

THE
CONSTITUTIONAL
LOGIC OF
AFFIRMATIVE
ACTION



MAKING

THE

CASE

FOR

QUOTA

RONALD J. FISCUS

EDITED BY STEPHEN L. WASEBY

FOREWORD BY STANLEY FISH



The Constitutional Logic Of Affirmative Action

Johan Rabe



The Constitutional Logic Of Affirmative Action:

The Constitutional Logic of Affirmative Action Ronald J. Fiscus, 1992-01-30 Few issues are as mired in rhetoric and controversy as affirmative action This is certainly no less true now as when Ronald J Fiscus's *The Constitutional Logic of Affirmative Action* was first published in 1992 The controversy has perhaps become more charged over the past few years With this compelling and rigorously reasoned argument for a constitutional rationale of affirmative action Fiscus clarifies the moral and legal ramifications of this complex subject and presents an important view in the context of the ongoing debate Beginning with a distinction drawn between principles of compensatory and distributive justice Fiscus argues that the former although often the basis for judgments made in individual discrimination cases cannot sufficiently justify broad programs of affirmative action Only a theory of distributive justice one that assumes minorities have a right to what they would have gained proportionally in a nonracist society can persuasively provide that justification On this basis the author argues in favor of proportional racial quotas and challenges the charge of reverse discrimination raised in protest in the name of the innocent victims of affirmative action as an action necessary to approach the goals of fairness and equality *The Constitutional Logic of Affirmative Action* focuses on Supreme Court affirmative action rulings from Bakke 1976 to Croson 1989 and includes an epilogue by editor Stephen L Wasby that considers developments through 1995 General readers concerned with racial justice affirmative action and public policy as well as legal specialists and constitutional scholars will find Fiscus's argument passionate balanced and persuasive

Affirmative Action Albert G. Mosley, Nicholas Capaldi, 1996 In this book two distinguished philosophers debate one of the most controversial public policy issues of the late 20th century Each begins by making a case for or against affirmative action laying out the major arguments on both sides Each author then responds to the other's essay Written in an engaging accessible style *Affirmative Action* is an excellent text for junior level philosophy political theory public policy and African American studies courses as well as a guide for professionals navigating this important debate

Equality, Affirmative Action and Justice Johan Rabe, 2001

Basic Equality and Discrimination Nicholas Mark Smith, 2016-04-15 The focus of this book is the idea of equality as a moral political and jurisprudential concept The author is motivated primarily by a concern to better understand conundrums in the justification interpretation and application of discrimination law Nicholas Smith aims to provide a clearer understanding of the nature of the value that the law is trying to uphold equality He rejects the notion that the concept of equality is vacuous and defends the idea as the proper range of moral concern After discussing the general characteristics of the denial of equality and some types of discrimination Smith considers prominent views on the point of equality law He argues that human rights lawyers should step back from the business of trying to steer courts towards vague equality goals informed by conceptions of equality that are either empty or even more abstract than the notion of equality itself If they do Smith thinks that the meaning of equality will be apparent though abstract and our difficulties will be shown to be in the first instance moral ones These moral issues

will require more rigorous attention before we can draft discrimination law which gives clear effect to a widely legitimate understanding of what it means to uphold and promote equality This book will be a valuable resource for students and researchers working in the areas of legal philosophy political theory public law and human rights law 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 *Military Law Review*, 1993

Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues, 1789-2015 John R. Vile, 2015-07-20 Now in its fourth edition and completely updated this is the most comprehensive book on constitutional amendments and proposed amendments available Although only 27 amendments have ever been added to the U S Constitution the last one having been ratified in 1992 throughout American history members of Congress have introduced more than 11 000 amendments and countless individuals outside of Congress have advanced their own proposals to revise the Constitution the wellspring of America s legal political and cultural foundations At a time when calls for a new constitutional convention are on the rise it is essential for students of political science and history as well as American citizens to understand proposed alternatives This updated edition of the established standard for high school and college libraries as well as public and law libraries serves as the go to reference for learning about existing constitutional amendments proposed amendments and the issues related to them An alphabetically arranged two volume set it contains more than 500 entries that discuss amendments that have been proposed in Congress from 1789 to the present It also discusses prominent proposals for extensive constitutional changes introduced outside Congress as well as discussions of major amending issues

Civil Rights in the White Literary Imagination Jonathan W. Gray, 2013-02 The statement The Civil Rights Movement changed America though true has become something of a clich Civil rights in the White Literary Imagination seeks to determine how exactly the Civil Rights Movement changed the literary possibilities of four iconic American writers Robert Penn Warren Norman Mailer Eudora Welty and William Styron Each of these writers published significant works prior to the Brown v Board of Education case in 1954 and the Montgomery Bus Boycott that began in December of the following year making it possible to trace their evolution in reaction to these events The work these writers crafted in response to the upheaval of the day from Warren s Who Speaks for the Negro to Mailer s The White Negro to Welty s Where Is the Voice Coming From to Styron s Confessions of Nat Turner reveal much about their own feeling in the moment even as they contribute to the national conversation that centered on race and democracy By examining these works closely Gray posits the argument that these writers significantly shaped discourse on civil rights as the movement was occurring but did so in ways that intentionally or not often relied upon a notion of the relative innocence of the South with regard to racial affairs and on a construct of African Americans as politically and or culturally na ve As these writers grappled with race and the myth of southern nobility their work developed in ways that were simultaneously sympathetic of

and condescending to black intellectual thought occurring at the same time *Pursuing Equal Opportunities* Lesley A. Jacobs, 2004 This book offers original and innovative contributions to the debate about equality of opportunity The first part sets out a theory of equality of opportunity that presents equal opportunities as a normative device for the regulation of competition for scarce resources The second part shifts the focus to the consideration of the practical application by courts or legislatures or public policy makers of policies for addressing racial class or gender injustices The author examines standardized tests affirmative action workfare universal health care comparable worth and the economic consequences of divorce

Ethics and the Autonomy of Philosophy Bernard James Walker, 2014-11-06 In *Ethics and the Autonomy of Philosophy* Bernard Walker sets out with two objectives First Walker argues that ethics is autonomous as a discipline Oftentimes ethics books from a Christian perspective lean toward grounding ethics in theology or in biblical proof texting Walker departs from this tradition Ethics grounded in theology entails a limited scope for those doing ethics in that the Christian God must be assumed for both Christian and non Christian when at the table of ethical dialogue For the non Christian this loads the dice and shuts down ethical consensus and dialogue if not ethical truth With that said this book does not depart from Christian ethical views on such issues as the sanctity of life antiracism the death penalty the objectivity of ethics and the importance of integrating faith into ethics however Walker does so from a common denominator of philosophy rather than theology Second Walker ventures into the streets and engages the man woman on the streets approach to ethics and ethical decision making He points out the shortcomings of the ubiquitous views of the man woman on the streets viz cultural relativism skepticism and the attitude that ethics is merely a matter of personal choice

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