1. Record Nr. UNINA9910820369203321 **Autore** Kershnar Stephen **Titolo** Justice for the past / / Stephen Kershnar Pubbl/distr/stampa Albany, : State University of New York Press, 2004 **ISBN** 0-7914-8515-3 1-4237-3980-9 Edizione [1st ed.] Descrizione fisica 1 online resource (171 p.) Collana SUNY series in American constitutionalism Disciplina 323.173 Minorities - Civil rights - United States Soggetti Women's rights - United States Minorities - Government policy - United States Women - Government policy - United States Affirmative action programs - United States African Americans - Reparations Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Bibliographic Level Mode of Issuance: Monograph Nota di bibliografia Includes bibliographical references (p. 131-155) and index. Intro -- Justice for the Past -- Contents -- Acknowledgments --Nota di contenuto SECTION 1 -- Introduction -- SECTION 2: Civil Rights Laws -- 1. The Most Qualified Applicant -- PART 1. The Job Qualification -- PART 2. The Best Conception of a Job Qualification Yields at Most a Very Weak Reason to Favor a Meritocracy -- PART 3. Antidiscrimination Laws Cannot Be Justified by Meritocratic Concerns -- PART 4. Qualifications for Educational Institutions -- PART 5. Conclusion -- SECTION 3: Strong Affirmative Action -- 2. Strong Affirmative-Action Programs at State Institutions -- PART 1. Introduction -- PART 2. The Duty to Judge Persons According to Their Interests and Desert -- PART 3. Strong Affirmative-Action Programs at State Educational Institutions Cannot Be Justified via Compensatory Justice -- PART 4. Conclusion -- 3. Uncertain Damages to Racial Minorities and Strong Affirmative Action -- PART 1. The Hypothetical Imperative to Distribute Resources in a Just Manner -- PART 2. Compensatory Justice and the Assessment of Damages -- PART 3. Compensatory Justice and Inadequate Knowledge

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Sommario/riassunto

Among the most controversial issues in the United States is the question of whether public or private agencies should adopt preferential treatment programs or be required to pay reparations for slavery. Using a carefully reasoned philosophical approach, Stephen Kershnar argues that programs such as affirmative action and calls for slavery reparations are unjust for three reasons. First, the state has a duty to direct resources to those persons who, through their abilities, will benefit most from them. Second, he argues that, in the case of slavery, past injustice—where both the victims and perpetrators are long dead—cannot ground current claims to compensation. As terrible as slavery was, those who claim a right to compensation today owe their existence to it, he reasons, and since the events that bring about a person's existence are normally thought to be beneficial, past injustices do not warrant compensation. Finally, even if past injustices were allowed to serve as the basis of compensation in the present, other variables prevent a reasonable estimation of the amount owed.