



A Critical Evaluation of the Morality and Logic of the Doctrine of Affirmative Action

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ARTICLE INFO

Article history:

Received: 22 January 2018;

Received in revised form:
1 May 2018;

Accepted: 10 May 2018;

Keywords

Doctrine,
Affirmative Action,
Logic and morality.

ABSTRACT

Affirmative action which is also known as reverse discrimination is a doctrine which originated in The United States of America, with the sole aim of redressing the past misdeeds of a certain group of people within the society against some others. It focuses on the ill treatment of the whites on the blacks and that of men on women. This movement has gone round the world, Nigeria inclusive. It has made the women in Nigeria for instance to demand thirty five percent of both elective and appointive offices, just to make up the past imbalance in the polity of the country where the men are found to be dominating the system. Our motivation here is the fact that affirmative action if allowed as demanded will instead of correcting any past injustice, do the society more harm than good by perpetuating injustice. The people who will be at the receiving end of this injustice are more or less not guilty of the offence of their fore fathers. This paper focuses on the fact that Affirmative action is not logical nor a moral principle. It suggests that it is not to be made a doctrine in the society, rather it advocates a level playing ground for all players in the field. Finally, it recommends that affirmative action be jettisoned in it's entirety, because it commits the fallacy of hasty generalization, that some men took advantage of some women in the past in not a sufficient reason for all the men to suffer today in the hands of all the women, so do the blacks and the whites. Allowing affirmative action will amount to throwing away the child with the dirty water.

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Introduction

Recently, it was noticed that the society is polarized and that a particular segment of the society does better than the other irrespective of how the other works hard. This is due to the privileged position of the group that does better, put in place by their parents or the society in general. To ensure equality for all, there arose the doctrine of affirmation action in the United State of America, which is meant to address the past misdeeds of the whites over the blacks, the men over the women and children in social political and economical issues. It is otherwise called reverse discrimination. A condition of the agitations of the oppressed against racism and sexism. All geared towards the maintenance of equality and liberty between the races and the sexes. Not quite long from the time of the initiation of this doctrine, it infiltrated both the political, social, economic, religious and cultural lives of the people. It is now existing in Africa and in Nigeria, where the women are asking for the thirty five percent of all the elective and appointive offices in government, just because they are women.

Affirmative action holds that a particular section of the society has been mistreated in the past, like the blacks in the United State, and the women the world over. It therefore advocates for a privileged position for the oppressed at the expense of those races and gender that mistreated them, such as the clamour for 35% affirmative action in Nigeria. This research is therefore set to find out if, two wrongs can make a right; in spite of the fact that the doctrine at face value tends to present equality and a level playing ground for all, at the

expense of some, and that people have written about its justification, no body has ventured into the study of its morality and logic. The morality and logic of punishing a people who may not have been directly involved in the perceived offence, only because they belong to the race or gender that subjugated the others.

The purpose of this study therefore, is to critically evaluate the morality and logic of affirmative action. We also hope to demonstrate that the argument of the founders and propounders of the affirmative action / reverse discrimination is not strong enough to justify their advocacy of the perpetration of inequality in the society under the guise of making people pay for their past misdeeds. This study advances the thesis that reverse discrimination is revengeful, and that if allowed, a time will come when those who are beneficiaries of affirmative action will in turn pay for what they are benefiting today, and the circle will continue unabated. This study dwells on the understanding of affirmative action and its implication on the society if allowed. This paper is significant in challenging the morality and logic of affirmative action. It advances and contributes in opening the eyes of the people who advocate affirmative action today, which will in no time backfire if followed to a logical conclusion. It will end up leaving us with no absolute standard of doing things when it affects the sexes and the races, as standards are bound to change with time. This research work is qualitative in design. It is a product of expository, evaluative analysis and prescriptive method, which sourced data from books, journals and biographies.

By way of exposition, we presented the concept of affirmative action. The evaluative approach was employed do to a critique of the argument of the proponents of the affirmative action. Finally we after analyzing the concept made some recommendations to the public by way of prescription. To understand the doctrine of affirmative action in the ancient and medieval period is not easy. This is due to the fact that the philosophers of those periods did not venture into this doctrine. They did not use the term as we have it today, but treated some issues that relate to the meaning and implication of the doctrine of the affirmative action. We shall have to review their works on justice and equality. On which the affirmative action hinges. Affirmative action was introduced in American after they discovered that discrimination against a particular set of the people due to their race, colour, sex or national origin has reduced. Plato: (427 – 327) In his Republic, pointed out that men and women should be treated equally as they belong to the same specie. That children education should be for both the boys and the girls in the state. He asked; “Are dogs divided into hoes and shes, or do they both share equality in hunting and in keeping watch and in the other duties of dogs? Or do we entrust to the males the entire and exclusive care of the flocks, while we leave the female at homes, under the idea. That the bearing and sucking their puppies is labour enough for them?”¹ He also wrote down, as the finger of Socrates in his ‘Crito’ that, “It is never right to do wrong even when one is doing evil in return for evil is not just.”² Socrates who was a man of very high moral standard, did not believe in reverse discrimination, when it was suggested to him, that the best thing for him would be to escape from the prison and save his life, and be able to raise his children, he made it clear to Crito that, “we ought not to repay injustice with injustice or to do harm to any man no matter what we may have suffered from him”.³ According to him, we have no reason to practice reverse discrimination or affirmative action, irrespective of what we may have suffered in the past, we should not pay back evil with evil.

Aristotle (384 – 322 BC. He was an advocate of discrimination, who believed that to do justice means to treat equals equally and unequals unequally. To buttress his point of argument that people are made differently and that they belong to different classes, he said in his Nichomachean ethics that, “nature distinguished between. The bodies of freemen and slaves, making one strong for service labour, the other upright and although useless for such services, useful for political life”.⁴ That is to say that affirmative action or reverse discrimination is not necessary as some people must serve others, he does not believe in giving everybody equal opportunity. On the discrimination of one sex over the other, he said that the males are superior to the females in all things, “Aristotle maintains that woman is a mutilated or incomplete man ... he therefore supposes women to have less soul than men.”⁵ He based his argument on the fact that man’s contribution to reproduction is more valuable than that of a woman. He opined that men are higher than women both in social and intellectual status, with emphasis on the women being the weaker ones physically.

The Paul of the New Testament who himself was a missionary giant around the middle of the first century AD. Wrote to the church that he helped to plant on the practice of enforcing women’s subordinate position both in the church and at home. “Now I want you to realize that the head of every man is Christ and the head of the woman is man and the head of Christ is God... A man ought not to cover his

head, since he is the image and glory of God; but the woman is the glory of man. For man did not come from woman, but woman from man, neither was man created for woman but woman for man”.⁶ He relies on the creation story of the Bible as recorded in Genesis, that God first created man out of dust and animated him, while on a later day, He (God) decided to make woman not from dust (originally) but using the rib of man as the raw material. In this case, Paul could be seen to have stood up against any perceived discrimination against the women that should be reversed, in other places in the new testament, he made it clear that there was distinction between the Jews and the Gentles, the slaves and the freeborn.

John Start Mill (1806 – 1873) in his work titled ‘The subjection of women’, holds that, “The legal subordination of one sex to the other is wrong in itself, and one of the chief hindrances to human improvement”.⁷ He rather advocated that “This notion ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other”.⁸ Affirmative action applies here as a tool for the empowerment of women from the subjugations of the past.

John Rawls (1921 – 2004) was an apostle of liberty, rights and fairness. He advocated a preferential treatment of the disadvantaged to enable them benefit more from the gains and less from the burdens. He sees justice as fairness to all, in his words, “Compensatory justice refers to the extent to which people are fairly compensated for their injustices by those who have injured them, just compensation is proportional to the loss inflicted on a person”.⁹

By compensation, he could be understood to be talking about affirmative action, which applies between the white and the blacks, the men and the women, the slaves and masters, the Lords and the serfs, the capitalists and the working class etc. We see a manifestation of these compensatory justice today in our institutions, in the areas of admission, and employment.

Lyndon B. Johnson (1908 – 1973) one time president of USA said that freedom is not enough, he advocated reverse discrimination to enable the oppressed meet up. In his words, “You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the standing line of a race and then say; “you are free to compete with all others,” and still justice believe that you have been completing fair.”¹⁰

Richard Nixon (1913 – 1994) A former president of the United states of America (1969 – 1974) promoted the affirmative action, and even allowed a 12% of the federal work force to be for women, but he later on changed his mind and said that, “you do not correct an ancient injustice by committing a new one. You do not remove the vestiges of past discrimination by committing a deliberate act of present discrimination. You cannot advance the cause of one minority by denying the rights of another.”¹¹

He got it right, that injustice is not good, but that we should not use another injustice to right the wrong. More so, when the discrimination that affirmative action is trying to correct was perpetrated in the past by people most of whom we did not know. Using a deliberate act of discrimination today to settle scores on the children over the misdeeds of their fore fathers whom they did not know is what is worrisome in the whole doctrine of the affirmative action or reverse discrimination.

Meaning of Affirmative Action or Reverse Discrimination

By way of definition, "Affirmative action is the effort to rectify. The injustice of the past by special policies."¹² This meaning has changed from what it used to be in the past, to a new meaning, presently,

Originally it referred only to special efforts to ensure equal opportunity for members of groups that had been subject to discrimination. These efforts include public advertisement of positions to be filled, active recruitment of qualified applicants from the formerly excluded groups, and special training programs to help them meet the standards for admission or appointment.... More recently the term has come to refer also to some degree of definite preference for members of these groups in determining access to positions from which they were formerly excluded.¹³

Just as the name implies, affirmative action / revenge discrimination is one attempt to revenge the previously conceived discrimination over a set or a section of the population of the society, especially in the United States of America where it originated in the middle of the twentieth century. It was meant to address areas such as slavery, under development, ethnic minority / racism, women and children, and even some educationally disadvantaged people. The intension of the original founders of this concept was to address the past injustice of one people on the other, to enable the less privileged to come up to a certain level or standard of good life. To achieve this goal, issues like reverse discrimination, preferential living nontraditional casting, awards of scholarships and promotions of people to a level in their work places.

Types of Affirmative Action

There are basically two different versions of affirmative action. They are the weak affirmative action and the strong affirmative action.

Week affirmative action: This is the type that many people prefer to the strong type, largely because it does not raise much dust in the society. Its action is to bring cohesion among the different classes and sexes within the same environment. Weak affirmative action involves such measures as the elimination of segregation among people. It advocates for equal opportunities for every member of the group or society, irrespective of race, gender and colour etc. This was the type that Black Americans like Rev. Martin Luther king Junior, utilized in the removal of discrimination in American, as stated in his popular speech, "I have a dream that one day this nation will rise up and live out the true meaning of Its creed:... I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight, and the glory of our Lord shall be revealed, and all flesh shall see it together".¹⁴

This was a good manifestation of weak affirmative action, it at most utilizes civil disobedience and strike actions and peaceful demonstrations.

Strong Affirmative Action: This is the type that concerns itself with the positive but radical steps towards making up for the past injustice so suffered by the people who were oppressed in the past. Their popular slogan is reverse discrimination. This means that those who were ruled in the past must be allowed to rule those that ruled then. Those discriminated against must now turn to discriminate against those that discriminated against them. This involves the

selection of people from the minority over the majority, from the women over the men, the blacks over the whites etc.

It advocates for preferential treatment in favour of the past victims of discrimination. This no doubt arouses much controversy as the victims of the reverse discrimination are either the direct or indirect offspring's of those who committed the act of discrimination in the past. It is now a case of one being punished for the sin of his fathers. This type raises a lot of ethical questions. Which we intend to address in this paper, whether it is right to hire candidates, give admissions in schools, make political appointments etc. based on the past discrimination not taking into cognizance the fact that may not be the best candidates for such offices, and that they may also be in the minority, within the society. To justify this type of affirmative action, a onetime president of America, Lyndon Johnson. In 1965 while in inaugurating the affirmative action policy, had this to say.

Imagine a hundred yard dash in which one of the two runners has his legs shackled together. He has progressed ten yards, while the unshackled runner has gone fifty yards. How do they rectify the situation? Do they merely remove the shackles and allow the race to proceed? Then they could say that "equal opportunity" now prevailed. But one of the runners could still be forty yards ahead of the other. Would it not be the better part of justices to allow the previously shackled runner to make up the forty yard gap; or to start the race all over again? That would be affirmative action towards equality¹⁵

History of Affirmative Action

The after effect of slavery and recent discrimination came to be noticed as alarming in the United States of America, and even some of the people of the privileged class began to sympathize and empathies with the discriminated against.

In the 1954 U.S Supreme court decision, *Brown Vs. Board of Education* racial segregation was declared inherently and unjustly discrimination, a violation of the constitutional right to equal protection and in 1964 congress passed the Civil Rights Act which banned all forms of racial discrimination... The thinking was that if only we could remove the hindrances to progress, invidious segregation, discrimination laws and irrational prejudice against blacks, we could free our condition from the evils of past injustice and usher in a just society in which the grand children of the slave could play together and compete with the grandchildren of the slave owner. We were after a color-blind society in which even child had an equal chance to attain the highest position based not on his skin color but on the quality of his credentials.¹⁶

Although many people in America rejected this move, saying that it is a new form of racism, especially as reverse discrimination was mentioned but Roy Wilkins, the director of the NAAP threw his weight and that of his association behind it. He stated that, "Our association has never been in favour of a quota system. We believe that quota system is unfair whether it is used for (blacks) or against (blacks)... we feel people ought to be hired because of their ability, irrespective of their colour... we want equality, equality of opportunity and employment on the basis of ability."¹⁷ After these, the civil Right Act of the United States of America of 1964 was passed, and discrimination on the basis of race or

sex was outlawed. As stated in Title VII, Section 703 (a) civil Right Act of 1964.

It shall be an unlawful practice for an employer (1) to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, colour, sex, or national origin; or (2) to limit, segregate, or classify less employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual's race, colour, religion, sex or national origin. (42 U.S.L 2000e-2(a))¹⁸

The elimination of discriminatory laws was soon noticed as not producing the fully integrated society that leaders of the civil right movement intended. This led to president Johnson's Executive order 11246 in 1965. All to improve the situation. In support of the reverse discrimination policy, he stated the shackled runner analogy which we have mentioned before in this paper.

The Ambiguity of Affirmative Action

From the definition of the term Affirmative action, as the effort to correct, rectify and mend the past injustice as well as to produce a situation that will be closer to the ideal of equal opportunity by special policies. We realize that it is both, "a backward-looking and a forward looking feature"¹⁹, it is an ambiguous issue so to say.

The backward-looking feature is its attempt to correct and compensate for past injustice. This aspect of Affirmative action is strictly deontological. The forward-looking feature is left in perfect ideal of a society free from prejudice, where one's race or gender is irrelevant to basic opportunities. This is both deontological and utilitarian deontological in that it aims at rating people according to their merits so needs; utilitarian is that a society perceives as fair will be a happier society²⁰

The double facet of alternative action accounts for the two types or versions of same. The forward looking feature of affirmative action stands for the weak type which preoccupies itself which how to make the society a safe heaven, a place of equality in all things. While the backward looking feature advocates a condition of compensation or retribution in favour of the oppressed in the past. This ambiguity of affirmative action is what raises questions on its moral status. This morality of the affirmative action has divided the philosophers into two, some argue in defense of it while others argue against it stating that it is or not moral to uphold affirmative action as it is presented.

Arguments for Affirmative Action

Much of the arguments in favour of the affirmative action was put forth by Albert Mosley, a professor of Philosophy at Smith College. In a book he co-authored with Nicholas Capaldi; titled, "Affirmative Action: Social Justice or unfair Preference? (1997).

Major argument in favour of the affirmative action are backward looking in nature. They stand for corrective justice. They are concerned with making of restrictions as to amend the past ways of the people who corrective justice. They are concerned with making of restitutions as to amend the past ways of the people who perpetrated injustice. Bernard Boxil on this writes,

Without the acknowledgment of error, the injurer implies that the injured has been treated in a manner that befits him... in such a case, even if the unjust party repairs the damage he had caused... nothing can be demanded on legal or moral grounds, and the repairs made are gratuitous... Justice requires that we acknowledge that this treatment of others can be required of us; thus, where unjust injury has occurred, the injurer reaffirms his belief in the other's equality by conceding that repairs can be demanded of him, and the injured rejects the allegation of his inferiority... by demanding reparation²¹.

As a defense of the Affirmative action; some arguments have been put in place, such as the following:

Need for Role Models: Under this argument, affirmative action is said to be an agent of the production of role models for each race and gender within the society. It makes the blacks, the Hispanics, the dwarfs, and the women to have their own role models, people whom they can be proud of and not just to look up to the superior races and genders, whom they cannot strive to be like, due to inhibition associated with race or sex. The likes of Gandhi of India, Martin Luther King Junior of America, Nnamdi Azikiwe of Nigeria etc are good examples of role models to their People.

The Need of Breaking the Stereotypes: Under this argument, it is made known that within a particular society, of both men and women, blacks and whites put them together and give them equal amount of opportunity and training, non will do less than the other, largely because he is black or that she is a woman. To break the status quo which normally assigns lesser responsibilities to the blacks and the women as the case may be; we need to resort to reverse discrimination, which will bring up the talented blacks and even women.

Equal Results Argument: Affirmative action will show that people of any race or sex can match the others whom we think are superior, in any test. The argument is that blacks are not doing as well as the whites, due to their past experiences of slavery and discrimination. This argument holds that when the injustice is restituted, both parties will produce equal results in any test or contest. On this John Authur said that;

Low scores by blacks can be traced in large measure to the legacy of slavery and racism; segregation, poor schooling, exclusion from trade unions, malnutrition and poverty... Obviously blacks have been treated unequally throughout U.S history, and just obviously one economic and psychological effects of that inequality changes to this day, showing up in lower income and poorer performance in school and on tests than whites.²²

The compensation argument: This argument is of the view that, the people who have been rough handled very well in the past must be compensated for the past injustice. This is like stealing what belongs to another and using it to make profits while the other who is the rightful owner of the property loses the profit. Mere returning of the stolen property, after you have utilized it, does not serve for a restitution. The right thing according to this argument is that the thief should submit both the property and the proceeds of the property at the same time. Lamenting the bitter experiences of the blacks in America during the slave era Barbara Omolade, considered the black women the worst hit, who were used for sexual satisfaction and labour among other things. "Black women were oppressed and exploited labour and as such were forced

to redefine themselves as women outside of and antagonistic to the racial patriarch who denied their being”²³

Compensation from those who innocently benefited from past injustice; The white males who have been direct beneficiaries of the oppressive policies on black males and even some white females, are by this argument demanded to pay back to those who were victimized. This will be achieved by way of the affirmative action or reverse discrimination, where in, the black males and females both black and white, should be given some preferential treatments over the white males. Defending this argument, Judith Jarris Thomson said, “Many (white males) have been direct beneficiaries of policies which have downgraded blacks and women ... And even those who did not directly benefit... Had, at any rate, the advantage in the competition which comes of the confidence in one’s full membership (in the community), and of one’s right being recognized as a matter of course”²⁴.

An Evaluation of the Doctrine of Affirmative Action

Argument against Affirmative Action: In this segment, we shall endeavour to do a critique of the doctrine of affirmative action, with the aim of showcasing its weakness in the areas of both logic and morality. Just as there are some arguments in favour of the affirmative action, there are also criticisms to these aforementioned arguments that favour the affirmative action and even beyond. We shall look into some arguments that have what it takes to stultify those of the pro-affirmative action or reverse discrimination.

Affirmative action as a form of Discrimination on one group by another: The second name for the affirmative action is Reverse discrimination. This argument holds that two wrongs cannot make a right. “you do not correct an ancient injustice by committing a new one. You do not remove the vestiges of past discrimination by committing a deliberate act of present discrimination. You cannot advance the cause of one minority by denying the rights of another.”²⁵ How can we be clamoring for the abolition of discrimination on a race or gender, yet we want those offended in the past to rise and offend these past offenders? More so with an approved policy of the society or government. What affirmative action says is that Group A, has been in the minority, while B has been in the majority. Therefore let us now change the baton of minority to Group B and that of majority to Group A.

In our contexts, it holds that the blacks and women should now unseat the white men and take their privileged positions which they have enjoyed for so long, there by improvising them. What I think here is that it will not be too long from the time of the implementation of the reverse discrimination to favour the blacks and women, when the white men will start shouting as we now do. The next thing to do would be to apply the same reverse discrimination, which will return the preferential treatments to the white over the blacks and women. This will continue forever (ad – infinitum), and we know that it does not make for a good society. The best thing would have been to remove the past discrimination and let both of them grow together in a free atmosphere. Many of the people who victimized the blacks and women by putting in place one discriminating policies or another are no more alive, even the direct victims are no more. It would amount to injustice, when their offsprings are punished for the past sins of their forbears.

Affirmative action perpetrates victimization: The focus of the affirmative action is to make the less privileged beneficiaries in all facets of life, education, hiring, politics,

etc inclusive. What affirmative action does to the black is to keep them as perpetual victims of injustice. This is done by telling them that they cannot set themselves free from injustice unless, given justice by all even their oppressors. Myles Munroe said that,

...if you have to demand something from someone, you are confessing that they own it. When you do that, you are devaluing yourself, because you are in effect, relinquishing the possession of your right to someone else... It pertains to race relations as well as to male-female relationships. If the white man asks the black man for something, then the white man is saying to the black man, “you have what I need.” If the black man asks the white man for something, he’s saying to the white man “you possess what is mine.” If female asks the male for something, she’s admitting that he has it. If the male asks the female for something, he’s acknowledging that she controls it.²⁶

When in a foot ball field, one club decides to consent to the pressure of playing their opponents who are eleven with only six players, because of past policies which did not allow the opponents to know how to play very well. These eleven people who were given that privilege cannot realize their heads over those who merely allowed than that privilege. This does not make for a good competition. The blacks and women who clamor for affirmative action are indirectly saying that they are not strong enough to break even and whether their Storm to the top. It may present them perpetually as less than those oppressors. The newly emancipated people should compete with their rivals. All they need is a level playing ground.

Affirmative Action breeds mediocrity: In a university for instance, the Educationally less developed states (ELDS) are allowed to gain admission into all departments, when they have the minimal qualification, over those who are not from such states but are highly qualified for the disciplines, what this does is to let people whose brain capacity are low to study while those with high ones are not allowed.

The implication is that the society will be filled with mediocre when they graduate. Instead of having the best medical Doctors, lawyers, engineers etc. we are going to be having second best or third or even the fourth best as the case may be. In Nigeria for instance, the 35% affirmative action holds that in all political offices both elective and appointive, women must fill the 35% of men. When the women are less qualified or when we have men who are more qualified. This affirmative action policy does not want to know; even though there is no official policy in Nigeria that stops women from being elected and appointed in the past. The best thing to do is to give the women opportunity to play the politics and be voted or elected or appointed into offices, instead of sitting down to shout for the 35% affirmative action.

By its manifest commitment to the realization of the MDGs, including the goal for gender equality and women’s empowerment, the Government of Nigeria has overtly demonstrated its obligation to support women’s consistently valid demands for an expansion of the political space to allow for the meaningful participation of more women. The National Gender Policy endorsed by the Federal Executive Council in 2006 gave additional impetus for replicate sub-sector policies and affirmations that aim to increase women’s political empowerment.²⁷

Sterba on this noted that, "If competence is accepted as the criterion for hiring, then it is unjust to override it for the purposes of social engineering,"²⁸

Logic and Morality of Affirmative Action

In this section, we shall look into the logic and morality of affirmative action. In philosophy, what is given a consideration is what is considered logical. We can say here that affirmative action is more political than logical, more selfish than moral, more racist than it tries to abolish racism. In the field of logic. For an argument to be logical, the conclusion must have followed from the premise for example.

All philosophers are wise,
All men are philosophers,
All men are wise

The conclusion follows or draws its ingredients from the premise.

Let us apply the case of the affirmative action here,

- The whites in the past victimized the black and women
- The young whites are their children
- The blacks and the women should victimize the young whites whose fathers were guilty

This to a very large extent cannot pass for a logical statement. How on earth will the parents commit a sin and their children who may not have been born by then be made to pay for their sins?

Another argument that weakens the logic of the affirmative action is that, there was never a time when a legislation or a law was made over the issues that affirmative action seeks to redress. For instance, I don't know of any traditional African community that made a law to subordinate women, to put men out of the politics of the nation. If that is the case, one can say that the women have no reason to seek redress over an issue that has no legal backing for harming them. The right thing for them would be to rise up and take the bull by the horn, unleash their potentials and even overtake the men.

It is also good to state here that some of the injustices that affirmative action would want to rectify are irredeemable and irreversible. Example, will the blacks in the United States of America who found themselves there due to slavery, accept to come back to Africa? Is it possible for the ravaging effects of slavery, colonialism and neocolonialism on the continent of Africa to be rectified by affirmative action?

On the other side of the moral structure of the affirmative action, it cannot stand the test of time. A layman's understanding of the concept is that it is a revengeful mission. Its language is that of retribution. To pay back or make people pay for their past misdeeds. If all the wrong doings of our own societies are to be paid for. We may not be able to pay for the past sins or misdeeds of our forbears. Who killed and used human beings for rituals, who buried Chiefs and kings with other people's heads. They also killed twins and sold people to slavery to mention but a few. Affirmative action envelopes it mission, it speaks justice, but has injustice in the mind. It promotes and favours quota system. It encourages discrimination as a punishment for discrimination. Injustice cannot qualify to judge or condemn injustice. We will make bold to state here that affirmative action masquerades justice when it is a vector of injustice, to say the least. The case of Nigerian women is a good example that when one is given, more will be demanded and if not checked early, one day the women will ask for hundred percent as their quota in everything as their affirmative action.

The First Lady, Mrs. Patience Jonathan on Tuesday night met with women Senators and members of the House of Representatives behind closed doors... She sought implementation of 50 per cent Affirmative Action in the country. She also asked women to support bills that will promote the cause of women and children. She listed her priorities as follows: Promotion of 50 per cent Affirmative Action; Enhanced Basic Education for girls; Stoppage of early marriage, the need to change inheritance law; managing widowhood. "We have been canvassing for the implementation of the National Gender Policy on 35% affirmative action in line with the approval given by the Federal Executive Council under President Olusegun Obasanjo in 2006."²⁹

Another problem with the morality of the affirmative action is that it looks at faces. The people who champion affirmative action and reverse discrimination, are the United States of America and other world powers, but they are not opening the door for affirmative action to look into every corner of the house. For example.

-It should be allowed to venture into the field of religion. Here in Africa, the Africa traditional religion has grossly been oppressed by foreign but militant religion like Christianity and Islam. Affirmative action should bring up the African Traditional religion to be one dominant religion in Africa, instead of Islam and Christianity.

-The United Nations security council is not open to any country in the world to become a permanent member. It is still left for some favoured countries. Who are sacred cows so to say. The other nations of the world are complaining but cannot upturn or change the situation. The mega countries that manufacture the arms and ammunitions and sell to the developing counties should be visited by the affirmative action.

-How can the West pay for the underdevelopment they brought to Africa by the instrumentality of Slavery, Colonialism, neocolonialism, Globalization, Post modernism and other forms of cultural erosion in Africa.

-Finally, it is worthy of note that some people who are disadvantaged today, have every tendency of abusing the privilege when given to them. If the affirmative action is allowed as it is, one day, our societal and religious norms will be messed up, women for instance will even question the religion and the gender of god, "Some women have even gone too far in their quest for recognition and inclusion some say that the Bible is male biased, that the gender ascribed to God is male, instead of female, they would have preferred female or at most that the Bible would have addressed God with the pronoun she, or he/she instead of attributing a masculine gender to God".³⁰

Conclusion

We have been able to trace the agenda of the founders of the affirmative action, which is clear that injustice is not good, discrimination is also condemned by all women who are by no means supposed to be treated as second class citizens especially in work places and in the field of politics and education. The blacks should not also be treated as those who do not matter. It is unarguable true that some of the women or the blacks are rationally, cognitively and politically more stable than those who discriminate against them. We agree with the apostles of the affirmative action that people should not be treated based on their colour or sex, but based on their capacity to deliver.

We therefore conclude that we do not need affirmative action in our societies any longer. This is because it creates more problems than it solves. Pojman noted that “it refers to preferential treatment on the basis of race, ethnicity, or gender (or some other morally irrelevant criteria) discriminating in favour of under-represented groups against over-represented groups, aiming at roughly equal results”.⁷

We recommend that affirmative action be jettisoned in its entirety, because it commits the fallacy of hasty generalization, that some men took advantage of some women in the past is not a sufficient reason for all the men to suffer today in the hands of all the women, so do the blacks and the whites. Allowing affirmative action will amount to throwing away the child with the dirty water.

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