

## **Syllabus Outline**

**Course Title:** Comparing Affirmative Action Policies

**Course number:** PUAU U8231.001

**Meeting Date/s Times:** Tuesday, 11-12.50

**Location:** Room 253, International Affairs Building

**Instructor:** Daniel Sabbagh

**Office hours:** Tuesday, 2-4 pm, room 1309, International Affairs Building

**Columbia email address:** ds2468@columbia.edu

**Credits:** 3.0 (14 2-hour meetings)

**Prerequisites:** None

### **Course overview:**

Broadly defined, affirmative action encompasses any measure that allocates goods – such as admission into universities, jobs, promotions, public contracts, business loans, and rights to buy and sell land – on the basis of membership in a designated group, for the purpose of increasing the proportion of members of that group in the relevant labor force, entrepreneurial class, or university student population, where they are currently underrepresented as a result of past or present discrimination. The existence of such measures may result from constitutional mandates, laws, administrative regulations – such as requirements on public contractors –, court orders or voluntary initiatives. Their goal is to counter deeply entrenched social practices that reproduce group-structured inequality even in the absence of intentional discrimination.

The course will consist in a comparative exploration of this subset of “antidiscrimination policies”, without conflating the topic with the related issue of “multiculturalism”. It will draw on sociological, historical, legal, philosophical and economic material and will consider the national experiences of several countries, including the United States, India, South Africa, Malaysia, the United Kingdom, Canada and France. Among other things, the course will attempt to clarify the analytical and empirical connections between “racism”, “discrimination”, and “affirmative action”; to disaggregate the notion of “discrimination” so as to make explicit some distinctions that are relevant to policy analysis in all the countries under examination (disparate treatment versus disparate impact, intentional versus unintentional discrimination, value-driven versus “statistical” discrimination); to distinguish and assess in each case the potential justifications for affirmative action (the “corrective justice” argument; the “diversity” argument; the “deracialization” argument) – while accounting for the predominance of some over others in political and legal debates; to identify the empirical effects and side effects of affirmative action – and of its legitimization by legal institutions; last but not least, to establish a typology of affirmative action policies according to the identification of their intended beneficiaries, the form of the programs involved (quota/non-quota), the level (constitutional, legislative, administrative) of the legal

rules from which they derive, their domain of implementation, and the justifications more or less successfully advanced in their behalf.

**Grading:** Each student will prepare a short, in-class presentation (10-15 minutes; topics listed below) and there will be an exam covering the full semester. The final grade will be determined as follows: exam: 40%; in-class presentation: 30%; general class participation: 30%. An additional paper (8-12 pages) on a topic defined in agreement with the instructor *may* be written by students willing to improve their grade, in which case it ought to be submitted no later than two weeks before the end of the semester.

**Readings:** electronic reserves

**Reading list** (by order of assignment)

- HAYEK, Friedrich A. « Equality, Value, and Merit ». In Michael Sandel (ed.), *Liberalism and its Critics*, New York, New York University Press, 1984, p. 80-99.
- RAWLS, John. *A Theory of Justice*. Cambridge (Mass.): Harvard University Press, 1971, pp. 3-53.
- WALZER, Michael. *Spheres of Justice*. New York: Basic Books, 1983, pp. 3-29.
- U.S. Supreme Court Decision *Griggs v. Duke Power Company*, 401 U.S. 424 (1971):  
at <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=401&invol=424>.
- EPSTEIN, Richard. *Forbidden Grounds: The Case against Employment Discrimination Laws*. Cambridge (Mass.): Harvard University Press, 1992, pp. 160-167 ; 182-200 ; 205-216 ; 225-229.
- HAMILTON KRIEGER, Linda. « The Content of Our Categories: A Cognitive Bias Approach on Discrimination and Equal Employment Opportunity » (extracts). *Stanford Law Review* 47 (6), 1995, pp. 1161-1217.
- PHELPS, Edmund. « The Statistical Theory of Racism and Sexism ». *American Economic Review*, LXII (4), 1972, pp. 659-661.
- SCHAUER, Frederick. *Profiles, Probabilities, and Stereotypes*. Cambridge (Mass.): Harvard University Press, 2003, pp. 1-25, 131-154, 175-198.
- O'FLAHERTY, Brendon and SETHI, Rajiv. « Racial Stereotypes and Robbery ». Working paper, available at <http://www.columbia.edu/%7Eers328/robbery.pdf>
- SIMON, Patrick. « The Measurement of Racial Discrimination: The Policy Use of Statistics ». *International Social Science Journal*, 183, 2005, pp. 9-25.
- SKERRY, Peter. *Counting on the Census? Race, Group Identity, and the Evasion of Politics*. Washington: Brookings Institution, 2000, pp. 43-79.
- GOLDSCHIEFER, Calvin. « Ethnic Categorizations in Censuses: Comparative Observations from Israel, Canada, and the United States », in David Ketzer and Dominique Arel (eds), *Census and Identity: The Politics of Race, Ethnicity and Language in National Censuses*. Cambridge: Cambridge University Press, 2002, pp. 71-89.
- JAFFRELOT, Christophe. *India's Silent Revolution: The Rise of the Lower Castes in North India*. London: Hurst, 2003, pp. 89-114, 214-253.
- De ZWART, Frank. « Targeted Policy in Multicultural Societies: Accommodation, Denial and Replacement ». *International Social Science Journal*, 183, March 2005, pp. 153-164.

- THERNSTROM, Stephan. « American Ethnic Statistics ». In Donald Horowitz and Gérard Noiriel (eds). *Immigrants in Two Democracies: French and American Experience*. New York: New York University Press, 1992, pp. 81-111.
- GROSS, Ariela. « Litigating Whiteness: Trials of Racial Determination in the Nineteenth-Century South ». *Yale Law Journal*, 108 (1), 1998 [extracts], pp. 109-156.
- TEHRANIAN, John. « Performing Whiteness: Naturalization Litigation and the Construction of Racial Identity ». *Yale Law Journal*, 109 (4), 2000, pp. 817-848.
- KULL, Andrew. *The Color-Blind Constitution*. Cambridge (Mass.): Harvard University Press, 1992, p. 67-69, 79-87, 113-130, 151-163.
- ANDERSON, Terry. *The Pursuit of Fairness: A History of Affirmative Action*. Oxford: Oxford University Press, 2004, pp. 69-109.
- GLAZER, Nathan. *Affirmative Discrimination: Ethnic Inequality and Public Policy*. New York: Basic Books, 1987 [1975], pp. 43-53.
- GRAHAM, Hugh Davis. *The Civil Rights Era: Origins and Development of National Policy, 1960-1972*. New York: Oxford University Press, 1990, pp. 244-254.
- U.S. Supreme Court Decision *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), opinion of Justice Lewis Powell (extracts) (the entire decision can be found at <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=438&invol=265>).
- Thomas Nagel. « Equal Treatment and Compensatory Discrimination ». In Marshall Cohen, Thomas Nagel and Thomas Scanlon (eds), *Equality and Preferential Treatment*. Princeton: Princeton University Press, 1977, pp. 3-18.
- GUTMANN Amy. « Responding to Racial Injustice ». In Anthony Appiah and Amy Gutmann, *Color-Conscious: The Political Morality of Race*. Princeton: Princeton University Press, 1996, pp. 109-138, 163-178.
- SCHUCK, Peter, *Diversity in America: Keeping Government at a Safe Distance*. Cambridge (Mass.): Harvard University Press, 2003, pp. 151-169.
- KYMLICKA, Will. « Being Canadian ». *Government and Opposition*, 38 (3), 2003, pp. 368-385.
- KARMIS, Dimitrios and GAGNON, Alain. « Federalism, Federation, and Collective Identities in Canada and Belgium: Different Routes, Similar Fragmentation ». In Alain Gagnon and James Tully (eds). *Multinational Democracies*. Cambridge: Cambridge University Press, 2001, pp. 137-175.
- POTVIN, Maryse. « The Role of Statistics on Ethnic Origin and 'Race' in Canadian Antidiscrimination Policy ». *International Social Science Journal*, 183, 2005, pp. 27-42.
- BLEICH, Erik. *Race Politics in Britain and France*. Cambridge: Cambridge University Press, 2002, p. 88-113.
- EDWARDS, John. *When Race Counts: The Morality of Racial Preference in Britain and America*. New York, Routledge, 1995, pp. 154-166.
- BALLARD, Roger. « Asking Ethnic Questions: Some Hows, Whys and Wherefores ». *Patterns of Prejudice*, 32 (2), 1998, pp. 15-37.
- BARRY, Brian. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge: Polity Press, 2001, pp. 32-62.
- SIIM, Birte. *Gender and Citizenship: Politics and Agency in France, Britain, and Denmark*. Cambridge: Cambridge University Press, 2000, p. 44-78.
- MC-BRIDE STETSON, Dorothy. « Democracy and the Representation of Women: France in Comparative Context ». *Contemporary French Civilization*, 25 (2), 2001, pp. 175-192.

- MAZUR, Amy. « Drawing Lessons from the French Parity Movement». *Contemporary French Civilization*, 25 (2), 2001, pp. 201-220.
- BIRD, Karen. « Libert ,  galit , Fraternit , Parit ... and Diversit  ? The Difficult Question of Ethnic Difference in the French Parity Debate». *Contemporary French Civilization*, 25 (2), 2001, pp. 271-292.
- BLEICH, Erik. « The French Model: Color-Blind Integration ». In John David Skrentny (ed.). *Color Lines: Affirmative Action, Immigration, and Civil Rights Options for America*. Chicago: The University of Chicago Press, 2001, pp. 270-296.
- LIEBERMAN, Robert. « A Tale of Two Countries: The Politics of Color-Blindness in France and the United States ». In Herrick Chapman and Laura Frader (eds). *Race in France: Interdisciplinary Perspectives on the Politics of Difference*. New York: Bergahn Books, 2004, pp. 189-216.
- BLUM, Alain. « Resistance to Identity Categorization in France ». In David Ketzer and Dominique Arel (eds). *Census and Identity: The Politics of Race, Ethnicity, and Language in National Censuses*. Cambridge: Cambridge University Press, 2002, pp. 121-147.
- ADAM, Kanya, « The Politics of Redress: South African Style Affirmative Action », *The Journal of Modern African Studies* 35 (2), 1997, pp. 231-249.
- LIM, Mah Hui. « Affirmative Action, Ethnicity, and Integration: The Case of Malaysia ». *Ethnic and Racial Studies*, 8 (2), 1985, pp. 250-277.
- NESIAH, Devanesan. *Discrimination with Reason? The Policy of Reservations in the United States, India, and Malaysia*. Delhi: Oxford University Press, 1997, p. 85-101, 201-204.

**Week by week list of class schedule/topics:**

**Class 1: January 17:** Organization of the work schedule; an introduction to liberal theories of justice and equality (I)

**Class 2: January 24:** An introduction to liberal theories of justice and equality (II)

In-class presentation: An introduction to John Rawls' *Theory of Justice*

Assigned readings:

- HAYEK, Friedrich A. « Equality, Value, and Merit », in Michael Sandel (ed.), *Liberalism and its Critics*, New York, New York University Press, 1984, p. 80-99.
- RAWLS, John. *A Theory of Justice*. Cambridge (Mass.): Harvard University Press, 1971, pp. 3-53.
- WALZER, Michael. *Spheres of Justice*. New York: Basic Books, 1983, p. 3-29.

Additional references:

- ACKERMAN, Bruce. *Social Justice in the Liberal State*. New Haven: Yale University Press, 1980.
- ANDERSON, Elisabeth. « What is the Point of Equality? ». *Ethics*, January 1999, pp. 287-337.
- BARRY, Brian. *Theories of Justice*, vol. 1. Berkeley: The University of California Press, 1989.

- DWORKIN, Ronald. *Taking Rights Seriously*. Cambridge (Mass.): Harvard University Press, 1977.
- DWORKIN, Ronald. *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge (Mass.): Harvard University Press, 2000.
- ELSTER, Jon. *Local Justice: How Institutions Allocate Goods and Necessary Burdens*. Cambridge: Cambridge University Press, 1992.
- HOLMES, Stephen. *The Anatomy of Antiliberalism*. Cambridge (Mass.): Harvard University Press, 1993.
- LARMORE, Charles. *Patterns of Moral Complexity*. Cambridge: Cambridge University Press, 1987.
- NOZICK, Robert. *Anarchy, State, and Utopia*. New York: Basic Books, 1974.
- RAE, Douglas *et al.* *Equalities*. Cambridge (Mass.): Harvard University Press, 1981.
- RAWLS, John. *Political Liberalism*. New York: Columbia University Press, 1993.
- RAWLS, John. *Justice as Fairness: A Restatement*. Cambridge (Mass.): Harvard University Press, 2002.
- RAZ, Joseph. *The Morality of Freedom*. Oxford: Clarendon Press, 1986.
- SEN, Amartya. *Inequality Reexamined*. Cambridge (Mass.): Harvard University Press; New York: Russell Sage Foundation, 1992.
- WALZER, Michael, MILLER, David (eds). *Pluralism, Justice, and Equality*. Oxford: Oxford University Press, 1995.

### **Class 3: January 31: The concept of discrimination (1)**

In-class presentation: Discrimination as « disparate treatment », discrimination as « disparate impact », « affirmative action »: definitions and connections

#### Assigned readings:

- U.S. Supreme Court Decision *Griggs v. Duke Power Company*, 401 U.S. 424 (1971): at <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=401&invol=424>
- EPSTEIN, Richard. *Forbidden Grounds: The Case against Employment Discrimination Laws*. Cambridge (Mass.): Harvard University Press, 1992, p. 160-167 ; 182-200 ; 205-216 ; 225-229.
- HAMILTON KRIEGER, Linda. « The Content of Our Categories: A Cognitive Bias Approach on Discrimination and Equal Employment Opportunity » (extracts). *Stanford Law Review* 47 (6), 1995, pp. 1161-1217.

#### Additional references:

- ALLPORT, Gordon. *The Nature of Prejudice*. Cambridge (Mass.): Addison-Wesley, 1954.
- GOFFMAN, Erving. *Stigma: Notes on the Management of Spoiled Identity*. New York: Simon and Schuster, 1986 [1963].
- KOPPELMAN, Andrew. *Antidiscrimination Law and Social Equality*. New Haven: Yale University Press, 1996.
- TAJFEL, Henri. *Social Identity and Intergroup Relations*. Cambridge : Cambridge University Press, 1982.

### **Class 4: February 7: The concept of discrimination (2)**

In-class presentation: What is « statistical discrimination »?

Assigned readings:

- PHELPS, Edmund. « The Statistical Theory of Racism and Sexism ». *American Economic Review*, LXII (4), 1972, pp. 659-661.
- SCHAUER, Frederick. *Profiles, Probabilities, and Stereotypes*. Cambridge (Mass.): Harvard University Press, 2003, p. 1-25, 131-154, 175-198.
- O'FLAHERTY, Brendon and SETHI, Rajiv. « Racial Stereotypes and Robbery ». Working paper, available at <http://www.columbia.edu/%7Eers328/robbery.pdf>

Additional references:

- ALEXANDER, Larry. « What Makes Wrongful Discrimination Wrong: Biases, Preferences, Stereotypes and Proxies ». *University of Pennsylvania Law Review*, 41 (1), 1992, pp. 149-219.
- BECKER, Gary. *The Economics of Discrimination*. Chicago: The University of Chicago Press, 1957.
- CORNELL, Bradford and WELCH, Ivo. « Customs, Information, and Screening Discrimination », *Journal of Political Economy*, 104 (3), 1996, pp. 542-571.
- MORO, Andra and NORMAN, Peter. « A General Equilibrium Model of Statistical Discrimination ». *Journal of Economic Theory*, 114, 2004, pp. 1-30.
- SCHWAB, Stewart. « Is Statistical Discrimination Efficient? ». *American Economic Review*, 76, 1986, pp. 229-234.

## **Class 5: February 14: Where do the Data Come from?**

In-class presentation : The Uses of Statistics in Antidiscrimination Policies

Assigned readings:

- SIMON, Patrick. « The Measurement of Racial Discrimination: The Policy Use of Statistics ». *International Social Science Journal*, 183, 2005, pp. 9-25.
- SKERRY, Peter. *Counting on the Census? Race, Group Identity, and the Evasion of Politics*. Washington: Brookings Institution, 2000, pp. 43-79.
- GOLDSCHIEFER, Calvin. « Ethnic Categorizations in Censuses: Comparative Observations from Israel, Canada, and the United States ». In David Ketzer and Dominique Arel (eds), *Census and Identity: The Politics of Race, Ethnicity, and Language in National Censuses*. Cambridge: Cambridge University Press, 2002, pp. 71-89.

Additional references:

- ANDERSON, Margo, FIENBERG, S. E. *Who Counts? The Politics of Census-Taking in Contemporary America*. New York: Russell Sage Foundation, 1999.
- FORD, Christopher A. « Administering Identity: The Determination of 'Race' in Race-Conscious Law ». *California Law Review*, 82 (5), 1994, pp. 1231-1285.

- PERLMANN, Joel and WATERS, Mary (eds). *The New Race Question: How the Census Counts Multiracial Individuals*. New York: Russell Sage Foundation, 2002.
- Other articles in the symposium "Measuring Discrimination" (Patrick Simon ed.), *International Social Science Journal*, 183, 2005, pp. 9-88.

### **Class 6: February 21: Identifying the Beneficiaries of Affirmative Action: The Indian Dilemma**

In-class presentation: The Origins and Consequences of « Reservation » Policies

Assigned readings:

- JAFFRELOT, Christophe. *India's Silent Revolution: The Rise of the Lower Castes in North India*. London: Hurst, 2003, pp. 89-114, 214-253.
- De ZWART, Frank. « Targeted Policy in Multicultural Societies: Accommodation, Denial and Replacement ». *International Social Science Journal*, 183, 2005, pp. 153-164.

Additional references:

- CUNNINGHAM, Clark and MADHAVA MENON, N.R. « Race, Class, Caste... ? Rethinking Affirmative Action ». *Michigan Law Review*, 97 (5), 1999, pp. 1296-1308.
- GALANTER Marc. *Competing Equalities: Law and the Backward Classes in India*. Berkeley: The University of California Press, 1984.
- PARIKH, Sunita, « Affirmative Action, Caste, and Party Politics in Contemporary India ». In John David Skrentny (ed.). *Color Lines: Affirmative Action, Immigration, and Civil Rights Options for America*. Chicago: The University of Chicago Press, 2001, pp. 297-312.
- PREET HOODA, Sagar. *Contesting Reservations: The Indian Experiment on Affirmative Action*. Jaipur and New Delhi: Rawat Publications, 2001.

### **Class 7: February 28: The U.S. Matrix (I): Ethno-Racial Classification in the United States: Past and Present**

In-class presentation: Who is « Black »?

Assigned readings:

- THERNSTROM, Stephan. « American Ethnic Statistics ». In Donald Horowitz and Gérard Noiriel (eds). *Immigrants in Two Democracies: French and American Experience*. New York: New York University Press, 1992, pp. 81-111.
- GROSS, Ariela. « Litigating Whiteness: Trials of Racial Determination in the Nineteenth-Century South ». *Yale Law Journal*, 108 (1), 1998 [extracts], pp. 109-156.
- TEHRANIAN, John. « Performing Whiteness: Naturalization Litigation and the Construction of Racial Identity ». *Yale Law Journal*, 109 (4), 2000, pp. 817-848.

Additional References:

- DAVIES, James F. *Who is Black? One Nation's Definition*, Pennsylvania State University Press, 1991.
- DEGLER, Carl. *Neither Black nor White: Slavery and Race Relations in Brazil and the United States*, Macmillan, 1971.
- FREDRICKSON, George. *Racism: A Short History*. Princeton: Princeton University Press, 2002.
- FORD, Richard. *Racial Culture: A Critique*. Princeton: Princeton University Press, 2004.
- HANEY LOPEZ Ian. *White By Law: The Legal Construction of Race*. New York: New York University Press, 1996.
- HARRIS Marvin. *Patterns of Race in the Americas*. New York: Norton, 1964.
- JACOBSON, Matthew F. *Whiteness of a Different Color: European Immigrants and the Alchemy of Race*. Cambridge (Mass.): Harvard University Press, 1998.
- JORDAN, Winthrop. *White over Black: American Attitudes toward the Negro, 1550-1812*. Chapel Hill: University of North Carolina Press, 1968.
- MARX, Anthony. *Making Race and Nation: A Comparison of the United States, South Africa, and Brazil*. Cambridge: Cambridge University Press, 1998.
- NOBLES, Melissa. *Shades of Citizenship: Race and the Census in Modern Politics*. Stanford: Stanford University Press, 2000.
- RODRIGUEZ, Clara. *Changing Race: Latinos, the Census, and the History of Ethnicity in the United States*. New York: New York University Press, 2000.
- TERRY, Don, « Getting under My Skin ». In Correspondents of the New York Times, *How Race is Lived in America*. New York: Times Books, 2001, pp. 269-284.
- WATERS, Mary. *Ethnic Options: Choosing Identities in America*. Berkeley: The University of California Press, 1990.

## **Class 8: March 7: The U.S. Matrix (II): The History of Affirmative Action**

In-class presentation: How did affirmative action come about?

Assigned readings:

- KULL, Andrew. *The Color-Blind Constitution*. Cambridge: Harvard University Press, 1992, p. 67-69, 79-87, 113-130, 151-163.
- ANDERSON, Terry. *The Pursuit of Fairness: A History of Affirmative Action*. Oxford: University Press, 2004, p. 69-109.
- GLAZER, Nathan. *Affirmative Discrimination: Ethnic Inequality and Public Policy*. New York: Basic Books, 1987 [1975], pp. 43-53.
- GRAHAM, Hugh Davis. *The Civil Rights Era: Origins and Development of National Policy, 1960-1972*. New York: Oxford University Press, 1990, p. 244-254.

Additional references:

- BELZ, Herman, *Equality Transformed: A Quarter-Century of Affirmative Action*. New Brunswick: Transaction, 1991.
- GRAHAM, Hugh Davis. *Collision Course: The Strange Convergence of Affirmative Action and Immigration Policy in America*. New York: Oxford University Press, 2002.
- KATZNELSON, Ira. *When Affirmative Action was White: An Untold History of Racial Inequality in Twentieth-Century America*. New York: Norton, 2005.

- KOTLOWSKI, Dean. *Nixon's Civil Rights: Politics, Principle, and Policy*. Cambridge (Mass): Harvard University Press, 2001.
- POLE, J.R. *The Pursuit of Equality in American History*. Berkeley: The University of California Press, 1993 [1978].
- SKRENTNY, John David. *The Ironies of Affirmative Action: Politics, Culture, and Justice in America*. Chicago: The University of Chicago Press, 1996.
- SKRENTNY, John David. *The Minority Rights Revolution*. Cambridge (Mass.): Harvard University Press, 2002.

### **Class 9: March 21: The U.S. Matrix (III): Justifying Affirmative Action**

In-class presentation : Should affirmative action be justified as a way of promoting « diversity » ?

#### Assigned readings:

- U.S. Supreme Court Decision *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), opinion of Justice Lewis Powell (extracts) (the entire decision can be found at <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=438&invol=265>).
- Thomas Nagel. « Equal Treatment and Compensatory Discrimination ». In Marshall Cohen, Thomas Nagel and Thomas Scanlon (eds), *Equality and Preferential Treatment*, Princeton, Princeton University Press, 1977, pp. 3-18.
- GUTMANN Amy. « Responding to Racial Injustice ». In Anthony Appiah and Amy Gutmann, *Color-Conscious: The Political Morality of Race*. Princeton: Princeton University Press, 1996, pp. 109-138, 163-178.
- SCHUCK, Peter, *Diversity in America: Keeping Government at a Safe Distance*. Cambridge (Mass.): Harvard University Press, 2003, pp. 151-169.

#### Additional references:

- ANDERSON, Elisabeth. « Integration, Affirmative Action, and Strict Scrutiny ». *New York University Law Review*, 77 (5), 2002, pp. 1195-1271.
- BOWEN William and BOK Derek. *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions*. Princeton: Princeton University Press, 1998.
- COHEN, Marshall, NAGEL, Thomas, and SCANLON, Thomas (eds). *Equality and Preferential Treatment*. Princeton: Princeton University Press, 1977.
- COLE, Stephen and BARBER, Elinor. *Increasing Faculty Diversity: The Occupational Choices of High-Achieving Minority Students*. Cambridge (Mass.): Harvard University Press, 2003.
- GREGORY, E. John. « Diversity is a Value in American Higher Education, but it is not a Legal Justification for Affirmative Action ». *Florida Law Review*, 52, 2000, pp. 930-955.
- KRONMAN, Anthony. « Is Diversity a Value in American Higher Education? ». *Florida Law Review*, 52, 2000, pp. 861- 928.
- LOURY, Glenn, 2002. *The Anatomy of Racial Inequality*. Cambridge (Mass.): Harvard University Press.
- RUBENFELD Jed. « Affirmative Action ». *Yale Law Journal*, 107 (2), 1997, pp. 427-472.

- SANDALOW, Terrance. « Minority Preferences Reconsidered ». *Michigan Law Review*, 97, 1999, pp. 1874-1908.
- SNIDERMAN, Paul and CARMINES, Edward. *Reaching Beyond Race*. Cambridge (Mass.): Harvard University Press, 1997.

### **Class 10: March 28: The Case of Canada**

In-class presentation: The Canadian « multicultural » model

Assigned readings:

- KYMLICKA, Will. « Being Canadian ». *Government and Opposition*, 38 (3), 2003, p. 368-385.
- KARMIS, Dimitrios and GAGNON, Alain. « Federalism, Federation, and Collective Identities in Canada and Belgium: Different Routes, Similar Fragmentation ». In Alain Gagnon and James Tully (eds.). *Multinational Democracies*. Cambridge: Cambridge University Press, 2001, pp. 137-175.
- POTVIN, Maryse. « The Role of Statistics on Ethnic Origin and ‘Race’ in Canadian Antidiscrimination Policy ». *International Social Science Journal*, 183, 2005, pp. 27-42.

Additional references:

- CAIRNS, Alan. *Citizens Plus: Aboriginal Peoples and the Canadian State*. Vancouver: UBC Press, 2000.
- KYMLICKA, Will. *Finding our Way: Rethinking Ethnocultural Relations in Canada*. Oxford: Oxford University Press, 1998.
- TAYLOR, Charles. *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism*. Montreal: Mc-Gill-Queens’ University Press, 1993.
- DRIEDGER, Leo. *Multi-Ethnic Canada: Identities and Inequalities*. Toronto: Oxford University Press, 1996.

### **Class 11: April 4: The United Kingdom**

In-class presentation : The British Antidiscrimination “Model”

Assigned readings:

- BLEICH, Erik. *Race Politics in Britain and France*. Cambridge: Cambridge University Press, 2002, pp. 88-113.
- EDWARDS, John. *When Race Counts: The Morality of Racial Preference in Britain and America*. New York, Routledge, 1995, pp. 154-166.
- BALLARD, Roger. « Asking Ethnic Questions: Some Hows, Whys and Wherefores ». *Patterns of Prejudice*, 32 (2), 1998, pp. 15-37
- BARRY, Brian. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge: Polity Press, 2001, pp. 32-62.

Additional references:

- CORMACK, R.J. and OSBORNE, RD. (eds). *Discrimination and Public Policy in Northern Ireland*. Oxford: Clarendon Press, 1992.
- JONES, Trevor. *Britain's Ethnic Minorities*. London: Policy Studies Institute, 1996.
- LIEBERMAN, Robert. *Shaping Race Policy: The United States in Comparative Perspective*. Princeton: Princeton University Press, 2005.
- STAVO-DEBAUGE, Joan. « Putting Statistics to Work against Discrimination: The Case of the United Kingdom ». *International Social Science Journal*, 183, March 2005, pp. 43-56.
- TELES, Steven. « Positive Action or Affirmative Action: The Persistence of Britain's Antidiscrimination Regime ». In John David Skrentny. *Color Lines: Affirmative Action, Immigration, and Civil Rights Options for America*. Chicago: The University of Chicago Press, 2001, pp. 241-269.

**Class 12: April 11: The French « Exception » (I):**

In-class presentation: The Issue of Gender Quotas in Political Representation

Assigned readings:

- SIIM, Birte. *Gender and Citizenship: Politics and Agency in France, Britain, and Denmark*. Cambridge: Cambridge University Press, 2000, pp. 44-78.
- MC-BRIDE STETSON, Dorothy. « Democracy and the Representation of Women: France in Comparative Context ». *Contemporary French Civilization*, 25 (2), 2001, pp. 175-192.
- MAZUR, Amy. Drawing Lessons from the French Parity Movement ». *Contemporary French Civilization*, 25 (2), 2001, pp. 201-220.
- BIRD, Karen. « Liberté, Égalité, Fraternité, Parité... and Diversité ? The Difficult Question of Ethnic Difference in the French Parity Debate». *Contemporary French Civilization*, 25 (2), 2001, pp. 271-292.

Additional references:

- CAUL, Miki. « Political Parties and the Adoption of Candidate Gender Quotas: A Cross-National Analysis ». *Journal of Politics*, 63 (4), 2001, pp. 1214-1229.
- MATLAND, Richard. « Women's Representation in National Legislatures: Developed and Developing Countries ». *Legislative Studies Quarterly*, 23 (1), 1998, pp. 109-125.
- PHILLIPS, Anne. *The Politics of Presence*. Oxford: Clarendon Press, 1995.
- SCOTT, Joan. *Parité: Sexual Difference and the Crisis of French Universalism*, Chicago: The University of Chicago Press, 2005.

**Class 13: April 18: The French « Exception » (II)**

In-class presentation: Does affirmative action exist in France?

Assigned readings:

- BLEICH, Erik. « The French Model: Color-Blind Integration ». In John David Skrentny (ed.). *Color Lines: Affirmative Action, Immigration, and Civil Rights Options for America*. Chicago: The University of Chicago Press, 2001, pp. 270-296.
- LIEBERMAN, Robert. « A Tale of Two Countries: The Politics of Color-Blindness in France and the United States ». In Herrick Chapman and Laura Frader (eds). *Race in France: Interdisciplinary Perspectives on the Politics of Difference*. New York: Bergahn Books, 2004, pp. 189-216.
- BLUM, Alain. « Resistance to Identity Categorization in France ». In David Ketzer and Dominique Arel (eds). *Census and Identity: The Politics of Race, Ethnicity, and Language in National Censuses*. Cambridge: Cambridge University Press, pp. 121-147.

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- CALVES, Gwénaële. « Affirmative Action in French Law ». *Revue Tocqueville/The Tocqueville Review* XIX, 2, 1998, pp. 167-177.
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**Class 14: April 25: Affirmative Action for Majority Groups**

In-class presentation : Assessing Affirmative Programs for Majority Groups: Malaysia and South Africa

Assigned readings:

- ADAM, Kanya, « The Politics of Redress: South African Style Affirmative Action », *The Journal of Modern African Studies* 35 (2), 1997, pp. 231-249.
- LIM, Mah Hui. « Affirmative Action, Ethnicity, and Integration: The Case of Malaysia ». *Ethnic and Racial Studies*, 8 (2), 1985, pp. 250-277.
- NESIAH, Devanesan. *Discrimination with Reason? The Policy of Reservations in the United States, India, and Malaysia*. Delhi: Oxford University Press, 1997, p. 85-101, 201-204.

Additional references:

- BAKRI MUSA, M.. *The Malay Dilemma Revisited: Race Dynamics in Modern Malaysia*. Gilroy, Merantau, 1999.
- FORD, Christopher. « Challenges and Dilemmas of Racial and Ethnic Identity in U. S. and Post-Apartheid South African Affirmative Action ». *UCLA Law Review*, 43 (6), 1996, p. 1953-2029.
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- GOMEZ, T. and JOMO, K. S. *Malaysia's Political Economy: Politics, Patronage, and Profit*. Cambridge: Cambridge University Press, 1997.

- THOMAS, Adèle, « Employment Equity in South Africa: Lessons from the Global School ». *International Journal of Manpower*, 23, 2002, pp.237-255.
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- JAIN, Harish, SLOANE, Peter and HORWITZ, Frank (eds). *Employment Equity and Affirmative Action: An International Comparison*. Armonk: M.E. Sharpe, 2003.
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