such as family, society, state, etc. If some communities have unfortunate in getting these benefits, it is the humble responsibility of the institution to include such factors as: societal deprivation, diversity, multiplicity, different cultural and linguistic criterions, etc. for the inclusion of the students of these communities.

The argument of redistribution or diversity say that 'to maintain the variety should be the prime work in the hands of the significant institutions. The difference is needed because the past unfairnesses have led to the discriminated classes into the deprivation of compulsory socioeconomic scenario which is the necessary conditions of the development of all classes. There is not a single feasible way to find out the victims of injustice, and the individuals caused injustices. If an individual of a class causes the discrimination then the punishment should be given particularly. If it is not so, then the group of a class has performed the discrimination in the past then that group should be punished for creating the chains of unethical actions. But, it is entirely arbitrary that some groups of the society are assumed as the victims of injustice without any justification. Moreover, the recognition of the groups whose members are supposed to be victims of injustice is and complicated and vague. It is because there is no account taken of social and economic status that can be considered as the scientific method which brings the result that the women of upper or middle-class women and blacks are to be favored over the able sons of able white migratory workers. Nor, there has not been made any methods aimed to distinguish between the members of the unfairly treated groups whose lower qualifications are due to the injustice caused by upper and middle classes. Hence, the quota system is going to minimize the ability, capability, and quality of that particular institution and we are not in extreme need of a charitable institution. And a right institution is made up of excellent and qualitative

people not by hiring the individuals of lower qualities in the name of discriminations. There are so many different ways of compensating the past injustice as we can run so many training and enabling the program to enable them.²²

IV

After discussing the arguments of Leslie Pickering Francis, it can be said that she accepts all the three arguments of favoring affirmative action as a compensatory argument, corrective argument and redistributive argument or arguments from diversity. But, she supports more corrective and redistributive argument than compensatory argument. The essence which came out by the objections raised against arguments of affirmative action by Francis can be summed up as; the society should make the environment where all the individuals can entertain their rights. That will help them to elevate their status. If it is not so, the diversion from the concept of equality, rule of law and standard civil code, would lead to emerge the society with classes. Some class would entertain higher rights than the other classes. If the policy of preferential treatment adopted as the policy in the community, it will create a wide gap between the targeted class and untargeted class which will increase day by day. The thing is happening with today's society and conflicts are taking place. Some substantial and inclusive initiative has to be taken to balance the nation aiming to look at the classes with an eye, not different classes viewed differently as we can provide the backward classes some unique training program to elevate their mental and physical status, not by giving them some direct reservation in different institutions which will increase the incompetency. Hence, the quota system is going to minimize the ability, capability, and quality of that particular institution and we are not in extreme need of a good institution. And a good institution is made up of good and qualitative people not by hiring the individuals of lower qualities in the name of discriminations. There are so many different ways of compensating the past injustice as we can run so many training and enabling the program to enable them. This is also a kind of affirming affirmative action.

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²¹ Francis, Leslie Pickering. "In Defense of Affirmative Action." *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, Temple University Press, 1993, P. 31.

²² Kekes, John. "The Injustice of Strong Affirmative Action." *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, Temple University Press, 1993, P. 156.

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