

## **Affirmative Action and Assertive Equality**

By Fred E. Foldvary

"Assertive equality" means a vigorous pursuit and implementation of equal opportunity.

"Affirmative action" means the policy of favoring the members of a previously disadvantaged group among equally (and sometimes not equally) qualified candidates. Which policy is the most compatible with social justice?

Affirmative action involves three cases:

- 1) combatting continuing discrimination by individuals;
- 2) remedying past discrimination;
- 3) the desire for diversity and special needs.

The fundamental policy of a government of a free society should be assertive equality: to completely, thoroughly, and absolutely ignore any characteristic unrelated to merit and character. Whether in employment, business contracts, education, or welfare assistance, policy should be equal regardless of race, ethnicity and nationality, religion, sex or gender, sexual orientation, color, lifestyle, dress, or ideology.

Just because some outcome is desirable does not imply it should be mandated by law. Diversity is one example. In my view, it would be very nice for universities and jobs to reflect the mix of society, but that outcome should be a result of a just process, rather than mandated with quotas as an outcome. When policy dictates percentages of classes of people as a target, this creates a quota system, whether explicitly or implicitly, and then brings in race, ethnicity, or sex/gender as a selection criterion. Government then deliberately discriminates, contrary to the principle of complete and total equality of opportunity.

Special needs can be met without racial and other discrimination. For example, in some poor neighborhoods, there are few doctors. One purpose of selecting minority applicants to medical school has been to provide more doctors for those areas. But that need not be a racial program. There can be a special program equally open to anyone whereby tuition is reduced if the applicant contracts to serve a poor neighborhood for a number of years. That's assertive equality for both medical needs and medical candidates.

A major reason why some still advocate affirmative action is that many individuals are prejudiced and will discriminate against unfavored groups. The remedy for that is a thoroughly objective process for selection by merit. For colleges, for example, some absolutely objective criteria can be set up for admission, based on grades, test scores, and achievements. There should be no hint of race, sex/gender, or other personal characteristic in the application. The name of the applicant should not even be in the application; the applicant should instead be given a number, and that gets sent to the selection committee. A similar assertive-equality process can be set up for government employment; that's why the civil service system was set up in the first place.

The private sector of the economy should not be forced to discriminate in employment or the selection of students. Freedom of private association means that private individuals may hire employees and accept candidates by any criteria they like, whether it is based on merit and character or not. Truly free enterprise and true free trade require only honest and peaceful action.

Those advocating affirmative action claim that it rectifies past discrimination. But the better remedy for past injustice is restitution, rather than perpetuating discrimination even in a reverse way in the name of equality. Students from slum schools do suffer a disadvantage. Colleges can remedy this by providing a year of remedial study that would be open to anyone. Students who apply themselves would be brought up to university standards in vocabulary, writing, mathematics, history, and basic social, biological, and physical science. Then they can compete on an equal basis for admission. A big benefit of replacing affirmative action - selection by race - with assertive equality - selection by merit with a chance to obtain merit - is that minority applicants would no longer be suspected of not being of equal merit, and their drop-out rate would be greatly reduced.

On Friday, March 6, 1998, the US Senate voted to uphold a program that gives federal highway contracts to companies owned by minorities and women. One problem with such preference programs is the possibility of fraud - a firm can have minorities or women as a front, while the real ownership is held by others. But aside from that, the basic problem is that this treats effects rather than causes. Why are female- and minority-owned firms less effective? Here again, there can be a program open to any firm upgrading the skills of the owners and managers, and helping them obtain credit. Then there can be a strictly objective selection process, and may the best firms win, regardless of the personal characteristics of the owner.

The ultimate remedy for discrimination based on personal characteristics is a thriving free market where all who want a job can find employment, and where everybody pays his/her own way. Subsidies create shortages, which then require non-price rationing. Free or cheap college education leads to too many applicants for the positions. If there are many more applicants for government jobs than there are jobs, it means that the wages are too high! Let people pay and get the market price, and there will be less pressure to have non-price selection criteria.

**Those who really really want to eliminate racial, sex/gender, and other personal discrimination need to face a stark reality: the only way to dig discrimination out by the roots is to create so much prosperity that discrimination becomes utterly useless. With no unemployment, employers don't dare discriminate, since they are desperate for workers. With no poverty, workers won't put up with any discrimination. And maximum prosperity will only come when we eliminate all regulatory and tax barriers to employment and enterprise. That means we must lower taxes to the ground, and fund government from the public collection of rent. That's the only long-term and effective remedy for unjust discrimination. Those who advocate treating effects with affirmative action while not fighting also to cure the cause, don't really understand or care about true social equality.**