



**According to Taylor (2009), an affirmative action program is a spectrum consisting of at least five categories:**

1. Category. Formal equality of opportunity: In this approach, an affirmative action program aims to implement a neutral policy to ensure that opportunities are open to everyone regardless of race, gender, religion, or any demographic attribute.
2. Category. Aggressive formal equality of opportunity: Instead of neutrality and non-intervention, supporters of Category 2 would aggressively use sensitivity training, external monitoring, and outreach efforts to achieve a fair outcome in admission and employment.
3. Category. Compensating support: In this approach, special training programs, financial support, mentoring, or tutoring are provided to minorities to compensate for their disadvantages.
4. Category. Soft quotas: In this method, "bonus points" are added to the selection indices of minorities in admission and employment while no explicit quota is set.
5. Category. Hard quotas: As the name implies, this approach aims to achieve a proportional representation of the population by gender and racial composition in the student body and the work force.

According to *the Economic Times* "Affirmative action is directed at increasing the number of people, from certain parts of the society, within business or educational institutions or in areas where they are underrepresented. It can also be looked at as eliminating or bringing down discrimination against a particular set or group of people". Thus, Affirmative Action policies are aimed at increasing opportunities for those groups of people which have been neglected by the society. They are mainly focused on providing employment and educational opportunities.

According to Encyclopedia of Philosophy ( by Shanti Nath Gupta) Affirmative action are Positive steps to enhance the diversity of some groups, often to remedy the cumulative effect of subtle as well as gross expressions of prejudice. When numerical goals are set, they are set according to the group's representations in the applicant pool rather than the group's representation in the general population. For example a medical school with an affirmative action program would seek to admit the members of an underrepresented group in proportion to their representation in the population of those who had completed pre medical requirements and wished to attend medical school.

To sum up, it can be said that Affirmative action is public policy of preferential hiring designed to compensate the victims of injustice; in which some positive steps are to be taken that can be in the form of policies, laws, or change in perspectives that is geared towards the upliftment of, development of an increase of representation of deprived class.

In contemporary philosophy, the ideal of justice has been a great debatable issue. It is unfortunate that most of the debates nullified by the later one. Some philosophers say that justice should be based on fairness i.e. procedures, that are fair. On other hand, some philosophers say that the state should be color-blind state i.e., providing everything to everyone regardless to their race and gender. The supporters and defenders of affirmative action rely on very different notions of fairness and Justice.

There are three main notions regarding this issue, which are as follows:

## **2. Affirmative Action and Justice of Liberty Principle**

This idea of justice is based on the notion that people has to be treated similarly in similar circumstances. If A, and B are in similar circumstances, they should be treated the same. It is said that "we should treat like cases alike". This view of justice can be understood in two ways differently. The first view says that we should treat people regardless to their race gender religion and ethnicity; the treating should be the same in all manners in all possible circumstances. The second view of this kind of justice is related to the intuition that the first and last category to categories all men and women is that we are all human being deserve equality by birth, and equal chances in life, again, regardless of things like race , gender , religion, culture and ethnicity. In this view of justice, affirmative action doesn't hold any role in the society. This

concept of justice is quite similar to the conception of common civil code which is derived from liberty principle of liberalism. It's because the ideology of liberalism accepts liberty as its prime value, in any circumstances, the ideology can't compromise with the liberty of an individual. That's why the ideology honors the possessive individualism. The possessive individualism is a concept according to which all the things, which an individual attains by using his own talent and capability, belong to him. None can snatch these things from him; he keeps all the rights to have these assets. Whatever assets are, if gained by using the talent and capability, belong to the individual; otherwise, the individual doesn't keep any assets. Affirmative action is a kind of means to insure the social justice in the society. That leads to act on such a policy of preference that advocates some kind of sacrifice for the wellbeing of others which is quite contrary to the basic postulates of 'treating as the same'. Hence, it can be said this kind of view to assure the justice doesn't support the policy of Affirmative action.

### 3. Affirmative Action and Transactional Justice

This idea of justice is based on the basics of transactions. The idea says that humans' day to day lives are based on the mutual transaction. Here we can take the example of transferring property. If 'A' person bought a property, means he has owned it, he has right to it. This property can be in the form of money, food, house, a car, but the others also have right to have it. For instance, in transaction, 'B' person can trade some of property belongs to person 'A'. The core idea is that this transaction must be done fairly. Thus, the ideal of this view of justice is that both the parties involving in the transaction should be freely agreed to terms and conditions. So, none can threaten or force to the buyer or seller to accept less or more money for the goods. Moreover, none can run away with paying the decided money. Thus if one owned something, he has right to keep it or sell it. According to this concept of justice 'Justice only requires that the trades are totally fair and the fairness simply means one is accepting the terms and conditions of the party without any outer restrictions.

Anyhow, the transaction is not fair; the way to regain the prior justice and rectify the posteriori injustice is to place the parties from where the transaction started. For instance, 'A' person steals a car of 'B' person. So it's very clear that the acquisition of 'A' person is undoubtedly unjust. It's because the person 'B' was not freely agree to the transaction. What would be the right way to fix it?

It's very simple just take back the car from the person 'A' and give it back to the person 'B'. Thus in this view of justice the laws and rights are equally distributed to everyone regardless to their race and gender. So, a black man is denied from entertaining the rights and opportunities which is provide to the white man having similar circumstances, is the denial of justice. The way to fix it, to take back the rights and opportunities of white man, which he might not have gained if there won't occur any discrimination, and provide back to the black man. So many philosophers say that affirmative action is right in the preview of *Transactional Justice*.

### 4. Affirmative Action and Egalitarian Justice

This is called as the strongest argument for affirmative action. According to this concept of justice, in society, there are some groups who consistently suffered from disadvantage. The disadvantage happened because the laws and rights were not regulated the states. So, here the states should change the way to role their play to transform the disadvantaged groups into advantaged group. So, in this assumption of the justice, it is accepted that the rules and institutions of the society are artificial and maintained by the society. So, justice is assured by a just society with the help of just rules and institutions, which will provide equal opportunity and equal prospects of a good life to all the members of the society. For instance, if 'A' is born female, she should not suffer from a fewer chance in her life. In the same way, if 'C' is born black, he should not suffer from discrimination against whites. In this view, the metaphor like "color-blind" society or "level playing field" is really true.

United States is great example of this suffering. Blacks and females are entertaining the less rights and opportunities in their lives in comparison to those who are white males. Moreover, blacks and females

of comparable talent white males make less money, less political power, and hold lower business and societal status.

In Egalitarian Justice, social, political and economical institutions should be restructured in a way that will promote the equality in the society. If any individuals of the society do not enjoy equal life prospect, justice says that the rules and laws that provides rights to the individuals should be alter because they are attaining their goals i.e. to provide the same rights to every individual. Thus justice demands to alter the rules to reduce the inequality. Here the role of affirmative comes in action. Affirmative action policy either creates or alters the rules and regulations of the society, aiming to reduce the inequality.

## CONCLUSION

It is undoubtedly accepted by all the politicians and philosophers that burning concerns for a state or government is to inquire the a method to allocate the laws and rights to ensure the basic needs that is, those things any rational person would desire, such as opportunities, liberties, and wealth. *Justice of Liberty Principle* denies every kind of 'Preferential Treatment'. Transactional Justice accepts to compensate the groups, which are driven into lower position by violation of existing rules and laws. Egalitarian Justice demands to restructure the existing laws to distribute the equality in the society. By the above discussion, it can be said that error is universal and if the humans are not the machine they may violate the rules. If they are not punished for their flaw, they will continue do it. So, the necessity is here, as well, there is misdistribution of wealth, property, rights and laws. It means some groups have snatched it from other groups. And, snatching is against the law of every country. If the punishment is given, the doer wouldn't desire to repeat it. But, if along with the punishment, compensation cost is also applied to the doer, the culprit will attain his old position which he might have got, if he would not have been the subject of doer. Now, the victim is in fair position. Thus, Affirmative action involves the both actions. The first one is action of punishment, and the second one is compensatory action. Hence, Affirmative Action is a factual need as well.

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