

Discussion Guide, Advanced

Episode 9

In 1974, Allan Bakke, a white male, applied to medical school at the University of California, Davis. He was rejected, even though his grades and test scores were higher than some of the minority candidates who were admitted that year.

Bakke sued the medical school. The U.S. Supreme Court decided that he should be let in. Schools could consider race as one factor among others in deciding which candidates to admit, but they could not use race as a quota, by reserving some seats for minority candidates only.

Do you think Bakke was treated unfairly? Did he have a right to be considered on the basis of his intellectual merits alone? Consider the following questions as you think about the morality of affirmative action.

1.

Can Bakke be said to *deserve* to be admitted to medical school? Sure, he didn't choose to be a member of the white majority—he was just born that way. But he also didn't choose to be naturally gifted—he was also just born that way. These are factors equally outside of his control. Why should Bakke's application to medical school be considered solely on the basis of personal and academic merit when this depends at least partly on factors over which he had no control?

2.

What is merit in general? Often minority groups receive better care when they are treated by minority doctors, so doesn't being a minority count as merit? Shouldn't we train the doctors who will provide the best care?

3.

What if minority lawyers do a better job helping their minority clients than do white lawyers? Is that a form of merit? Does it justify discriminating against law school applicants who are white?

4.

Medical schools and law schools often argue that racial diversity is important to the quality of professional education. It makes people more open-minded, helps them learn from their peers, and makes them sensitive to people with different needs. Should medical schools and law schools therefore be allowed to admit a certain number of minority candidates each year, for the sake of achieving the educational benefits of diversity?

5.

Barbara Grutter applied to law school at the University of Michigan. She was also rejected, even though her grades were higher than some of the minority candidates who were admitted. This time, the US Supreme Court decided that the University of Michigan had acted lawfully. Racial diversity at law school was an important goal. Do you agree? Was the decision just or unjust?

6.

In the United States, African Americans have historically been disadvantaged because of slavery and racial segregation. Is affirmative action in college admissions an acceptable form of compensating for historical disadvantage?

7.

Is affirmative action in hiring for jobs an acceptable form of compensating for historical disadvantage? Is affirmative action acceptable even if equally qualified white candidates are rejected as a result?

8.

In general, is it legitimate to design social, political, and educational institutions to redress past wrongs? Does your answer depend on what kind of institution we are talking about?

9.

In 2003, the New Haven fire department administered a test to rank candidates for promotion. When none of the African-American firefighters scored high enough to be considered for promotion, the fire department chose to invalidate the test results. The white and Hispanic firefighters then sued the fire department. The US Supreme Court decided that the fire department had engaged in wrongful racial discrimination by invalidating the test results. Do you think that the Court made the right decision?

10.

11.

Is affirmative action equally acceptable in elementary school, college, and graduate school?

12.

Is affirmative action equally acceptable when picking candidates for government jobs, when picking candidates for private sector jobs, and when choosing who will receive government income support?

13.

Which wrongs are sufficiently important to justify using affirmative action to redress them?