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# THE ROLE OF AFFIRMATIVE ACTION IN ESTABLISHING EGALITARIAN SOCIETY

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### **Abstract**

This paper aims to show how an affirmative action program—one of the most notable initiatives introduced in the last few decades—contributes to establishing a greater egalitarian society. The philosophical debate over equality, diversity, and discrimination is well known. Nowadays, equality often receives more attention than diversity and discrimination. One straightforward reason for focusing on equality is its connection to the concepts of rights, liberty, property, justice, and so on. Although the concepts related to equality can be defined relatively easily, equality itself remains elusive. This does not imply that the term *equality* lacks a plausible definition; rather, it can be characterized in various ways, which inevitably brings diversity into the discussion. Although diversity is sometimes viewed as negatively, it plays a pivotal role in keeping human society

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balanced. Moreover, without diversity, the fundamental purpose of society would be impaired. Thus, it appears that a fully egalitarian society—one in which everyone is alike in every respect—is impossible. If so, in what sense do we envision an egalitarian society and how can we establish that society? In essence, the ideal egalitarian society we envision is one where everyone is granted equal opportunities— and where even those who may struggle to fully utilize those opportunities can still benefit through measures such as affirmative action.

**Keywords:** Equality, Diversity, Opportunity, Discrimination, Justice, Compensation, Instrumental, Affirmative action.

## Introduction

There is a popular claim in human society that all human beings are equal, although few understand in which sense this is said. It goes without saying that people differ in terms of colour, shape, capacity, temperament, and so on. Historically, the concept of equality has been interpreted in different ways—sometimes as equal legal rights, sometimes as equal opportunities and in more radical traditions as equal outcomes. If that is the case, in what sense can they be considered equal? A concise reply is that all human beings can be regarded as equal in terms of moral dignity and opportunity. The concept of moral dignity is supported by John Rawls, although he employs different terminology for similar concept, while the latter is widely acknowledged. It may be morally and legally justifiable to assert that each human being should have an equal opportunity, but it would be unwise to assume that all will occupy the same position. In societies that advocate equality as moral and legal principles, a persistent gap remains between commitment and actual reality. Providing

equal opportunity never guarantees equality of outcome. Thus, ultimately equality of opportunity leads to diversity. There is nothing inherently wrong with such diversity when it results from genuinely equal opportunity. Furthermore, it is morally defensible to extend special treatment to less advantaged individuals, a practice commonly known as affirmative action. Affirmative action can be characterised as a policy introduced with a view to increasing opportunities for those who are primarily disadvantaged in many areas of society.

Before affirmative action emerged as a strategy to establish equality, various approaches were implemented worldwide to promote social equality. These included the abolition of slavery and serfdom, the establishment of universal suffrage, mass education initiatives etc. While these initiatives were undoubtedly significant, a fundamental limitation lies in the fact that they primarily addressed legal barriers without adequately engaging with the moral dimensions of the exclusion experienced by marginalized groups. In many societies, even with constitutional commitment and safeguards, marginalized groups remain least advantaged. This leads to a serious problem between principle equality and its actualization in society. In this context, affirmative action emerges as a more direct and appealing approach to social justice. Rather than focusing solely on the removal of discriminatory practices, affirmative action policies are based on the idea that active measures- such as quotas, reservations and preferential recruitment- are thus conceived not as exceptions to fairness, but as instruments to realize it more meaningfully.

A large number of existing studies have dealt with affirmative action but Philosophical notions of equality and justice are

closely related to it. Philosophers have long debated whether initiatives like affirmative action are morally acceptable and how societies may correct historical injustices. What constitutes a just and equitable society is one of the fundamental questions they have repeatedly brought up. How can the enduring socioeconomic inequalities be addressed? American philosopher John Rawls uses the concept of difference to defend affirmative action policy in his seminal work *A Theory of Justice* (1971). He asserts that “social and economic inequalities are allowable only if they benefit the least advantaged members of society” (Rawls, 1999, p. 72). Rawls goes on to say that society must guarantee fair equality of opportunity, which means that everyone should have an equal chance at life regardless of their circumstances. This bolsters the case for affirmative action. In contrast, political philosopher Robert Nozick, former president of American Philosophical Association, vehemently opposes redistributive measures like affirmative action in his book *Anarchy, State, and Utopia* (1999). He considered affirmative action program as an unfair method of transferring resources from some people to others. He thinks the only thing that matters is the history; there is no perfect distribution. The distribution is fair regardless of inequality if you have something because you got fairly or it was given to fairly. According to him, the complete principle of distributive justice would say simply that a distribution is just if everyone is entitled to the holdings they possess under the distribution (Nozick, 1999, p. 151)

Even before the term affirmative action became widely used, its connotation was used in Mill's *On Liberty* in different way. As he said liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of

being improved by free and equal discussion (Mill, 2001, p.14). It implies that social and political structures ought to promote the development of each person's potential. Renowned utilitarian philosopher Peter Singer believes that helping the poor is in the best interests of society as a whole. In *Practical Ethics*, Singer makes the case that equal consideration of interests is a minimal principle of equality in the sense that it does not dictate equal treatment (Singer, 2011, p. 22). This point of view is consistent with affirmative action's objectives, which include establishing long-term equity in opportunities. Ancient Greek philosopher Aristotle's concept of distributive justice is still applicable today, although having been developed in a different time period. He holds distributive justice is that which is manifested in distributions of honor or money or the other things that fall to be divided among those who have a share in the constitution (Aristotle, 1999, p.75). The sole essence of this is that people should be treated equally when they are similar and unequally when they differ. Affirmative action measures, which seek to advance equity by addressing differences rather than treating everyone equally, are supported by this notion.

The majority of the current discussion surrounding affirmative action focuses on empirical studies, legal challenges, or policy evaluations. Even though these factors are significant, they frequently ignore the basic philosophical foundations that inform moral judgments regarding these programs. A significant void remains in qualitative philosophical research that examines affirmative action from the perspective of both classical and contemporary moral philosophy—particularly in relation to its capacity to foster equality. This creates an important gap in understanding the practical challenges of achieving social

justice. In this paper, I aim to address this gap by focusing on two main justifications: the compensatory argument, which sees affirmative action as a way to correct historical injustices, and the instrumental argument, which supports it as a means to create a more inclusive and balanced society. These approaches lead to two main research questions: (1) why have liberal-democratic societies-despite their normative emphasis on equality before law- failed to eradicate social hierarchies? (2) In what ways can affirmative action-when justified through both compensatory and instrumental argument-serve as a more effective mechanism for achieving social equality.

### **Research Methods**

As this is a qualitative research, the paper has been prepared using secondary sources. It emphasizes on content analysis to generate new ideas. It also relies on various books and research articles. A manual search has been carried out to gather the necessary materials from different libraries and seminars. In addition, online books and articles have played a significant role in developing this paper. This paper shows how the affirmative action program plays role in establishing a more egalitarian society. Alongside this, a few relevant remarks have been included to show how the principle may yield adverse effects if used indiscriminately.

### **Principle of Equality**

The traditional principles used to enhance an egalitarian society can be delineated before discussing the role of affirmative action in this context. One of the most frequently examined principles is the principle of equality, which can be analysed from multiple

perspectives that directly or indirectly lead to diversity. If the principle is considered in terms of opportunity, it becomes evident that diversity arises from the fact that not everyone is equally capable of utilizing a given opportunity.

To illustrate how equal opportunities can yield unequal results, suppose two students are given the same opportunities at the undergraduate level; later, they end up with different scores, placing them in different professional positions. Peter Singer, widely known as an ethical philosopher, addresses this in his work. He writes:

The idea is that there is no injustice in Jill earning USD 300000 and Jack earning USD 30000, as long as Jack had his chance to be where Jill is today (Singer, 2011, p. 34).

This indicates that there is no injustice in such differences in income. It would be morally questionable only if Jill and Jack were given different opportunities to pursue the same profession. Therefore, it is not wrong to hold different professions after receiving equal opportunities, even if those professions lead to varying incomes. Thus, it is clear that equal opportunities do not guarantee equal outcomes.

Another straightforward example may help clarify this. Suppose an institution publishes an advertisement to recruit teaching staff. The necessary criteria for the position are listed in the advertisement. Eventually, all eligible candidates receive interview cards, but only two individuals will be offered appointments. Is it unjust to those who received interview cards but were not hired? The answer is no, because they were all given the same starting point (i.e., an interview). What also becomes clear is that individuals' genetic capacities factor into how effectively they can utilize equal opportunities. Therefore,

one cannot raise a moral question about differences in genetically bestowed abilities. Regarding this, Singer also notes:

It rewards the lucky, who inherit those abilities that allow them to pursue interesting and lucrative careers. It penalizes the unlucky, whose genes make it very hard for them to achieve similar success (Singer, 2011, p. 35).

From this, it is apparent that the principle of equality fails to establish a fully egalitarian society; instead, it may contribute to some degree of inequality. Of course, it would be unwise to declare the principle entirely meaningless. It certainly has merit when it ensures equal opportunities for all, but it becomes ineffectual if intended to create a wholly egalitarian society.

The principle of equality can also be examined in terms of equal consideration of interests, which allows for unequal treatment. The results of applying this principle can also be disappointing. Consider an example to understand this principle and its limitations: Suppose two neighbours are devastated by a flood and urgently need food. You have ten pieces of bread. If you distribute them equally (five pieces each), both individuals might survive, but not for the same duration. One neighbour is weaker, so if both receive five pieces, the weaker might survive just one day, whereas the stronger might survive three days. According to the principle of equal consideration of interests, you might be advised to give all the bread to the weaker neighbour, leaving none for the other. Yet, this clearly raises the question: Does such unequal distribution truly foster egalitarianism? The obvious answer is no, because such unequal treatment lacks a sufficient moral basis and contradicts the spirit of egalitarianism.

It is also necessary to explain how this principle conflicts with the concept of marginal utility. In the above example, the principle of



equal consideration of interests would deny equal food distribution to the less weak neighbour, whereas marginal utility suggests distributing the bread equally to enhance the total utility of both. Hence, equal consideration of interests may ignore the interests of those deemed less considerable and therefore attracts criticism.

From a moral standpoint, it is also claimed that all human beings are equal. Often, people claim there are no inequalities among them because they possess the same moral dignity. However, the discrepancy between such declarations and actual treatment cannot be overlooked. Naturally, no one denies that all human beings share some universal needs. Rawls, a prominent defender of egalitarian liberalism, shows in his *A Theory of Justice* how human beings are equal. He states:

The property of 'moral personality' is a property that virtually all humans possess, and all humans who possess this property possess it equally (cited in Singer, 2011, p. 18).

Rawls focuses on moral personality as a common attribute based on shared traditions. Yet the question remains: Do all individuals truly possess the same moral personality? The answer is no, because people differ in their sense of justice and morality. Additionally, infants, the physically disabled, and even the temporarily injured cannot all possess this attribute equally. Hence, it might be unreasonable to treat moral personality as a foundation for the claim that all are equal. Liberals also counter Rawls's claim:

However, liberals do not assume that individuals are alike in their tastes, situation or preferences or that they should be treated in the same way (cited in Nagel, 1991, pp. 67-68).

Thus, it appears that no principle alone can eliminate all inequalities within society. In fact, genetically introduced

inequalities cannot be eradicated at all. Only man-made inequalities can potentially be removed, though they are often controversial. It is also true that not all inequalities in society are equally justifiable. For example, inequalities among members of the Buddhist community in Bangladesh might be less justifiable than those between Buddhist and Muslim communities or between men and women. The latter are especially concerning, as they can divide society along racial and sexual lines. Singer comments: “Racial and sexual inequality may therefore have a more divisive effect than other forms of inequality” (Singer, 2011, p. 39).

It is prudent to acknowledge from the outset that an absolutely egalitarian society is practically impossible. Therefore, it is more realistic to envision a society where at least a minimal egalitarian structure can be observed. The most crucial method of moving toward such an egalitarian society is through preferential treatment, also known as affirmative action. The following sections will discuss the nature of affirmative action and illustrate how it helps in establishing such a society.

### **Affirmative Action**

Undoubtedly, all human beings dream of a world in which they can live together peacefully. There is nothing inherently wrong with such hope, but the problem arises when people encounter diversity. Many of them can be found to regard diversity as a negative concept, even though it plays a crucial role in keeping human society and the environment balanced. To illustrate the importance of diversity, imagine a society of two hundred people who are identical in shape, colour, capacity, temperament, and so on. Furthermore, suppose they all perform the same work. In that situation, would the purpose of the society be served? The

straightforward answer is no. If all human beings were truly alike, the fundamental purpose of society would be hindered. In fact, there is no real society without diversity. Interestingly, those who dream of a society free from diversity are themselves diverse in reality. Nevertheless, it is wise to shift focus to affirmative action rather than continue the discussion on diversity.

It is clear from the above discussion where affirmative action is practiced. Those explanations also show ways of introducing employment decisions. What they do not address is how previous discriminatory policies affect marginalized people, particularly women and minority groups. To change the undesirable conditions that marginalized women and minority groups face, special treatment—often termed affirmative action—is required. Affirmative action can be described as a measure in which members of marginalized groups within a society receive special consideration. Today, it is widely practiced and has gained legal status, although it initially arose from moral considerations. According to Velasquez:

Affirmative action is legal when used to correct a racial or sexual imbalance that is the result of previous discrimination, or to correct an “egregious,” “persistent” and “manifest racial imbalance” not caused by previous discrimination; can be used in hiring but not in layoffs; cannot use “inflexible” quotas; must be “narrowly tailored” to their objectives; can be used to achieve “educational diversity” and “broadcast diversity” (Velasquez, 2014, p. 406).

Nowadays, affirmative action is practiced in various fields, raising questions about its legitimacy. A large number of federal court decisions have agreed that the use of affirmative action programs to redress racial or gender imbalances that are the result

previous discriminatory hiring practice is legitimate (*Ibid.*, p. 404). However, policies deliberately introduced by an institution or company to affect its employees cannot be legally justified unless they provide special treatment for individuals who have been harmed by past discriminatory policies. Moreover, those affected can be awarded with all the benefits they deserve, provided they can prove that they were adversely impacted. As the U.S. Supreme Court states:

If individual members of a class demonstrate that they have been actual victims of the discriminatory practice, they may be awarded competitive seniority and given their rightful place on the seniority roster. However, mere membership in the disadvantaged class is insufficient to warrant a seniority award; each individual must prove that the discriminatory practice had an impact on him (*Ibid.*, p. 405).

Thus, it becomes evident that affirmative action has both moral and legal foundations. It is also important to consider where affirmative action is used. Singer observes that affirmative action is most frequently applied in education and employment (Singer, 2011, p. 39). Of course, this does not imply that its practice is limited to these two spheres. In many cases, affirmative action is applied in two particular senses. First, it can serve as compensation. Second, it can function as an instrument to fulfil broader social objectives. As example just think of a company where more than two hundred people have worked in various positions for ten years. The company deliberately employs a discriminatory policy for its most prestigious and high-paying positions, offering them exclusively to white employees. As a result, numerous Black employees, including women, are deprived of these opportunities. In this scenario, the deprived individuals can claim the benefits they would have received as

compensation, given that they were adversely affected by the company's discriminatory policy. In such cases, it is the moral responsibility of the company to ensure those lost benefits. The company can utilize affirmative action as a mechanism to achieve this end. Velasquez presents the same point in his work, calling it the *compensation argument*, while its capacity to further society's goals can be termed the *instrumental argument* (Velasquez, 2014, p. 406).

### **Compensation Argument**

From the above analysis, it is shown that how marginalized individuals, particularly women and minority groups, are affected in various areas due to discriminatory policies. Numerous thinkers, including moral philosophers, have weighed in on this issue, proposing different remedies. They suggest that those who have been adversely affected should be granted the benefits they would have received in the past, as compensation. Velasquez refers to this view as the compensatory argument, though others use different terminology to convey the same idea. As he notes: "Arguments that defend affirmative action as a form of compensation are based on the concept of compensatory justice" (Velasquez, 2014, p. 407).

An example can clarify the idea of affirmative action as a form of compensatory justice: Suppose a government recommends twenty applicants for officer positions in various categories, following all standard procedures. Later, it is discovered that five of these applicants are not listed in the official gazette because of a discriminatory verification report. Feeling wronged, they file a lawsuit against the government. After a thorough review, the Honourable Court rules in their favour, stating that the decision to exclude them was legally unjustified. Even more noteworthy

is the court's directive that the government compensate those intentionally harmed.

A similar instance can be seen in how Black Americans in the United States have been historically disadvantaged by white Americans. Bernard Boxhill states:

One version of this argument holds, for example, that blacks were wronged in the past by U.S. whites and that consequently the former should now receive compensation from whites (Boxhill, 1972, pp. 113-122).

A significant counterargument highlights a limitation of this view on affirmative action. For instance, if certain Black Americans receive a benefit as a form of compensation through affirmative action, it may negatively affect some white Americans who were not the original wrongdoers. In short:

Affirmative action programs are unfair because the beneficiaries of affirmative action are not the same individuals who were injured by the past discrimination, and the people who must pay for their injuries are usually not the ones who inflicted those injuries (Goldman, 1975, pp. 289-306).

Nonetheless, this does not render affirmative action as a form of compensation meaningless. It holds value if applied carefully. It might seem unnecessary if no inequalities existed between Black and white Americans or between men and women. However, the reality is that Black Americans in the U.S. have been severely impacted by discriminatory policies that benefit white Americans. Judith Jarvis Thomson, a well-known philosopher, describes the actual experience of Black Americans:

It is absurd to suppose that the young blacks and women now of an age to apply for jobs have not been wronged....

Every young [Black person] and woman has lived through downgrading for being black or female.... And even those who were not themselves downgraded for being black or female have suffered the consequences of the downgrading of other blacks and women: lack of self-confidence and lack of self-respect (Thomson, 1973, p. 381).

Martin Redish, an American philosopher who focuses on constitutional law, explains how white Americans have disadvantaged Black Americans through discriminatory policies, often considering themselves superior to Black Americans. Redish writes:

It might also be argued that whether or not the [white males] of this country have themselves participated in acts of discrimination, they have been the beneficiaries—conscious or unconscious—of a fundamentally racist society. They thus may be held independently ‘liable’ to suppressed minorities for a form of unjust enrichment (Redish, 1974, p. 389).

Hence, it is evident that white Americans have, at times, structured society to benefit themselves—a practice that is not morally justifiable. Instead, they have a moral obligation to extend special treatment to Black Americans in order to foster a more egalitarian society.

### **Instrumental Argument**

Within this framework, affirmative action can also be employed as an instrument to achieve specific social objectives. One important objective is to establish an egalitarian environment in all spheres, although not everyone supports this approach. For instance, white Americans who have instituted discriminatory policies disadvantaging marginalized groups are unlikely to

advocate for it. That said, one may ask whether using affirmative action as an instrument is morally justified. The straightforward answer is: yes. Its legitimacy derives from the legitimacy of its aims. For example, utilitarians argue that affirmative action programs are justified because they promote the public welfare (Nagel, 1973, pp. 348-363). Moreover, these programs are morally justified in granting due benefits to those who have been harmed by past discrimination.

A key insight in favour of the instrumental argument is that affirmative action can be applied in various sectors where inequalities exist, such as education and employment. In employment, women and minority groups often hold less prestigious positions, allegedly due to a lack of competence. Yet, one could argue that they were never afforded the same opportunities to develop the necessary competencies. Therefore, it is unjust to treat them unequally from the outset, and just to grant them preferential treatment if they have indeed been harmed by discriminatory policies.

Following this argument, women and minorities may receive preference in employment if they are victims of past discrimination. In the same way, affirmative action can be used in education. Students in remote colleges usually do not have the same resources or opportunities as those in urban colleges. After graduating, if they compete for jobs based on uniform criteria, the outcomes will likely differ because they did not receive equal educational opportunities. In such a case, offering preferential treatment to less advantaged students is morally justified. Desjardins clarifies: this situation treats membership in a disadvantaged group as itself a qualification for the job (Desjardins, 2023, p. 243).



## Concluding Remarks

The importance of an affirmative action program in establishing a greater egalitarian society is, beyond doubt, immense. However, problems arise when it is practiced unreasonably. For instance, difficulties may emerge if it is continued indefinitely. Suppose that Whites discriminate against Blacks in a particular domain and to a specific extent; in such a case, affirmative action can be used to compensate Blacks at the same level in that same area. Yet, if this arrangement remains permanent, it might lead to an even more in egalitarian outcome, often described as reverse discrimination.

Affirmative action programs primarily focus on race and sex as their key criteria. These are certainly important considerations, but there are many other factors that must be taken into account. For example, consider a corporate office where a few positions are highly technical; only suitably qualified candidates should be assigned to those roles. If decisions for those positions are made solely on the basis of race and sex, the corporate office could be adversely affected in numerous ways. In such a scenario, criteria such as ability, effort, and contribution become essential.

It is also evident today that some individuals, who were never meant to benefit from this principle, are being privileged by it—an outcome that is morally flawed. Any policy designed to advantage a group of people who have not been victimized by discrimination, nor are less advantaged, is unfair. Nevertheless, rather than delving deeply into the complexities surrounding affirmative action, it suffices to say that its role in creating a more egalitarian society is truly remarkable.

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