

ANOTHER VIEWPOINT

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Discrimination, Affirmative Action, and Civil Rights?

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California is in the throes of a regressive revolution. Many of its leaders and decision makers seek to turn back the wheel of history. They want to abolish laws that protect against and guarantee civil rights to minorities and women. They are opposed to affirmative action and to policies which promote diversity and equality of opportunity, charging that such measures are nothing but reverse discrimination. They insist that merit should be the only basis for economic, social, or political opportunity. These California leaders are not alone in the nation or around the world in opposing affirmative action. But eyes are set on California which has prided itself on its relatively progressive and equalitarian history. What happens in California will echo in other states and other countries.

The attack on affirmative action is neither original nor creative. Initial objections to affirmative action, half-hearted implementation, and frequent abuses have rendered its impact relatively weak and unconvincing. The critics, however, have gone farther to declare affirmative action no longer needed because discrimination no longer exists. Even if it exists, they argue, constitutional laws of the United States and of California are capable of protecting against it.

The facts belie both assertions. Federal and state laws have not succeeded against discrimination and affirmative action is still needed. Discrimination continues to prevail in the job market, housing, education, credit, and business opportunities. Color, race, ethnic origin, and gender still give license to discriminate, and to permit inequality of opportunity to persist and reproduce itself. The critics of affirmative action need to observe the following:

Equality of opportunity in the market place is meaningful only if the members of society are accorded equality of opportunity from the beginning of their life. Equality of endowment is the first step toward equality of opportunity. Unless the child is guaranteed the minimum education, health, nutrition, and social benefits necessary for normal functioning in society, that child can hardly compete on equal footing with others upon entering the market. Such under-endowment because of race, ethnicity, or gender is the first expression of discrimination that faces minorities and women.

Other expressions of discrimination follow from the first: once a person is under-endowed, that person is most likely to be underutilized through unemployment or underemployment. Underutilization, as a belated expression of discrimination, is usually explained simply as the result of the merit system of employment and utilization. In as much as a minority person or a female may be under-endowed, that person loses in competition with the more endowed. A tragic consequence of explanation is that minorities and women are usually stigmatized as underendowed, less qualified, and less efficient than other and thus may be underutilized in the market place. Thus, prejudice prevails and discrimination is institutionalized.

From this another expression of discrimination follows. The under-endowed and underutilized are now under-rewarded because of their relatively lower productivity. What is not acknowledged is that the presumed lower productivity is itself due to the initial forms of discrimination which minorities and women face in early childhood. Even those who are fully qualified may fall victim to institutionalized prejudice and discrimination.

Critics of affirmative action argue that the market mechanism, free enterprise, self interest, and competition preclude the survival of discrimination. However, the market mechanism is neither perfect nor does it equalize opportunities or eliminate discrimination. In fact it was the failure of the market mechanism and of the private sector to remove discrimination and equalize opportunities that led affirmative action and civil rights legislation.

Finally, the critics of affirmative action correctly argue that reverse discrimination is harmful to the majority and to society. Actually discrimination whether in forward gear or in reverse, inflicts harm on its victims and on society at large. To be denied an opportunity because of race, ethnicity or gender, or to be constrained to opportunities below their qualification, for the same reasons, not only harms the victim but it also reduces the contribution those victims are capable of making to society. On the other hand, had there been no discrimination in the first place, there would be no need for affirmative action nor a place for reverse discrimination.

California may be at a crossroads in dealing with civil rights, minorities, and women. Serious decisions have to be made: Do we want discrimination to continue, inflicting costs on individuals, groups, and society at large, or do we want to maximize the opportunities for all according to their natural capabilities to acquire the necessary endowment and thus enrich themselves and society at large? If we want discrimination to continue, then let us roll back the wheel of history and abolish affirmative action and all existing measures of equalization. But, if we want to equalize opportunities and eliminate discrimination, remove the need for corrective measures, and prevent the incidence of reverse discrimination, then we should retain affirmative action, strengthen it, and implement it rigorously and diligently.

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AVP, the old series, was issued monthly from Sept. 1986 through August 1992. It is now being revived by its former editor and publisher, Elias H. Tuma (professor emeritus of economics, University of California, Davis, CA). These views are the author's and do not involve his institution in any way. On internet:  
<http://polar.ucdavis.edu/Econ/Tuma/tuma.html>