

AN UNFAIR ENDING? HOW PAST INJUSTICE CAN SHAPE THE PRESENT

BRIGID EVANS TAKES TO THE STARTING BLOCKS, READY TO RACE INTO THE PAST

Imagine you're at your school athletics carnival. You step up to the starting block for your final race and you realise something strange. Some students' starting blocks are well ahead of yours and others are well behind. It's not a curved track so what's going on? Before you can question the marshal, she fires the starting pistol and you're off and racing. No matter how fast you run the runners that started in front of you are too far ahead to catch. You gain some ground on them but it's not enough. You cross the finish line first.

You storm up to the marshal after the race. You know that you had the fastest time. You would have won if she'd just had everyone start at the same starting line. Would any of her potential responses make you feel any less cheated out of first place?

- a) The racers with a head start had paid for coaches and had been training hard for the race,
- b) The racers with the head start couldn't afford coaches so were compensated for the lack of support they'd received leading up to the race,
- c) The racers with the head start had been winning all day so were awarded the head start,
- d) The racers with the head start had physical differences that made running significantly harder for them, or;
- e) The race was determined by time not first across the finish line, so starting points made no difference to the outcome.

Some people will insist that 'e' is the only acceptable answer the marshal could give. These people claim that treating people differently or giving any group preferential treatment is morally wrong. You were the fastest runner in the race. You should have won. Others instead argue that 'b' and 'd' may be defensible. Treating some runners differently might even be

required to ensure that everyone is treated fairly. So which is it? And why does the question often come with passionate opposition?

This policy of giving reparations for past injustice is referred to as 'affirmative action' and it's slightly more complex and controversial than you imagined. Philosopher Elizabeth Anderson distinguishes between compensation and integration as two remedial justifications for affirmative action. Though not mutually exclusive, these two approaches are based on distinct goals. Compensatory affirmative action could be described as "backwards looking" as it provides restitution for unjust discrimination that took place in the past. Integrative affirmative action, on the other hand is more "forward looking." Integrative approaches aim to dismantle current barriers to equal opportunity for disadvantaged groups. This would mean that integration aims to promote a world in which affirmative action is no longer needed, while compensatory approaches acknowledge that groups have been unjustly treated and their opportunities have been limited as a result. It is perhaps compensatory affirmative action that is most controversial, especially when it takes the form of quotas, alternative entry requirements or goals for the representation of women and minority groups in areas such as government, employment or education.

These policies are often perceived as a way of making redress to victims of past injustices. These injustices, even when they're in the more distant past, can have long lasting effects on victims. Whether these effects are physical, cultural or psychological, they can mean that accessing certain opportunities is harder for them. These barriers aren't always obvious to those who access the same opportunities with ease.

Let's look at your race again. Sometimes just looking around the starting blocks may allow us to see that others will have a harder time crossing the finish line. Other times it's harder to spot the difficulties others face. It may appear like everyone has the same starting block, but what if some of these racers have come from a family of runners? What if some have been trained by the best runners in the world or if they have very high expectations placed on them to win? What if others have never run before or if they come from a family who doesn't value running? They might be from a culture where there are pervasive stereotypes about their inability to run fast. These things aren't going to be immediately obvious if we look around the race track. But expectations and stereotypes actually have a very strong impact on our

performance. The real world is often much like the race: How much success we can expect will not just depend on innate ability, but on the support or obstruction we encounter from institutions, conventions, and the other people in our lives.

So if affirmative action is attempting to compensate for the obvious and not so obvious effects of past injustice why are some people so opposed to it? Critics argue that affirmative action violates equality by enforcing a double standard that undermines the ideal society that the policy attempts to achieve. In other words, affirmative action attempts to promote equality through treating people unequally. If we all accept that inequality is wrong, then it seems a policy that utilises unequal treatment must be wrong too.

Other opponents will often add that that affirmative action undermines meritocratic principles. These principles hold that the most skilled person should be awarded the position (or that, as the fastest runner, you should have won your race). When we fail to recognise the barriers that some of the runners face (whether they are those less visible barriers or whether some runners weren't allowed to run at all) we miss the fact that our imagined race has no way of telling us who the fastest runner is. To be able to know who the fastest runner is we need to first support or compensate some runners so that the barriers they face can be removed. It is only then that the runners are finally able to begin on the same starting line.

The opponents of affirmative action then are correct in a way. In order for the race to be even, we first must treat some runners differently. Some runners need to be given support to compensate for the barriers they faced. We can argue that the other runners, those with the head start; they had already been given these benefits. So really, in providing support to the racers who didn't have the head start, everyone is finally being treated equally.

Even if we set aside arguments for merit and equal treatment, some individuals are deeply resentful towards affirmative action policies. For these individuals, it might not come down to philosophical arguments about equality of opportunity or fair treatment. Perhaps this is because affirmative action policies can make past injustices feel deeply personal, not just for the victims but for everyone else too.

When a wrong is inflicted by one group against another then it is usually down to the wrongdoer to compensate the victim. When wrong actions occurred in the past, and the wrong-

doers and original victims have long since passed away things become more complex. Their descendants inherit the benefits and burdens of their ancestors through no fault of their own. The trouble is that it is often very difficult for us to acknowledge this without feeling that we are pointing the finger, as if being a beneficiary of an injustice makes one as bad as being the perpetrator, when in fact it may be wholly involuntary.

If compensations for past injustice didn't involve the redistribution of scarce goods and resources maybe we wouldn't care so much. But there's only one first place, there's limited jobs, houses, scholarships, university offers and so on. So to miss out on these resources is upsetting. It's frustrating. It might even make us angry or resentful towards those who did attain the goods we so desperately wanted. It might especially make us feel resentful when we've been working hard and we see others being given a helping hand. Because again, it's hard to see the barriers each of us face in accomplishing our goals. It's hard to recognise when those barriers haven't been thrown up in front of us. But even if we do see the barriers does this take away that lingering resentment? Sure, we might sympathise with the difficulties these groups have faced. But you didn't do anything wrong! So is it fair that this affects you? If we ensure equality of opportunity then competition for resources will be harder. Perhaps this is fair, but it doesn't mean we have to feel happy if we place fourth in the race as a result.