

## **Affirmative Action**

### **Reflections by Christians about where we go as a nation organized by the Massachusetts Council of Churches' Ecumenical Working Group to Counter Racism**

#### **Excerpts from the text**

In April 1996, the Ecumenical Working Group to Counter Racism in Massachusetts--an entity of the Massachusetts Council of Churches (MCC), sponsored a forum called "Affirmative Action: reflections by Christians about where we go as a nation." The forum had several purposes: 1) to develop an understanding of the concept of affirmative action through legislation and litigation; 2) to explore the ethical issues underlying the affirmative action debate; 3) to examine the current political and social climate in which the issue has become so controversial; and 4) to use the information from the forum to develop written and video resources which the Massachusetts Council of Churches could make available to congregations as a tool for dialogue, not only about affirmative action, but also about the nature of racism and ways to counter it. This document (excerpts which appear below) is the fruit of that forum. The ideas presented are those of the forum speakers. The MCC's Ecumenical Working Group to Counter Racism does not necessarily endorse the concepts developed in all their particulars, but does hope that the ideas will serve as a stimulus to serious, thoughtful, caring dialogue and action to counter racism whenever and wherever it appears.

#### **The Ethics of Affirmative Action**

##### **Three perspectives**

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Women's Theology Center in Boston.**

Nearly two decades ago the man who was my boss and I had a necessary dinner together. We did not get along very well, and this was a final attempt to understand each other. The food was good, but the conversation wasn't. Finally he said, "You got this job because you are a woman!" At the time I thought to myself: "What a true compliment, a woman and qualified." Of course, he meant the opposite. Later I thought I should have said, "You have gotten your jobs because you are a man."

In a society of competition and of opposition, jobs are limited. What the jobs are, how they are performed, what they obtain--all this is defined not by everyone but rather by those with the most power to do so.

In the United States, affirmative action rests on root assumptions:

1. In order to meet basic human needs in this society, the individual must work. Many human rights here depend on deserving them through work.

2. Those who control the jobs often have defined certain groups of people as not quite persons, as incomplete, imperfect.

3. These persons have been excluded from the most money- and status-valued work in the society.

4. Historically in this country, "positive" action long has been taken to be action which makes certain that the valued positions are held by the persons with property, or persons defining themselves as white, or persons who are men, or persons who define themselves as capable, etc.

5. For those thus excluded from education, from decision making bodies, from work which has high money and status value, that "positive" action is hugely negative. The food on the table, the kind of roof, the freedom of speech---these and all basic human needs are gravely limited for those who are excluded.

6. The limits in an economic and political system are set according to certain values and standards in two or three particular cultures. Valuing yet other cultures is permitted, but only in private. In public life, the main cultures set the rules.

7. Affirmative action began when certain groups gained enough power to resist being defined as not quite persons, as incomplete, as imperfect. Equal means affirmative, not neutral. Neutral perpetuates the negative view: incomplete, imperfect.

The struggles now over affirmative action are intense. White women and men of color often have to compete for fewer and fewer positions. White men and women of color compete, white women and men, old men and young people, etc. Downsizing, outsourcing, adjunct, part-time, consultant, three full-time service jobs, high unemployment rates as normal... the work needs for meeting basic human needs in this society are in a system favorable to profit, not to basic need. Affirmative action is not the cause of competition, but it often does become a scapegoat.

How, then, might we talk and act without escaping the tough moral questions of affirmative action?

1. What do we mean when we say that all persons are created equal? Some say that

affirmative action is therefore not necessary, because all persons are equal. Others say that affirmative action is necessary because our schools, our government agencies, our businesses, our society are built on a history and values which do not treat all people as equals.

2. If affirmative action is remedial action, i.e. action to remedy a history of unjust discrimination, do we still need a remedy? Some say that decades of remedy have healed the problem of injustice. Others say that historically unfair treatment can not be remedied by people today. Still others say that the unjust discrimination is both in our history and happening today. What is unjust discrimination? When does it happen? Who gets to take part in the public conversation which decides this? What is the most potent remedy? Does not discriminating at all give us a remedy for unjust discrimination? Is this what "colorblind" means? "Neutral, not gendered"? Is this a good idea or not?

3. Is equality helped by affirmative action? What equality do we mean? Some say equality of opportunity is the goal of the remedy. Some say equality of economic work is the goal of the remedy.

4. As a woman, I know that my image of women is created in large part by the structures which embody sexual exclusion in this country. As a woman, affirmative action sounds like increasing my power to decide with public consequences favorable to my basic human needs.

5. As a white, I know that my image of persons of color is created in large part by the structures which embody racial exclusion in this country. As a white, affirmative action sounds like diminishing my power, my privilege. What if racism limits the ways person of color can meet their basic human needs?

6. Equal access to a competitive, individual system of opposition is not the remedy which affirmative action could provide, should we decide to attend to the many identities each of us has at the same time. Affirmative action could attend to the need to include persons from many different cultures, many sexes, many ages, many abilities in visioning and building a society which truly values differences equally when they yearn toward justice.

7. Is the responsibility of a democratic government to eliminate unfairness or to promote well-being? Simply to compensate for past unjust discrimination does not yet create a good society. Major public policy questions are being treated. Who sets the terms of the debate?

At another place I have worked, the agenda of the board and staff always were to be agendas that African American women set, not simply that they had equal access to accepting. The celebrating of the differences, the conflicts, the tensions, the benefits, the joys of a truly diverse organization, a truly diverse congregation, a truly diverse society is one of the major things that could be affirmed by affirmative action.

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In a general sense affirmative action has a noble tradition to assist and empower disadvantaged groups (immigrants, children, the underprivileged, women, Blacks, young workers) to participate more equally in society with those not so disadvantaged. Examples are the public school system (K-12), the state university, the GI Bill of Rights, certain scholarships, rules of admission, evaluation, promotion, tenure, appointment, and job status in both the private and public spheres of the nation. More specifically, affirmative action policies and programs involve compensatory, protective and preferential treatment for racial and ethnic minorities, for women, and for persons with handicapping conditions in educational and employment settings. They rest on a communitarian ethic that regards both prior historical injustice to groups of people and goals of fair democratic participation for all in both private and public life. These historic injustices and the goals of equal opportunity involve institutions which are under the control of churches, non-governmental agencies, and the state. In short, affirmative action is goal oriented, envisaging a barrierless society which enhances personal realization and mutual responsibility. Affirmative action is both a democratic tradition and a present need.

The theological foundations for affirmative action are as broad and deep as the covenant idea in the Hebrew Scripture and the kingdom of God ethic taught by Jesus. Salvation rests on an ethic of righteousness and grace. The ideal of the year of jubilee engages the Torah, the prophets, and ministry of Jesus. Human solidarity and compassion for the oppressed underlie the church's communitarian mission. Affirmative action, resting on God's righteous rule and God's love for each person, requires the church to institute fair practices in its own life and to infuse the whole community with a spirit of rectification of past abuses and an eagerness to make possible equal opportunity for all in life and work. Indeed, the church should be a pro-active model for the whole secular order. Since "law floats on a sea of ethics," the church must undergird the laws of affirmative action.

Affirmative action programs may become problematic at the juncture of competing claims of competence, merit, methods of personnel selection, prior condition of advantage or disadvantage, goals of the institution, and the inclusive goals of establishing a just, participatory, and sustainable society. An historical, individualistic, competitive, status-quo policy of alleged excellence and merit utterly misses the point of the above-stated social ethic. We are persons-in-community. Obviously, for the present, preferential selection needs to be given to some now in order that non-preferential opportunity may be the operative norm in the future.

The social reality is, for example, that many minority groups are not qualified fully now in

the same representative numbers for scarce positions as the dominant group (in race or gender) in fields of education, forms of business employment, or the political arena. Those who are selected often carry a special burden because of a non-supportive job environment. As affirmative action changes the job scene, standards of selection also will change, reflecting the participation of those previously excluded.

It follows from all the above that affirmative action must be applied at the roots of society in order for the fruits of non-discrimination to be harvested. This requires an extended period of time. It means that all levels of society must be infused with programs that correct past injustices and protect those making the transition from oppression and discouragement to mutual emulation. The enemies of policies and programs are not only race and gender prejudice and oppression, but the historical application of the ideas of "reverse discrimination" and "equal protection under the law." To produce a pool of highly qualified candidates for today's workforce and to enable scarce positions to be available, a body of such candidates must be nurtured and inspired. Much affirmative action is required to overcome the alienation, criminalization, and incarceration of a body of youth of whom many more are now in prison than in higher education. Affirmative action must be designed to overcome alienation.

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Affirmative Action as commonly understood is a phrase describing a set of policies intended to remedy the results of discrimination and to remove the cause of that discrimination. It is not itself an ethic. The moral philosophy upon which the policies rest is supplied by our Christian faith and our understanding of our nation's values and our duties as citizens. The ethical ground of affirmative action is rooted in the Christian understanding of the love of the neighbor, our belief as a nation in laws that are just and fair toward all, and our Christian and democratic belief that we are individuals who exist in community.

As Christians, we support affirmative action because that God we worship bends justice in the direction of the poor and the oppressed. The Gospel of Luke makes this motif clear and unmistakable in Mary the mother of Jesus recitation of the "Magnificat."

"...He has shown strength with his arm, he has scattered the proud in the thoughts of their hearts. He has brought down the powerful from their thrones, and lifted up the lowly; he has filled the hungry with good things, and sent the rich away empty."  
(Luke 1:51-53 NRSV)

Similarly Jesus, after rejecting the temptations of the devil in the wilderness, proclaims

God's concern for the oppressed in the presentation of his message in the synagogue at Nazareth:

"The Spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free, to proclaim the year of the Lord's favor."  
(Luke 4:18-19 NRSV)

The Christian faith is centrally concerned with helping the neighbor in need. Its central core supports and encourages affirmative action orientations and policies.

Our democratic government does not possess a similar compassion for the poor and the oppressed. It does not actively encourage love for the neighbor but is a government pledged to serve the welfare of "we the people" and to promulgate and enforce laws that are just and fair in respect to all persons. The moral basis and necessity of affirmative action flows from the recognition that most of the history of the United States of America has been characterized not by loyalty to the principles of justice and equality toward all but rather by the acceptance, practice, and the enforcement by state action of division and enmity among "we the people." Our history of slavery, lynching and brutality, disenfranchisement, and legal segregation and discrimination has compounded the benefits and rewards received by African Americans, Native Americans and women. Recent efforts to correct this history of state practiced or condoned evil only partially has remedied the most egregious wrongs. Much injustice continues to exist especially in the areas of employment and promotion. Our commitment to justice and equality for all makes affirmative action a necessity.

The state's and the Christian faith's recognition that we are a people indicates that our rights and responsibilities are both individual and collective. We as Americans and as Christians enjoy the benefits and obligations of our life together. Sons and daughters inherit not only the good fruits of their parents' lives but also the bad fruit. The evils created by the divisions of "we the people" into racial and gender groups exist largely because of the government's support of unjust laws and customs and its neglect of its obligations to promote and enforce fairness among all its citizens. Thus, government has a moral obligation to establish mechanisms to correct these evils. The obligation is both collective and individual. Because peoples or classes of peoples -- African Americans, native Americans, and women -- were most injured, their injury must be remedied both in a collective/class and individual manner. Christians often were complicit in these wrongful acts and were beneficiaries of them, failing to love their neighbor and distorting the Gospel of their Lord in order to justify white supremacy and to accept its rewards with an easy conscience. Therefore, they are under an obligation to support collective as well as individual remedies.

The ethical justification of affirmative action can not, I believe, honestly be challenged if

the American people desire to deal fairly with each other. What specific policies and programs are required to properly implement affirmative action is a matter requiring serious concern and careful thought. It is certain, however, that the scrapping of existing affirmative action programs without any concern for remedying the injustices in society that have resulted from past and present evils sanctioned by the nation and the Christian faith is both wrong and sinful. It will lead not to healing but to greater and more permanent division among "we the people" and the "have's" and "have nots."

### **Martin Luther King Day observances-A new approach**

One of the recommendations expressed during the MCC forum on affirmative action is to make this a topic of dialogue as part of Martin Luther King Day observances by congregations, ecumenical and interfaith bodies, schools, and community organizations.

The idea was initiated by The Rev. Canon Edward Rodman, Canon Missioner of the Episcopal Diocese of Massachusetts and former Chair of the MCC's Strategy and Action Commission. It has been commended for action by the House of Bishops of the Episcopal Church, by the Plenary of the Consultation on Church Union in January, 1999 and here in Massachusetts, by the MCC's Working Group to Counter Racism.

In the words of Canon Rodman, if Martin Luther King, Jr.'s "dream for this society is to be realized, and the vision that he painted where people would be judged by the content of their character rather than the color of their skin, is to become a reality, what greater tribute could be rendered than setting aside that day as an opportunity to begin the discussions between the races."

We invite planners for MLK Day observances to incorporate dialogue about affirmative action into their plans, and encourage them to use these materials as helpful discussion tools. We encourage those who have not held an MLK Day event to start one, with this as a focus. For further assistance contact the MCC's Working Group to Counter Racism (617-523-2771).

### **Companion resources available**

#### **Video**

A thirty minute video, prepared by Community Media Network, Inc. of Dedham, now is available from the Massachusetts Council of Churches. It features speakers in dialogue following their presentation at the MCC affirmative action forum. The video may be used on its own, or as a companion to this text. It has been designed as a tool to facilitate discussion about affirmative action.

Copies are available at \$25.00 each (includes postage and handling). To order, call the MCC office (617-523-2771).

## **Constructive conflict in ecumenical contexts**

This resource is designed to help Christians and churches talk about divisive issues with greater confidence, civility, and hope. Called "Constructive Conflict in Ecumenical Contexts," it is billed as "a document for dialogue and guidelines for good practice." The fifteen page text includes an introduction with illustrations of some problems which prompted the project; some Biblical and theological "first principles" on which the guidelines are based; the guidelines themselves; a concluding prayer for conflict resolution, and a brief bibliography.

Copies are available at \$2.00 each (includes postage and handling), or on the MCC's web-page.