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### Article Summaries, Nagel & Reynolds

Thomas Nagel, in his piece, *A Defense of Affirmative Action*, defines that the term "affirmative action" has evolved in meaning over time. Initially, it referred to efforts aimed at ensuring equal opportunity for groups that had experienced discrimination. However, Nagel acknowledges that in recent years, affirmative action has also come to include a preference for members of these groups access to positions, even if they may be less qualified than other candidates. This distinction between "weak affirmative action" and "strong affirmative action" is crucial because the latter, involving preferential treatment, sparks controversy. Nagel states three primary objections to strong affirmative action. First, it is argued that it can lead to inefficiency by potentially selecting less qualified candidates based on race or gender. While weak affirmative action may have some benefits, strong affirmative action needs to consider the costs associated with compromising performance levels. Second, opponents claim that strong affirmative action is unfair since it involves preferential treatment based on group membership rather than individual qualifications. However, strong affirmative action differs from discriminatory practices because it aims to empower marginalized groups rather than degrade others. Finally, a significant concern is the potential damage to self-esteem. The suspicion that one's achievements are a result of affirmative action can undermine confidence and perpetuate

the notion that success for certain groups is not earned. Given the objections, Nagel justifies that strong affirmative action relies on the pursuit of a vital social goal. In the case of black Americans, who have faced deep-rooted discrimination and systemic barriers, strong affirmative action is seen as necessary to rectify the profound social injustice they have endured. However, Nagel holds that this does not imply that strong affirmative action should be applied universally as the unique historical and social circumstances of black Americans make their case distinct from other racial or ethnic groups and women. Nagel concludes that affirmative action should be tailored to address the specific needs and challenges faced by different groups, with the ultimate goal of reducing racial stratification and achieving social justice.

In the article, *Equal Opportunity, Not Equal Rights*, William Reynolds, serving as Assistant Attorney General, distinguishes between affirmative action as a measure to ensure equal opportunity for all individuals and affirmative action as a tool to achieve equal results by allotting positions based on race or sex. Reynolds argues that the promise of equal results is false and unattainable due to individual differences in motivation and ability, emphasizing that affirmative action was initially meant to provide equal opportunity through non-preferential efforts like training programs and enhanced recruitment, allowing previously neglected individuals to compete on equal terms. However, the use of quotas or preferential treatment based on race or sex is seen as unjust and infringing on the rights and interests of non-victims of discrimination. Reynolds also discusses legal and policy reasons against the use of quotas or numerical preferences in affirmative action, citing the Supreme Court decision in *Firefighters Local Union vs. Stotts*, which limits the court's power to prescribe affirmative action remedies beyond urging unlawful conduct and awarding relief to actual victims of discrimination.

Reynolds concludes that the decision in Stotts moves the government closer to providing equal opportunities based on merit rather than numerical preferences. Reynolds criticizes the government's view of citizens as possessors of racial or gender characteristics, advocating for society to recognize individuals as unique and to view advancements as hard-won achievements rather than conferred benefits.