1. **What is the issue?**

- Affirmative action policies allocate benefits and assign burdens using sexual and/or racial classifications. Does this use of categories treat people as equals?

- Consider Bakke, Adarand: those who lose out seem to have reason to complain because they lose important benefit for reasons that seem irrelevant.

- But such policies also seem to provide important benefits, arguably to the wider community (see Bowen and Bok, *The Shape of the River*).

2. **What are some reasons for supporting affirmative action?**

- Corrective justice: the point of affirmative action is to correct for past injustices.

- "Forward-looking" arguments: (i) promotes greater diversity within institutions in which diversity is an important value—for example, in schools—and in other ways helps organizations achieve their missions; (ii) provides benefits to wider society: diversity of talent; equal opportunity, against current background.

- Forward-looking rationale is suggested in *Adarand* (equal opportunity)*; Metro Broadcasting* (diversity and institutional mission.

3. **What are some reasons for opposing affirmative action?**

- Pragmatic: If we use racial categories to distribute benefits and burdens, we will not be able to achieve a society with racial equality: we reinforce stereotypes.

- Moral objection: (i) racial classifications are unfair because they fail to treat non-beneficiaries as equals; (ii) racial classifications are demeaning to actual or potential beneficiaries and thus fail to treat them as equals.

4. **What is the basic issue?**

- Large question: Are there any benign uses of racial classifications?

- Two answers, corresponding to two interpretations of the idea that people are to be *treated as equals*: that racial differences are morally irrelevant: (i) **Banned categories:** no uses of racial classifications are benign; colorblindness is required if we are to treat people as equals; (ii) **Banned sources:** uses of racial classifications are benign when they are not founded on prejudice, or denials of the idea that all citizens are entitled to equal respect and concern.

5. Should we adopt Banned Categories?

- Three reasons for this view, corresponding to pragmatic and two moral objections.

- Racial classifications are ineffective: but (i) some evidence suggests otherwise; (ii) claim that they are self-defeating misconstrues ideal of color-blindness; (iii) not clear that they foster prejudice.

- Racial classifications are unfair to non-beneficiaries. But do beneficiaries lose out because of an irrelevant characteristic? The characteristic is not irrelevant, however, to promoting diversity, for example.

- Racial classifications are paternalistic or stigma-producing. But: (i) non-paternalistic rationales are available: diversity, equal opportunity; (ii) if they are stigma-producing, perhaps that's because of prior beliefs.

6. Should we adopt Banned Sources?

- Objectionable when someone loses because person and her interests are simply discounted as being of lesser importance: but that is only true of some uses of racial classifications.

- Practically speaking, we can distinguish (unacceptable) uses of categories by the majority to benefit themselves and (acceptable) uses to confer benefit on minority.