Affirmative action supporters are still getting it wrong
By David Benatar

The torrent of responses, sometimes vehement, to my arguments about affirmative action ("Affirmative action not the way to tackle injustice", April 12) is very telling. Either my arguments are deeply unsettling to those who disagree with me or any questioning of racial affirmative action is viewed as sufficiently heretical that it cannot be left unchallenged. Although I am grateful for the supportive responses to my article, I shall not reply to those. As I not have the space to address every point my critics have made, I shall highlight a number of general mistakes they make, with some illustrations, and then address some specific arguments some of them raise.

The first kind of error, in which defenders of orthodoxies regularly indulge, is simply to repeat their own assumptions as though these constitute a refutation of arguments against them. Thus in response to my arguments that "race" is a poor proxy for disadvantage, Aifheli Enos Tshivhase ("Race must be the focus in righting historical wrongs", April 19) is content to assert that one "cannot have a racially blind affirmative action policy in a society where inequality was racially perpetrated". He repeats this idea a number of times, as though the mantra were an argument in its own defence. Whether an affirmative action policy based on "race" is an appropriate response to racially perpetrated inequality is the very question at stake. I argued that the answer is no. In response, Tshivhase simply begs the question. Matthews Bantsijang ("It remains necessary to refer to race", April 26) makes the same mistake.

The second kind of error is for my critics to misrepresent my argument and then refute the "straw monster" they have created. Dr Sam Raditlhalo's rant ("So much remains hidden behind those plastic smiles at UCT", April 25) is a case in point. He has either a remarkable inability to follow an argument or a disturbing ability to misrepresent one. He wrongly attributes to me the view that because he is "black" he is "not quite qualified" to be at UCT.

What I said was that the more weight one places on "race", the weaker a candidate of the desired "race" can be in other ways while still obtaining the position for which he or she is competing. I emphasised in my lecture that the same would be true if the "race" were "white" rather than "black". Thus Dr Raditlhalo also misrepresents my view when he says that I make the assumption that, before the Employment Equity Act, "UCT was a zone of excellence, with no middling academics nor questionable appointments ever made". However, my argument entailed a rejection of that very assumption.

There are, indeed, first-rate "black" academics at UCT. They are scholars who either were or would have been appointed without the benefit of racial affirmative action. Therein lies the answer to Raditlhalo's question how "a black person should become part of the teaching and research staff at UCT".

Raditlhalo's letter is also illustrative of a third kind of error - responding ad hominem. He thinks that attacking those who advance an argument is a way of undermining the argument itself. Even our first-year students, whose resentment he says he has to fight off, should know that this is fallacious. He assumes that my arguments must emanate from some character flaw or that views about racial preference affirmative action divide along racial lines. He casts aspersions on those who disagree with him rather than refuting their arguments.

The fourth kind of error, popular among those who do not like where a reasoned argument leads, is to denounce reason.

Thus Professor Pierre de Vos ("Diversity does not mean lower standards", April 26) says that I purport to "argue from a 'neutral' position" from which I claim "to have access to an uncomplicated and universal system of logic and reason". In saying this, does De Vos purport to argue from a "neutral position" via a "universal system of logic and reason"? If so, and he thinks his argument is not thereby defective, why is it a criticism of my argument that I do the same? And if he does not, why should I pay any attention to what he says?

After all, it would be merely his own view, which reason could not impel me to accept. There is, it turns out, something self-defeating about arguing that we need not accept reasoned arguments.

Sometimes arguments against reason are more charitably understood as criticisms of a reasoning process that has ignored some relevant consideration. A number of my critics, including Tshivhase and Bantsijang, accuse me of decontextualising the argument.

Offering that charge does not take any ingenuity. Justifying this charge is more difficult and my critics flounder when they try to do this.

For example, Bantsijang's justification is that I need "to understand that the apartheid regime left the South African citizens unequal and affirmative action is the government's vehicle to redress (the) past". But my argument does not ignore this context. I simply deny that racial preference is an appropriate means to rectifying inequalities caused by apartheid. Those who say that an argument is decontextualised, must state exactly what the missing context is and how this invalidates the argument. They may not simply cry "no context" and proceed to beg the question (the first mistake mentioned above).

A fifth error is to contradict oneself. For example, Tshivhase criticises my claim that South African "blacks" suffered different degrees of (educational) disadvantage. He says that this is a "dangerous and unnecessary exercise" but then proceeds to concede that "black people may have suffered in varying degrees".

I turn now to consider some specific arguments advanced by various critics. De Vos questions what it means to be qualified. "Who", he asks, "will decide on the set standards to be used?" Of course, there can be reasonable disagreement, within certain constraints, of what the criteria for "being qualified" are. The problem with De Vos's argument is that he wants to settle that question by a crude reference to "race".

Instead of telling us where our current standards are inappropriate, he simply dismisses the current standards as "white" and suggests that we need to inject a "black" view on these matters. Here he assumes that racial diversity brings opinion diversity, and more specifically opinion diversity about what constitutes "being qualified". But if one is truly interested in diversity of opinion, one should ground one's affirmative action policy on opinion criteria rather than racial ones, favouring people with unusual views about what constitutes "being qualified". I do not recommend this view, but it is one that follows from De Vos's assumptions.

Raditlhalo thinks my arguments imply that he "was never really 'disadvantaged'". What I claimed was that those people who were previously in disadvantaged circumstances but managed to secure doctoral degrees are no longer (educationally) disadvantaged. Raditlhalo faces the following dilemma. If I am correct, then an affirmative action policy aimed at redress of educational disadvantage, should not favour such people. If I am incorrect, then Raditlhalo needs to explain why the education of students (of all "races") should be entrusted to somebody who has an educational deficit.

Dr Laurie Nathan ("Missing the point", April 25) persists in demanding that I approach the problem of affirmative action like a social scientist rather than a philosopher. Of course, a philosopher may not make inaccurate empirical claims. However, when I noted ("Affirmative Action", April 20) that some of my factual claims are obvious and do not require formal study - for instance, that illiterate people are not candidates for university lectureships - Nathan asks whether illiterate people could be beneficiaries of affirmative action for other jobs.

That he does not dispute my claim about the university context suggests that he should accept the conceptual claims that follow for affirmative action in university appointments. I would like to hear him say so explicitly. What he fails to realise, in pressing the point about affirmative action in other contexts, is that the principle underlying the example I have provided is recursive. (The principle is this: For any given category of position P, if Q is a qualification for P, then those furthest from possessing Q are least likely to benefit from an affirmative action policy governing P.)

It is also curious that Nathan does not seem to apply his standards of empirical evidence to claims made by defenders of affirmative action. Defences of affirmative action are riddled with assertions unsupported by empirical evidence.

Where, for example, is the evidence that "race" is the best proxy for disadvantage? Given that the burden of proof surely lies with those who wish to defeat a presumption against racial preference, it is more incumbent on them to show that "race" is the best proxy than it is for opponents of affirmative action to show that it is not.

Dr Robert Segall ("Respected role models", April 20) and I disagree about the appropriate level at which rectification should be made. He thinks that it should be at the level of communities, even if those particular individuals who benefit were not themselves disadvantaged. I, by contrast, think that justice for communities is achieved by aggregating justice for deserving individuals.

Segall recognises that "race" based affirmative action has a cost, but he takes this to be "modest". Here, frankly, I am surprised at his naivete. Given the immense pressures on universities to meet demanding "equity" goals and given the significant weight attached to "race", the costs are likely to be massive unless the current policies are abandoned early enough.

Professor Benatar is professor of philosophy at the University of Cape Town.

Published on the web by Cape Times on May 2, 2007.