

# Affirmative Action In Antidiscrimination Law And Policy An Overview And Synthesis Second Edition

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*Affirmative Action in Antidiscrimination Law and Policy*  
Samuel Leiter 2012-02-01 A  
comprehensive interdisciplinary

analysis of the past, present, and future of affirmative action in the United States.

[A Theory of Discrimination Law](#)  
Tarunabh Khaitan 2015-05-21 Marrying

legal doctrine from five pioneering and conversant jurisdictions with contemporary political philosophy, this book provides a general theory of discrimination law. Part I gives a theoretically rigorous account of the identity and scope of discrimination law: what makes a legal norm a norm of discrimination law? What is the architecture of discrimination law? Unlike the approach popular with most textbooks, the discussion eschews list-based discussions of protected grounds, instead organising the doctrine in a clear thematic structure. This definitional preamble sets the agenda for the next two parts. Part II draws upon the identity and structure of discrimination law to consider what the point of this area of law is. Attention to legal doctrine rules out many answers that ideologically-entrenched writers have offered to this question. The real point of discrimination law, this Part argues,

is to remove abiding, pervasive, and substantial relative group disadvantage. This objective is best defended on liberal rather than egalitarian grounds. Having considered its overall purpose, Part III gives a theoretical account of the duties imposed by discrimination law. A common definition of the antidiscrimination duty accommodates tools as diverse as direct and indirect discrimination, harassment, and reasonable accommodation. These different tools are shown to share a common normative concern and a single analytical structure. Uniquely in the literature, this Part also defends the imposition of these duties only to certain duty-bearers in specified contexts. Finally, the conditions under which affirmative action is justified are explained.

Bottlenecks Joseph Fishkin 2014-01-10  
Equal opportunity is a powerful idea, and one with extremely broad appeal in contemporary politics, political

theory, and law. But what does it mean? On close examination, the most attractive existing conceptions of equal opportunity turn out to be impossible to achieve in practice, or even in theory. As long as families are free to raise their children differently, no two people's opportunities will be equal; nor is it possible to disentangle someone's abilities or talents from her background advantages and disadvantages. Moreover, given different abilities and disabilities, different people need different opportunities, confounding most ways of imagining what counts as "equal." This book proposes an entirely new way of thinking about the project of equal opportunity. Instead of focusing on the chimera of literal equalization, we ought to work to broaden the range of opportunities open to people at every stage in life. We can achieve this in part by loosening the bottlenecks that

constrain access to opportunities—the narrow places through which people must pass in order to pursue many life paths that open out on the other side. A bottleneck might be a test like the SAT, a credential requirement like a college degree, or a skill like speaking English. It might be membership in a favored caste or racial group. Bottlenecks are part of the opportunity structure of every society. But their severity varies. By loosening them, we can build a more open and pluralistic opportunity structure in which people have more of a chance, throughout their lives, to pursue paths they choose for themselves—rather than those dictated by limited opportunities. This book develops this idea and other elements of opportunity pluralism, then applies this approach to several contemporary egalitarian policy problems: class and access to education, workplace flexibility and work/family conflict,

and antidiscrimination law.

*Buying Social Justice* Christopher McCrudden 2007-09-13 *Buying Social Justice* analyses how governments in developed and developing countries use their contracting power in order to advance social equality and reduce discrimination, and argues that this approach is an entirely legitimate, and underused means of achieving social justice.

**Migration and Discrimination** Rosita Fibbi 2021-04-08 This open access short reader provides a state of the art overview of the discrimination research field, with particular focus on discrimination against immigrants and their descendants. It covers the ways in which discrimination is defined and conceptualized, how it is measured, how it may be theorized and explained, and how it might be combated by legal and policy means. The book also presents empirical results from studies of discrimination across the world to

show the magnitude of the problem and the difficulties of comparison across national borders. The concluding chapter engages in a critical discussion of the relationship between discrimination and integration as well as pointing out promising directions for future studies. As such this short reader is a valuable read to undergraduate students, as well as graduate students, scholars, policy makers and the general public.

**The Quest for Equity in Higher**

**Education** Beverly Lindsay 2001-08-16 A critical examination of current sociopolitical issues surrounding equity and diversity and their impact on higher education.

*Discrimination in Employment* John J. Donohue (III) 1998

**Affirmative Action** A. M. Babkina 2004 Affirmative Action is one of the most controversial issues of our times. Proponents on both sides of the issue claim clear-cut evidence for the

rightness of their arguments, yet evidence is hazy at best. This new guide to the literature presents hundreds descriptions of books, reports and articles dealing with all aspects of affirmative action including: race relations; economic aspects, reverse discrimination; preferences; affirmative action programs; public opinion; court decisions; education, and many more. Complete title, author and subject indexes are provided.

*American Law in the Age of*

*Hypercapitalism* Ruth Colker

1998-03-01 Increasingly feminists around the world have successfully campaigned for recognition of women's full personhood and empowerment. *Global Feminism* explores the social and political developments that have energized this movement. Drawn from an international group of scholars and activists, the authors of these original essays assess both the opportunities that transnationalism

has created and the tensions it has inadvertently fostered. By focusing on both the local and global struggles of today's feminist activists this important volume reveals much about women's changing rights, treatment and impact in the global world. Contributors: Melinda Adams, Aida Bagic, Yakin Ertürk, Myra Marx Ferree, Amy G. Mazur, Dorothy E. McBride, Hilkka Pietilä, Tetyana Pudrovskaya, Margaret Snyder, Sarah Swider, Aili Mari Tripp, Nira Yuval-Davis.

*Antidiscrimination Law and Minority*

*Employment* Farrell Bloch 1994-10-03

While employment regulations such as Title VII of the Civil Rights Act and the Federal Contract Compliance Program have redistributed minorities from small firms to larger ones, they have not, Bloch argues, significantly improved aggregate minority employment. Many job opportunities are discovered through restricted word-of-mouth networks, and some

employers continue to screen out minority applicants in ways that laws do not address. Moreover, some employers avoid hiring minorities, women, and older workers in order to avoid litigation. Bloch discusses the use of economic and statistical analysis in hiring discrimination litigation and examines recent lawsuits to illustrate how these analyses are applied in federal courts. In addition, he addresses federal contractors' affirmative action requirements, theoretical arguments for and against antidiscrimination and affirmative action policy, and a variety of unemployment remedies.

The Routledge Handbook of Ethics and Public Policy Annabelle Lever

2018-10-26 What does it mean to do public policy ethics today? How should philosophers engage with ethical issues in policy-making when policy decisions are circumscribed by political and pragmatic concerns? How

do ethical issues in public policy differ between areas such as foreign policy, criminal justice, or environmental policy? The Routledge Handbook of Ethics and Public Policy addresses all these questions and more, and is the first handbook of its kind. It is comprised of 41 chapters written by leading international contributors, and is organised into four clear sections covering the following key topics: Methodology: philosophical approaches to public policy, ethical expertise, knowledge, and public policy Democracy and public policy: identity, integration and inclusion: voting, linguistic policy, discrimination, youth policy, religious toleration, and the family Public goods: defence and foreign policy, development and climate change, surveillance and internal security, ethics of welfare, healthcare and fair trade, sovereignty and territorial

boundaries, and the ethics of nudging Public policy challenges: criminal justice, policing, taxation, poverty, disability, reparation, and ethics of death policies. The Routledge Handbook of Ethics and Public Policy is essential reading for students and researchers in philosophy, politics, and social policy. It will be equally useful to those in related disciplines, such as economics and law, or professional fields, such as business administration or policy-making in general.

*Affirmative Action Policies and Judicial Review Worldwide* George Gerapetritis 2015-08-03 This book discusses affirmative action or positive discrimination, defined as measures awarding privileges to certain groups that have historically suffered discrimination or have been underrepresented in specific social sectors. The book's underlying rationale is that one cannot place at the same starting point people who

have been treated differently in the past because in this way one merely perpetuates a state of difference and, in turn, social gaps are exaggerated and social cohesion is endangered. Starting out with an introduction on the meaning and typology of affirmative action policies, the book goes on to emphasise the interaction of affirmative action with traditional values of liberal state, such as equality, meritocracy, democracy, justice, liberalism and socialism. It reveals the affirmative action goals from a legal and sociological point of view, examining the remedial, cultural, societal, pedagogical and economy purposes of such action. After applying an institutional narrative of the implementation of affirmative action worldwide, the book explains the jurisprudence on the issue through syntheses and antitheses of structural and material variables, such as the institutional

recognition of the policies, the domains of their implementation and their beneficiaries. The book eventually makes an analytical impact assessment following the implementation of affirmative action plans and the judicial response, especially in relation to the conventional human rights doctrine, by establishing a liaison between affirmative action and social and group rights.. The book applies a multi-disciplinary and comparative methodology in order to assess the ethical standing of affirmative action policies, the public interests involved and their effectiveness towards actual equality. In the light of the above analysis, the monograph explains the arguments considering affirmative action as a theology for substantive equality and the arguments treating this policy as anathema for liberalism. A universal discussion currently at its peak.

Reversing Discrimination Duncan Innes

1993 Affirmative action in the workplace is critically important, and must be addressed by any organization hoping to adapt to conditions in the new South Africa. This book addresses a number of questions which arise out of this situation, such as: How does one promote black people and women without being patronizing or lowering standards?; Will a democratic government mean the end of racism in South African organizations?; Does affirmative action merely involve creating a black managerial elite?; Does equal treatment mean identical treatment?

**Human Rights In The Administration Of Justice** United Nations. Office of the High Commissioner for Human Rights 2003-12-01 Independent legal professionals play a key role in the administration of justice and the protection of human rights. Judges, prosecutors and lawyers need access to information on human rights

standards laid down in the main international legal instruments and to related jurisprudence developed by universal and regional monitoring bodies. This publication, which includes a manual and a facilitator's guide, seeks to provide a comprehensive core curriculum on international human rights standards for legal professionals. It includes a CD-ROM containing the full electronic text of the manual in pdf format.

America Becoming National Research Council 2001-02-23 The 20th Century has been marked by enormous change in terms of how we define race. In large part, we have thrown out the antiquated notions of the 1800s, giving way to a more realistic, sociocultural view of the world. The United States is, perhaps more than any other industrialized country, distinguished by the size and diversity of its racial and ethnic minority populations. Current trends

promise that these features will endure. Fifty years from now, there will most likely be no single majority group in the United States. How will we fare as a nation when race-based issues such as immigration, job opportunities, and affirmative action are already so contentious today? In America Becoming, leading scholars and commentators explore past and current trends among African Americans, Hispanics, Asian Americans, and Native Americans in the context of a white majority. This volume presents the most up-to-date findings and analysis on racial and social dynamics, with recommendations for ongoing research. It examines compelling issues in the field of race relations, including: Race and ethnicity in criminal justice. Demographic and social trends for Hispanics, Asian Americans, and Native Americans. Trends in minority-owned businesses. Wealth, welfare,

and racial stratification. Residential segregation and the meaning of "neighborhood." Disparities in educational test scores among races and ethnicities. Health and development for minority children, adolescents, and adults. Race and ethnicity in the labor market, including the role of minorities in America's military. Immigration and the dynamics of race and ethnicity. The changing meaning of race. Changing racial attitudes. This collection of papers, compiled and edited by distinguished leaders in the behavioral and social sciences, represents the most current literature in the field. Volume 1 covers demographic trends, immigration, racial attitudes, and the geography of opportunity. Volume 2 deals with the criminal justice system, the labor market, welfare, and health trends. Both books will be of great interest to educators, scholars, researchers, students,

social scientists, and policymakers. *Color Lines* John David Skrentny 2001-06 Nobody's Burden: Lessons on Old Age from the Great Depression is the first book-length study of the experience of old-age during the Great Depression. Part history, part social critique, the contributors rely on archival research, social history, narrative study and theoretical analysis to argue that Americans today, as in the past, need to rethink old-age policy and accept their shared responsibility for elder care. The Great Depression serves as the cultural backdrop to this argument, illustrating that during times of social and economic crisis, society's ageism and the limitations in old-age care become all the more apparent. At the core of the book are vivid stories of specific men and women who applied for old-age pensions from a private foundation in Detroit, Michigan, between 1927 and 1933. Most applicants who received

pensions became life-long clients, and their lives were documented in great detail by social workers employed by the foundation. These stories raise issues that elders and their families face today: the desire for independence and autonomy; the importance of having a place of one's own, despite financial and physical dependence; the fears of being and becoming a burden to one's self and others; and the combined effects of ageism, racism, sexism and classism over the life course of individuals and families. Contributors focus in particular on issues of gender and aging, as the majority of clients were women over 60, and all of the case workers - among the first geriatric social workers in the country -- were women in their 20s and early 30s. Nobody's Burden is unique not only in content, but also in method and form. The contributors were members of an archival research group devoted to the study of these

case files. Research was conducted collaboratively and involved scholars from the humanities (English, folklore) and the social sciences (anthropology, communications, gerontology, political science, social work, and sociology).

### **Fighting Discrimination in Europe**

Mathias Möschel 2013-09-13 The member states of the EU have only very recently begun to consider race and racism in the framework of equality legislation and policies. As opposed to an established Anglo-Saxon tradition of naming races and using racial categorisation to fight racism, most continental European countries resist this approach. This book investigates the problematic reception and elaboration of race as a socio-legal category in Europe. Fighting Discrimination in Europe takes a fresh and interdisciplinary look at the normative, theoretical and concrete problems raised by the challenge of devising and enforcing

policies to combat race discrimination in Europe. It engages with the juridical and political spheres, from the international level down to concrete cases of state and city policies. As the multifaceted relationship between race, discrimination and immigration is explored, new normative positions and practical approaches are developed, and new questions raised. This collection presents important new research for academics, researchers, and advanced students of Ethnic Studies, Migration Studies, Legal Studies, Sociology, Anthropology, and Policy Studies. This book was originally published as a special issue of Ethnic and Racial Studies.

**Shaping Race Policy** Robert Lieberman  
2011-06-27 Shaping Race Policy  
investigates one of the most serious policy challenges facing the United States today: the stubborn persistence of racial inequality in the post-civil rights era. Unlike

other books on the topic, it is comparative, examining American developments alongside parallel histories of race policy in Great Britain and France. Focusing on two key policy areas, welfare and employment, the book asks why America has had such uneven success at incorporating African Americans and other minorities into the full benefits of citizenship. Robert Lieberman explores the historical roots of racial incorporation in these policy areas over the course of the twentieth century and explains both the relative success of antidiscrimination policy and the failure of the American welfare state to address racial inequality. He chronicles the rise and resilience of affirmative action, including commentary on the recent University of Michigan affirmative action cases decided by the Supreme Court. He also shows how nominally color-blind policies can have racially biased

effects, and challenges the common wisdom that color-blind policies are morally and politically superior and that race-conscious policies are merely second best. *Shaping Race Policy* has two innovative features that distinguish it from other works in the area. First, it is comparative, examining American developments alongside parallel histories of race policy in Great Britain and France. Second, its argument merges ideas and institutions, which are usually considered separate and competing factors, into a comprehensive and integrated explanatory approach. The book highlights the importance of two factors--America's distinctive political institutions and the characteristic American tension between race consciousness and color blindness--in accounting for the curious pattern of success and failure in American race policy.

### **Racial Subordination in Latin America**

Tanya Katerí Hernández 2013 There are approximately 150 million people of African descent in Latin America yet Afro-descendants have been consistently marginalized as undesirable elements of the society. Latin America has nevertheless long prided itself on its absence of U.S.-style state-mandated Jim Crow racial segregation laws. This book disrupts the traditional narrative of Latin America's legally benign racial past by comprehensively examining the existence of customary laws of racial regulation and the historic complicity of Latin American states in erecting and sustaining racial hierarchies. Tanya Katerí Hernández is the first author to consider the salience of the customary law of race regulation for the contemporary development of racial equality laws across the region. Therefore, the book has a particular relevance for the contemporary U.S. racial context in which Jim Crow laws have long been

abolished and a "post-racial" rhetoric undermines the commitment to racial equality laws and policies amidst a backdrop of continued inequality.

### The Case for Symmetry in

### Antidiscrimination Law Naomi

Schoenbaum 2016 Antidiscrimination law faces a fundamental design question: the choice between symmetry and asymmetry. A symmetrical law prohibits discrimination on the basis of a trait for a universal class of persons, and for both "sides" of the trait. An asymmetrical law prohibits discrimination on the basis of one "side" of the trait, and for a limited class of persons. Current law is inconsistent in its design. For example, employment discrimination law prohibits race discrimination symmetrically (everyone is protected, and on the basis of any race), but prohibits disability discrimination asymmetrically (only the disabled are protected, and only on the basis of

disability). This critical design choice has received scant attention outside of the affirmative action context, leaving this key inconsistency in current law unexplained, and the implications unexplored. Relying on employment discrimination law and the traits of race, sex, disability, and age as core examples, this Article provides the first systematic study of this design choice. It makes the case for symmetry on three grounds: purpose, practice, and politics. As for the purpose of antidiscrimination law, this Article reaches the counterintuitive conclusion that a symmetrical design that protects everyone is effective not only at reducing classifications on the basis of protected traits, but also at improving the labor market circumstances of subordinated groups. When it comes to practice, a symmetrical law avoids challenges arising from protected-class

determinations that limit plaintiffs' ability to pursue their claims. Finally, symmetrical antidiscrimination laws are more likely to produce positive policy feedback, generating greater support for these laws. After discussing how to optimize symmetry, this Article explores further applications, including additional traits, such as appearance and sexual orientation, and additional areas of law, such as housing law, education law, and constitutional law.

**Racial Domination, Racial Progress: The Sociology of Race in America**

Mustafa Emirbayer 2009-10-08 Racial Domination, Racial Progress: The Sociology of Race in America looks at race in a clear and accessible way, allowing students to understand how racial domination and progress work in all aspects of society. Examining how race is not a matter of separate entities but of systems of social relations, this text unpacks how race

works in the political, economic, residential, legal, educational, aesthetic, associational, and intimate fields of social life. Racial Domination, Racial Progress is a work of uncompromising intersectionality, which refuses to artificially separate race and ethnicity from class and gender, while, at the same time, never losing sight of race as its primary focus. The authors seek to connect with their readers in a way that combines disciplined reasoning with a sense of engagement and passion, conveying sophisticated ideas in a clear and compelling fashion.

**The Affirmative Action Puzzle** Melvin I. Urofsky 2020-01-28 A rich, multifaceted history of affirmative action from the Civil Rights Act of 1866 through today's tumultuous times. From acclaimed legal historian, author of a biography of Louis Brandeis ("Remarkable" —Anthony Lewis, The New York Review of Books,

"Definitive"—Jeffrey Rosen, *The New Republic*) and *Dissent and the Supreme Court* ("Riveting"—Dahlia Lithwick, *The New York Times Book Review*), a history of affirmative action from its beginning with the Civil Rights Act of 1866 to the first use of the term in 1935 with the enactment of the National Labor Relations Act (the Wagner Act) to 1961 and John F. Kennedy's Executive Order 10925, mandating that federal contractors take "affirmative action" to ensure that there be no discrimination by "race, creed, color, or national origin" down to today's American society. Melvin Urofsky explores affirmative action in relation to sex, gender, and education and shows that nearly every public university in the country has at one time or another instituted some form of affirmative action plan—some successful, others not. Urofsky traces the evolution of affirmative action through labor and the struggle

for racial equality, writing of World War I and the exodus that began when some six million African Americans moved northward between 1910 and 1960, one of the greatest internal migrations in the country's history. He describes how Harry Truman, after becoming president in 1945, fought for Roosevelt's Fair Employment Practice Act and, surprising everyone, appointed a distinguished panel to serve as the President's Commission on Civil Rights, as well as appointing the first black judge on a federal appeals court in 1948 and, by executive order later that year, ordering full racial integration in the armed forces. In this important, ambitious, far-reaching book, Urofsky writes about the affirmative action cases decided by the Supreme Court: cases that either upheld or struck down particular plans that affected both governmental and private entities. We come to fully understand the societal

impact of affirmative action: how and why it has helped, and inflamed, people of all walks of life; how it has evolved; and how, and why, it is still needed.

*Affirmative Action, Hate Speech, and Tenure* Benjamin Baez 2013-12-16

Uniquely positioned as both a scholar and an attorney, Benjamin Baez provides a thought-provoking exploration on the current debate surrounding race and academic institutions.

**Affirmative Action at Work** Bron Raymond Taylor 1991-10-15  
Bron Taylor unites theoretical and applied social science to analyze a salient contemporary moral and political problem. Three decades after the passage of civil rights laws, criteria for hiring and promotion to redress past discrimination and the sensitive “quota” question are still unresolved issues. Taylor reviews the works of prominent social scientists and philosophers on the moral and

legal principles underlying affirmative action, and examines them in light of his own empirical study. Using participant observation, in-depth interviewing, and a detailed questionnaire, he examines the attitudes of four groups in the California Department of Parks and Recreation: male and female, white and nonwhite workers. Because the department has implemented a strong program for ten years, its employees have had firsthand experience with affirmative action. Their views about the rights of minorities in the economy are often surprising. This work presents a comprehensive picture of the cross-pressures—the racial fears and antagonisms, the moral, ethical, and religious views about fairness and opportunity, the rigid ideas—that guide popular attitudes. *Not All Black and White* Christopher F. Edley 1998-03-04  
Argues that affirmative action laws are essential to American social justice and racial

equality

Discrimination in an Unequal World

Miguel Angel Centeno 2010-09

Proponents of globalization argue that it is helping and that in a competitive world, no one can afford to discriminate except on the basis of skills. Opponents counter that globalization does nothing but provide a meritocratic patina on a consistently unequal distribution of opportunity.

Equality and Transparency D. Sabbagh

2007-08-20 Can affirmative action policies be convincingly justified? And how have they been legitimized over time? In a pluridisciplinary perspective at the intersection of political theory and the sociology of law, Daniel Sabbagh criticizes the two prevailing justifications put forward in favor of affirmative action: the corrective justice argument and the diversity argument. He defends the policy instead as an instrument designed to

bring about the deracialization of American society. In this respect, however, affirmative action requires a measure of dissimulation in order to succeed. Equality and Transparency explains why this is so and provides a new interpretation of the strategic component in the Supreme Court's case law while identifying some of its most remarkable side effects.

Affirmative Action and the University

Kul B. Rai 2000-01-01 Affirmative Action and the University is the only full-length study to examine the impact of affirmative action on all higher education hiring practices. Drawing on data provided by the Equal Employment Opportunity Commission and the U.S. Department of Education's National Center for Education Statistics, the authors summarize, track, and evaluate changes in the gender and ethnic makeup of academic and nonacademic employees at private and public colleges and universities from the late 1970s through the

mid-1990s. Separate chapters assess changes in employment opportunities for white women, blacks, Asians, Hispanics, and Native Americans. The authors look at the extent to which a two-tier employment system exists. In such a system minorities and women are more likely to make their greatest gains in non-elite positions rather than in faculty and administrative positions. The authors also examine differences in hiring practices between public and private colleges and universities.

**America Becoming** National Research Council 2001-01-25 The 20th Century has been marked by enormous change in terms of how we define race. In large part, we have thrown out the antiquated notions of the 1800s, giving way to a more realistic, sociocultural view of the world. The United States is, perhaps more than any other industrialized country, distinguished by the size and diversity of its racial and ethnic

minority populations. Current trends promise that these features will endure. Fifty years from now, there will most likely be no single majority group in the United States. How will we fare as a nation when race-based issues such as immigration, job opportunities, and affirmative action are already so contentious today? In *America Becoming*, leading scholars and commentators explore past and current trends among African Americans, Hispanics, Asian Americans, and Native Americans in the context of a white majority. This volume presents the most up-to-date findings and analysis on racial and social dynamics, with recommendations for ongoing research. It examines compelling issues in the field of race relations, including: Race and ethnicity in criminal justice. Demographic and social trends for Hispanics, Asian Americans, and Native Americans. Trends in minority-

owned businesses. Wealth, welfare, and racial stratification. Residential segregation and the meaning of "neighborhood." Disparities in educational test scores among races and ethnicities. Health and development for minority children, adolescents, and adults. Race and ethnicity in the labor market, including the role of minorities in America's military. Immigration and the dynamics of race and ethnicity. The changing meaning of race. Changing racial attitudes. This collection of papers, compiled and edited by distinguished leaders in the behavioral and social sciences, represents the most current literature in the field. Volume 1 covers demographic trends, immigration, racial attitudes, and the geography of opportunity. Volume 2 deals with the criminal justice system, the labor market, welfare, and health trends, Both books will be of great interest to educators,

scholars, researchers, students, social scientists, and policymakers. [Affirmative Action in Antidiscrimination Law and Policy](#) William M. Leiter 2011-04-01 Provides a comprehensive and even-handed overview of the very contentious subject of affirmative action. **Handbook of Employment Discrimination Research** Laura Beth Nielsen 2008-06-06 This volume contains a collection of original papers by leading legal scholars and social scientists that develop new perspectives on anti-discrimination law, with an emphasis on employment discrimination. The articles were written for a conference held at Stanford Law School in Spring 2003 that was sponsored by the American Bar Foundation and Stanford Law School. The purpose of that conference, this volume, and ongoing work by the Discrimination Research Group based at the American Bar Foundation and the Center for Advanced Stud

in the Behavioral Sciences is to advance the social scientific understanding of employment discrimination and the operation of employment discrimination law as a social system, and to consider the legal and policy implications of this emerging body of social science. Now is a pivotal moment for an attempt at a deeper understanding of discrimination and law. After three decades of theoretical development and empirical research on employment discrimination and its treatment in law, it is crucial that lawyers, social scientists, and policymakers assess what we know and do not know about employment discrimination and its treatment by law. To date, there are several streams of active research that only occasionally engage with each other. Economists and sociologists continue to debate the extent to which women, minorities, and other traditionally disadvantaged groups faced discrimination

in labor markets and organizations. Organization scholars and legal scholars have begun to map the effect of anti-discrimination law on organizational structures and processes, and to raise questions about the extent to which the legalization of organizational employment systems represents symbolic or substantive changes in employment practices.

Affirmative Action in Antidiscrimination Law and Policy  
Samuel Leiter 2002-10-10 A comprehensive interdisciplinary analysis of the past, present, and future of affirmative action in the United States.

*Philosophical Foundations of Discrimination Law* Deborah Hellman 2013-11-28 How do we understand and justify the particular partialities that discrimination law tries to protect against? Are different discrimination laws from around the world grounded in a single set of norms? And does discrimination law

fail to treat people as individuals? The philosophical study around discrimination law in the private and public sector is a relatively young field of inquiry. This is owing to the fact that anti-discrimination laws are relatively new. It is arguably only since the Second World War that these rights have been adopted by countries in a broad sense, ensuring that all citizens have civil rights and the right to non-discrimination. Theory around discrimination law has until recently been threefold, doctrinal in its approach, questioning equality - why it matters and why should it influence legislatures in the design of policy - and thirdly focusing on the issue of affirmative action. This volume takes a fresh look at the philosophy of discrimination law, identifying points of discussion in need of further study. It addresses how we are to understand and justify laws prohibiting discrimination. For

instance, how discrimination might be best conceived - as a personal wrong or as an unfair distribution of resources. The volume then turns to a number of meta-theoretical questions, whether different discrimination laws are coherent and grounded in collectively held beliefs or are instead a collection of very different rules that have no underlying coherence. Lastly, the authors focus on issues in discrimination law that are currently the topic of considerable political debate. The questions raised here are urgent and necessary and it is the hope of the authors that other academics and philosophers may join in their discussions.

#### Making Sense of Affirmative Action

Kasper Lippert-Rasmussen 2020-03-30

Kasper Lippert-Rasmussen here poses the question: "Is affirmative action morally (un)justifiable?" As a phrase that frequently surfaces in major headlines, affirmative action is a

highly controversial and far-reaching issue, yet most of the recent scholarly literature surrounding the topic tends to focus on defending one side or another in a particular case of affirmative action. Lippert-Rasmussen instead takes a wide-angle view, addressing each of the prevailing contemporary arguments for and against affirmative action. In his introduction, he proposes an amended definition of affirmative action and considers what forms, from quotas to outreach strategies, may fall under this revised definition. He then analyzes the strengths and weaknesses of each position, relative to each other, and applies recent discussions in political philosophy to assess if and how each argument might justify different conclusions given different cases or philosophical frameworks. Each chapter investigates an argument for or against affirmative action. The six arguments for it consist of

compensation, anti-discrimination, equality of opportunity, role model, diversity, and integration. The five arguments against it are reverse discrimination, stigma, mismatch, publicity, and merit. Lippert-Rasmussen also expands the discussion to include affirmative action for groups beyond the prototypical examples of African Americans and women, and to consider health and minority languages as possible criteria for inclusion in affirmative action initiatives. Based on the comparative strength of anti-discrimination and equality of opportunity arguments, Making Sense of Affirmative Action ultimately makes a case in favor of affirmative action; however, its originality lies in Lippert-Rasmussen's careful exploration of moral justifiability as a contextual evaluative measure and his insistence that complexity and a comparative focus are inherent to this important issue.

*White Fragility* Robin DiAngelo  
2019-02-07 The International  
Bestseller 'With clarity and  
compassion, DiAngelo allows us to  
understand racism as a practice not  
restricted to "bad people." In doing  
so, she moves our national  
discussions forward. This is a  
necessary book for all people  
invested in societal change' Claudia  
Rankine Anger. Fear. Guilt. Denial.  
Silence. These are the ways in which  
ordinary white people react when it  
is pointed out to them that they have  
done or said something that has -  
unintentionally - caused racial  
offence or hurt. After, all, a racist  
is the worst thing a person can be,  
right? But these reactions only serve  
to silence people of colour, who  
cannot give honest feedback to  
'liberal' white people lest they  
provoke a dangerous emotional  
reaction. Robin DiAngelo coined the  
term 'White Fragility' in 2011 to  
describe this process and is here to

show us how it serves to uphold the  
system of white supremacy. Using  
knowledge and insight gained over  
decades of running racial awareness  
workshops and working on this idea as  
a Professor of Whiteness Studies, she  
shows us how we can start having more  
honest conversations, listen to each  
other better and react to feedback  
with grace and humility. It is not  
enough to simply hold abstract  
progressive views and condemn the  
obvious racists on social media -  
change starts with us all at a  
practical, granular level, and it is  
time for all white people to take  
responsibility for relinquishing  
their own racial supremacy. 'By turns  
mordant and then inspirational, an  
argument that powerful forces and  
tragic histories stack the deck fully  
against racial justice alongside one  
that we need only to be clearer, try  
harder, and do better' David  
Roediger, Los Angeles Review of Books  
'The value in *White Fragility* lies in

its methodical, irrefutable exposure of racism in thought and action, and its call for humility and vigilance' Katy Waldman, New Yorker 'A vital, necessary, and beautiful book'

Michael Eric Dyson

**Mismatch** Richard Sander 2012-10-09  
The debate over affirmative action has raged for over four decades, with little give on either side. Most agree that it began as noble effort to jump-start racial integration; many believe it devolved into a patently unfair system of quotas and concealment. Now, with the Supreme Court set to rule on a case that could sharply curtail the use of racial preferences in American universities, law professor Richard Sander and legal journalist Stuart Taylor offer a definitive account of what affirmative action has become, showing that while the objective is laudable, the effects have been anything but. Sander and Taylor have long admired affirmative action's

original goals, but after many years of studying racial preferences, they have reached a controversial but undeniable conclusion: that preferences hurt underrepresented minorities far more than they help them. At the heart of affirmative action's failure is a simple phenomenon called mismatch. Using dramatic new data and numerous interviews with affected former students and university officials of color, the authors show how racial preferences often put students in competition with far better-prepared classmates, dooming many to fall so far behind that they can never catch up. Mismatch largely explains why, even though black applicants are more likely to enter college than whites with similar backgrounds, they are far less likely to finish; why there are so few black and Hispanic professionals with science and engineering degrees and doctorates; why black law graduates fail bar

exams at four times the rate of whites; and why universities accept relatively affluent minorities over working class and poor people of all races. Sander and Taylor believe it is possible to achieve the goal of racial equality in higher education, but they argue that alternative policies -- such as full public disclosure of all preferential admission policies, a focused commitment to improving socioeconomic diversity on campuses, outreach to minority communities, and a renewed focus on K-12 schooling -- will go farther in achieving that goal than preferences, while also allowing applicants to make informed decisions. Bold, controversial, and deeply researched, *Mismatch* calls for a renewed examination of this most divisive of social programs -- and for reforms that will help realize the ultimate goal of racial equality. [Systemic Discrimination in Employment and the Promotion of Ethnic Equality](#)

Ronald L. Craig 2007 This book argues that traditional complaint-based antidiscrimination laws are inherently inadequate to respond to systemic discrimination in employment. It examines the mechanisms and characteristics of systemic discrimination and the shortcomings of complaint-based laws. Yet these characteristics can also inform employers and government authorities of the kinds of preventive action that help alleviate systemic discrimination at the workplace. In its search for a rational government policy response to systemic discrimination, the book evaluates selected legal regimes which impose proactive obligations on employers to promote equality at the workplace. Proactive regimes are regulatory in nature, rather than adjudicatory. They induce employer compliance through technical assistance, dialogue and regulatory pressure, rather than court orders.

By examining the key elements of these regimes the author explains why some proactive regimes function better than others, and why proactive regimes function better than complaint-based laws in addressing systemic discrimination.

*Affirmative Action* Ralph K. Winter 1976

Equality and Transparency D. Sabbagh 2007-10-10 Can affirmative action policies be convincingly justified? And how have they been legitimized over time? In a pluridisciplinary perspective at the intersection of political theory and the sociology of law, Daniel Sabbagh criticizes the two prevailing justifications put forward in favor of affirmative action: the corrective justice argument and the diversity argument. He defends the policy instead as an instrument designed to bring about the deracialization of American society. In this respect, however, affirmative action requires

a measure of dissimulation in order to succeed. Equality and Transparency explains why this is so and provides a new interpretation of the strategic component in the Supreme Court's case law while identifying some of its most remarkable side effects.

**Article 2** Bruce Abramson 2008 This volume constitutes a commentary on "Article 2" of the United Nations Convention on the Rights of the Child. It is part of the series, "A Commentary on the United Nations Convention on the Rights of the Child," which provides an article by article analysis of all substantive, organizational and procedural provisions of the CRC and its two Optional Protocols. For every article, a comparison with related human rights provisions is made, followed by an in-depth exploration of the nature and scope of State obligations deriving from that article. The series constitutes an essential tool for actors in the

field of children's (TM)s rights,  
including academics, students,  
judges, grassroots workers,

governmental, non-governmental and  
international officers. The series is  
sponsored by the "Belgian Federal  
Science Policy Office."