

# A Cross-National Analysis of Affirmative Action: An Evolutionary Psychological Perspective

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Affirmative action (AA) is a government policy permitting employers and universities to give preferential treatment to applicants from specific (e.g. racial) groups. We present a comparative analysis of AA in six countries (India, USA, Malaysia, Canada, South Africa, and Brazil) and explain similarities among these programs according to universal psychological mechanisms and variation according to cultural-historical contexts. It appears that similarities in contextual conditions (e.g. democratic government, multi-ethnic states) interact with ancient psychological mechanisms (e.g. fairness, cheater detection, alliance tracking) to provide at least part of the motivation for the development and expansion of AA, despite its problematic consequences. Copyright © 2006 John Wiley & Sons, Ltd.

## INTRODUCTION

Affirmative action (AA) policies have had a significant impact on university admissions and employment practices in the United States since AA's inception in the 1960s (Crosby and VanDeVeer, 2000; Doverspike *et al.*, 2000; Crosby *et al.*, 2003). Considerable research has been devoted to AA and laypersons' perceptions of and reactions to AA programs (e.g. Kravitz *et al.*, 1997). Yet this body of research suffers from two limitations. First, much of it has focused on AA in the USA. To more fully understand the psychological underpinnings of origins, practices, and reactions to AA, we need to examine AA *cross-nationally*. If common themes appear, then this would suggest common psychological

underpinnings to AA. On the other hand, if the dynamics of AA appear idiosyncratic to particular countries, this would suggest that AA programs are more a product of cultures and historical circumstances than common psychological predispositions. A second limitation is that there is relatively little theoretical coherence to the research on AA. Much of the research is characterized by mini-theories such as equity theory, stereotyping theory, and unconscious bias that tend to be relevant to the goals of a particular study (e.g. Thompson *et al.*, 2001). However, we may be able to improve our understanding of the psychological dynamics of AA and consequently improve AA policies if we adopt a more general and broadly applicable theory.

This paper has three primary objectives: (1) to present an evolutionary psychological framework for the analysis of AA, (2) to describe and compare AA policies cross-nationally, and (3) to analyze differences and similarities of AA in six countries

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from an evolutionary psychological perspective. We begin by providing a brief overview of evolutionary psychological mechanisms relevant to AA. Then we describe AA in six countries—India, USA, Malaysia, Canada, South Africa, and Brazil. Finally, we point out differences and commonalities among the six countries and evaluate the similarities and differences in terms of how they do and do not fit with an evolutionary psychological perspective.

### EVOLUTIONARY PSYCHOLOGY AND AFFIRMATIVE ACTION POLICY

Evolutionary psychology, a synthesis of modern psychology and evolutionary biology, uses the logic of natural selection to examine human mental processes and behavior (Cosmides *et al.*, 1992; Buss, 1999). For the past two decades, evolutionary psychologists have accumulated considerable theoretical and empirical knowledge on human psychological mechanisms and behaviors (Cosmides *et al.*, 1992; Buss, 1999). However, up to now, this body of knowledge seems to have had little practical impact on policy makers and legislators (Crawford and Salmon, 2004).

Lawmakers and social policy designers have maintained a 'blank slate' model of human nature with the belief that social engineering will bring about changes in the social and economic structure of society. The human mind, however, is not as malleable or blank as proposed by the Standard Social Science Model (Barkow *et al.*, 1992; Pinker, 2002). Therefore, failures in public policy, leading to serious social as well as individual costs, could be attributed to fallacious assumptions about the malleability of human nature (Robins, 2004).

In contrast, assumptions about human nature based on an evolutionary psychological perspective are more realistic and in tune with human mental processes. Two assumptions of evolutionary psychology are that (1) the human mind is modular, consisting of numerous psychological mechanisms and (2) these mechanisms are adaptations. Psychological mechanisms are heritable, content-specific psychological processes that are activated in specific contexts associated with solving adaptive problems, such as identifying and competing for fertile mates. They are Darwinian algorithms that allow the mind to process

information efficiently in contexts where doing so has paid off in the currency of survival and reproduction (Buss, 1999).

Evolutionarily speaking, modern nation-states and state mandated policies such as AA are all novel institutional practices (Rubin, 2002; Premack, 2005). This is probably the reason why implementation of AA policies gives rise to a host of contentious issues because such policies are in conflict with evolved psychological mechanisms. Of the many mechanisms identified by evolutionary psychologists and neuroscientists (see Buss, 1999), we have summarized key psychological mechanisms that are particularly relevant to AA—to its genesis, to its policies, and to reactions to it.

#### Fairness and Justice Motivation

A sense of fairness and justice seems to be innate; even young children tend to possess an intuitive sense of fairness and justice (Lerner, 2001). The universal sense of what is fair—following the rules, behaving honestly—probably stems from the psychological mechanism of reciprocal altruism (Trivers, 1971). To solve the adaptive problem of cooperation between non-kin, a psychological mechanism evolved for reciprocal social exchange. That is, people will be willing to extend benefits to non-kin provided that the person who receives the benefits reciprocates the benefit at some time in the future (Cosmides and Tooby, 1992; Trivers, 1971). A sense of justice—the administration of appropriate punishments or rewards—also seems universal. Ultimately, this may stem from adaptations designed to produce and maintain social order in the sense that social order enhances individual reproductive success (Alexander, 1979; Jones and Goldsmith, 2005). Sentiments of right and wrong and fair and unfair are automatic responses when we observe moral violations (Jones and Goldsmith, 2005). In this respect, most AA policies originated because of an innate desire for justice, the basic idea that those who were discriminated against should be compensated. However, objections to AA point to its unfairness in promoting reverse discrimination and, in some circumstances, fostering practices that allow different qualifications for employment or university admissions based on group membership, violating the ideals of fairness that AA was originally created to serve (Sowell, 1999).

### Cheater Detection and Punitive Sentiments

Evolutionary psychologists have contended that the adapted human mind consists of multiple psychological programs (or algorithms) that were useful in solving various adaptive problems in ancestral conditions. One such program is the social contract algorithm. Social contract algorithms are 'a set of programs that were specialized by natural selection for solving the intricate computational problems inherent in adaptively engaging in social exchange behavior' (Cosmides and Tooby, 2004, p. 100). The essential characteristic of a social contract algorithm is reciprocity, which is a foundation of ongoing social exchange relationships. The logic of reciprocity is based on a conditional rule—if benefits are to be received, then costs should be paid. A cheater under the conditional rule is someone who receives benefits without paying any costs (Cosmides and Tooby, 2004).

From the evolutionary psychological perspective, the cheater detection algorithm is an adapted psychological device to detect free riders. Punitive sentiments against free riders may also have adaptive functions. For instance, unless our hominid ancestors living in small hunter-gatherer bands were equipped with the cognitive devices of cheater detection and punitive sentiments against free-riders, there would have been no inter-tribal cooperation and trade. From this perspective, one can understand why AA programs face strong opposition. People may view beneficiaries of AA as free riders because they receive preferential treatment not accorded to others on the basis of an arbitrary criterion such as group membership. Resentment is further fueled in countries such as the USA, where immigrants belonging to minority groups are also eligible for AA, particularly when these people have never suffered historical discrimination.

### Racial Groups and Alliance-Tracking Mechanisms

Inter-racial and inter-ethnic conflicts are common among humans (Rubin, 2002; Salter, 2003). Natural selection shaped our ancestors to live in groups as a mutual defense against predation (Dunbar, 1996), and the evolved penchant for human sociality extends to form racial and ethnic coalitions in contemporary societies. It is a puzzle, however, that racial grouping which is based on an

arbitrary phenotypic marker (e.g. skin color) is such a powerful social heuristic. According to Cosmides and Tooby (2004), there is no cognitive architecture specifically designed for 'automatic race encoding.' Their contention is that ancestral hunter-gatherers could not possibly have come in contact with people significantly different from themselves since they were confined to small geographical locations. Hence, there could have been no selection pressure for a cognitive device to encode race.

Instead, Cosmides and Tooby (2004) believe that race-encoding is a by-product of another mechanism called 'alliance tracking.' The alliance tracking mechanism is a psychological adaptation to identify patterns of cooperation, and competition under ancestral conditions. This mechanism uses cues such as family resemblance, accent, and dialect to identify alliances. From this perspective, race is used as a marker for detecting coalitions: 'Arbitrary cues (such as skin color) pick up—and lose—significance only insofar as they acquire predictive validity for coalitional membership' (Cosmides and Tooby, 2004, p. 120).

Since AA policies use race and ethnicity as criteria for preferential treatment, they provide greater salience to these arbitrary cues. Race and ethnicity, thus, easily become much more salient alliance identifiers. Once individuals recognize the benefits of such alliances to protected groups, it becomes contrary to their self-interest to de-emphasize them. Thus, individuals of mixed racial parentage might prefer to identify themselves with the race that receives preferential treatment.

### In-group/Out-group Distinctions and Conflict

Humans tend to divide people into *us* and *them* categories (Cosmides and Tooby, 2004). Given that the criteria for group membership are flexible and contingent upon situational demands, it is understandable that we, as social primates, tend to make up quasi- (or fictive) kin groups based on arbitrary cues for the sake of enhanced self-interests (Rubin, 2002). For instance, ethnic nepotism is essentially based on an extended kinship and the adapted kin selection mechanism is often activated toward co-ethnic non-family members (Salter, 2003; van den Berghe, 2004).

In this respect, AA programs tend to make in-group/out-group distinctions particularly salient, primarily because they tend to pit groups against

one another for valued social resources. They create heightened awareness of group identity and foster racial/ethnic stereotyping. AA programs exclude large categories of people and increase consciousness of belonging to certain groups. Thus they can exacerbate in-group/out-group conflict and have a polarizing effect.

### AFFIRMATIVE ACTION IN SIX COUNTRIES

Several authors have examined AA from a cross-national perspective. Among these are Sowell (2004) and Jain *et al.* (2003). Sowell (2004) focuses primarily on the economic and political consequences of AA programs in five countries (i.e. India, Malaysia, Sri Lanka, Nigeria, and the USA). He examines whether AA programs actually do what they set out to do in terms of providing economic and educational opportunities and results for protected groups. Jain *et al.* (2003) primarily describe policy responses to the employment discrimination in seven countries—the USA, Canada, India, Malaysia, South Africa, Britain, and Northern Ireland. Our focus in this paper differs from Sowell (2004) and from Jain *et al.* (2003) in that we emphasize areas of comparison that are particularly relevant to the underlying psychological dynamics of AA. Our discussion of AA in different countries will serve as a basis for demonstrating the relevance of adaptive psychological mechanisms in the AA debate. We chose the following six countries for our paper: India, USA, Malaysia, Canada, South Africa, and Brazil. AA exists in other countries as well. Nigeria, Great Britain, Sri Lanka, and Ireland are among several other countries that have some form of AA. However, due to space constraints, we have excluded these from our discussion.

#### India

In India, unlike the USA, the oppressed and the oppressor groups belong to the same race and ethnicity. Discrimination, instead, has its roots in occupational differences. The caste system that has existed for over three thousand years dates back to the ancient Hindu scriptures called the Rig Vedas. Traditionally, the system divided society into four *varnas* or castes (occupational groups arranged in a hierarchy). The highest caste belonged to the *brahmins* (consisting of priests and the educated

people of the society), followed by the *kshatriyas* (the warrior caste), the *vaishyas* (the trader caste), and the *shudras* (the servile caste). Lower to these castes were the *achhuts* or 'outcastes' or 'untouchables' (the scavenging community) who prefer being addressed as *Dalits* these days; the word 'dalit' literally means 'ground,' or 'broken or reduced to pieces' and refers to their oppressed status in the Indian society.

Due to their lack of distinct physical characteristics, Dalits are generally difficult to identify in cities because they are intermixed throughout the urban population. However, they are more readily identified in rural areas owing to their segregated habitat, and thus exploitation and violence against this group continues in most parts of rural India. The 1991 Census estimates the total Dalit population at 138 million constituting over 16% of the total Indian population (Seenarine, 1996). Dalits are not only a socio-cultural group but often represent an economic class as well. The 1971 census figures show that over half of the Dalit workforce consisted of landless agricultural laborers, compared to 26% of the non-Dalit workforce (Seenarine, 1996).

India's AA program called the Reservation Policy targets not only the Scheduled Castes (SCs) (i.e. the former 'untouchables'), but also Scheduled Tribes (STs) (tribes that dwell in Indian forests). These tribes have also traditionally been excluded from the caste system and have been isolated geographically and socio-economically from mainstream India. Together, these two groups constitute 22% of the population. Additionally, the AA program offers more selective measures to a number of groups within Indian society, defined by the constitution as 'socially and educationally backward classes,' or Other Backward Classes (OBCs), that have also suffered from a history of economic exploitation and social segregation almost similar to that suffered by the untouchables (Cunningham *et al.*, 2002).

The Indian constitution originally prohibited discrimination on the grounds of religion, race, caste, sex, or place of birth, and provided equality of opportunity in public employment in articles 15 and 16. In 1951, a clause added to Article 15 established that the state could provide 'special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.' Later in the 1990s, the court added a new criterion

called the 'creamy layer test' (reference to the cream that rises to the top of the container of milk) in order to avoid misuse of AA programs by economically well-off members of target groups. The creamy layer test looks at the occupation and income of the applicant's parents, so that preferential treatment for affluent candidates can be denied (Cunningham *et al.*, 2002; Morgan-Foster, 2003). Beneficiaries of AA generally establish their identity by providing a certificate signed by two local gazetted officers (i.e. government-appointed executives) who know the applicant. It is, however, left to individuals' discretion to use their caste status to compete for reserved seats.

AA has resulted in some tangible benefits to protected groups in India. There has been a rise in educational access for the different beneficiary groups as a result of the post-independence educational programs. Apart from reservations in educational institutions, various facilities have also been provided such as exemption from school fees, stipends or scholarships, book grants, and accommodation assistance (Seenarine, 1996). The central government also sponsors college and merit scholarships, and travel grants. The programs also provide for assistance by way of special coaching for students residing in hostels and pre-examination coaching facilities for those appearing in competitive examinations (Seenarine, 1996).

A major problem that India is currently dealing with is the misuse of AA by political candidates to gain votes. Furthermore, other groups (such as Indian Christians and Muslims) are trying to get themselves included as beneficiaries and thus using AA as a means to improve their economic status. There is also a growing concern that AA is not reaching those who really need it. Mainly due to corruption at all levels, beneficiaries receive less than 10% of the actual funding (Seenarine, 1996). Similar to non-beneficiaries in other countries, Brahmins and other non-beneficiary castes and communities feel they are being reversely discriminated due to AA.

### The United States

AA originated in response to civil rights protests about inequality in economic and educational opportunities in the United States. A long history of oppression beginning with slavery and later followed by segregationist and discriminatory policies had led to a lower socio-economic status

of African Americans relative to whites. In the first half of the 20th century, with nearly 90% living in poverty (Jain *et al.*, 2003), Blacks lagged behind Whites in terms of education, employment, income, and other socio-economic criteria. World War II and later, the Civil Rights Movement of the 1960s brought to the forefront, issues of poverty, discrimination, and other forms of injustice suffered by African Americans. African Americans, however, were not the only ones facing discrimination. Exclusion, segregation, and other types of discrimination involving promotions and firing policies were prevalent against non-whites in general, and women (Ricucci and Rosenbloom, 1989).

The earliest uses of the term 'affirmative action' appeared in Executive Order 10925, signed in 1961, decreeing equal opportunity employment by the federal government and in Title VII of the Civil Rights Act of 1964. Initially, the focus was on ending discrimination. Title VII made it unlawful for employers to base their employment practices on race, color, religion, sex, or national origin. With the establishment of the Equal Employment Opportunity Commission (EEOC) in 1965, the meaning of AA was extended to involve active seeking out of qualified minority job applicants (Anderson, 2004). This was also mandated in President Lyndon Johnson's 1965 Executive Order 11246 which required the federal government and federal contractors (those who had 50 or more employees and a contract of \$50 000 or more) to ensure that minority groups ('Blacks, Native Americans, Latinos/as, and Asian-Americans,' Crosby *et al.*, 2003, p. 95) and women were adequately represented among their workforce. AA plans with specific goals and timetables were required to be established for correcting any imbalances in representation (Crosby *et al.*, 2003).

Over the ensuing years, the meaning of AA expanded to include activities used to redress current discrimination, to provide role models for women and minorities, and to promote workplace diversity (Campbell, 1996). However, it is the activities themselves that came to provide the *operational* definitions with which most people are familiar (Holzer and Neumark, 2000). These include: (1) conducting training programs to change management attitudes towards women and minorities, (2) actively recruiting underrepresented groups to apply for jobs, (3) favoring a minority candidate in a hiring decision when all

candidates are roughly equal in qualifications, and (4) establishing hiring quotas for underrepresented groups.

Ever since it was established, AA in the US has been a controversial policy leading to debates over its effectiveness. In terms of increased representation of minorities and women, the programs have been successful, particularly in federal employment. The federal government and federal contractors have greatly increased their proportions of target groups at all levels, resulting in greater diversity in the public sector (Crosby *et al.*, 2003). Increased diversity has also occurred in the field of education (Crosby *et al.*, 2003), and in the private sector. For instance, as reported in Jain *et al.* (2003), a survey conducted by the Council on Economic Priorities found increased minority representation in the upper levels of organizations—'members of ethnic minorities held about 16% of the board seats, made up 22% of the officials and managers, and made up 13% of the fifty largest paychecks' (Jain *et al.*, 2003, p. 20).

While proponents of AA assert that it has improved the socio-economic status of minorities, its opponents have other views. According to Sowell (2004), there was substantial improvement in the socio-economic status, and the representation of Blacks in professional jobs, even before the civil rights laws were passed. Sowell (2004) reports a greater decline in the poverty rate among black families in the decades before 1960 (40%) than in the 1960s and 1970s (18%). A frequent criticism with AA is the type of people it benefits. Its detractors state that most beneficiaries of AA programs are those who are already in a higher socio-economic bracket, and that these programs rarely benefit the truly disadvantaged of the minorities. Moreover, immigrants belonging to minority groups also receive preferential treatment, irrespective of their financial status (Sowell, 2004). Since immigrants do not fall under the 'historically oppressed' category, their receiving preferential treatment can fuel further resentment among non-beneficiaries. In addition to the above problems, there are several others, including confusion over the meaning of AA, escalation of racial and ethnic divisions in the country, and perpetuation of the belief that minorities would not get hired or be able to obtain college admissions solely on the merit criterion. These and other issues continue to divide the country and prevent the unanimous acceptance of AA programs.

## Malaysia

Malaysia is a country characterized by people of different ethnicities and religions. Its main ethnic group is the Bumiputra or 'sons of the soil' comprising a Malay majority and other indigenous groups. Non-Bumiputra groups are people mainly of Chinese and Indian origin, who first entered Malaysia as immigrant workers or traders. Scholars attribute ethnic differences and tensions in Malaysia to the British colonial policy of encouraging large numbers of immigrant workers from other cultures, and at the same time ensuring that the different ethnic groups remained socially and economically segregated (e.g. Abdullah, 1997; Haque, 2003). The introduction of preferential treatment in Malaysia is also attributed to the British. Land was reserved for Bumiputra, and while trade and commerce were open to Non-Bumiputra, they were barred from the agricultural sector or from public service (Wyzan, 1990). Such a policy while appearing to favor the indigenous people, actually worked against them. By the time the British left Malaysia in 1957, the Bumiputra were economically disadvantaged, confined to the rural sector, and resentful of the more prosperous Chinese and Indians.

The democratically elected government that took the place of the British continued preferential treatment for the indigenous people. Clauses were built into the 1957 constitution to protect the rights and extend special privileges to the Bumiputra. Among these privileges were land reservations, educational and training privileges, and quotas in a number of areas including public service positions, university scholarships, exhibitions, and permits or licenses (Wyzan, 1990). However, these privileges were not enough as was demonstrated by ethnic riots that broke out in the Malaysian capital of Kuala Lumpur in 1969 (Stafford, 1997). The conflict heightened awareness of socio-economic differences between the major ethnic groups in the country. National elections in Malaysia also took place around the time of the riots and the new government that came to power responded by introducing the New Economic Policy (NEP) in 1970 (Wyzan, 1990).

The NEP had two main objectives: the removal of poverty, and the restructuring of Malaysian society, in order to eliminate the relationship between ethnicity and economic situation. Quotas

were established in areas such as 'admission to universities, equity ownership and employment and promotion in the public service' (Hodges-Aeberhard and Raskin, 1997, p. 57). The duration of the NEP program was 20 years. The goal of eliminating poverty did not consider race, but was understood to benefit the Bumiputra most because they belonged to the poorest sections of society. The second goal of restructuring society based on employment and ownership of assets had clearly defined objectives favoring the Bumiputra. Employment redistribution would have to take place in proportion to the ethnic distribution of the population, while a redistribution of corporate assets meant that by 1990 the Bumiputra should have at least 30% ownership. The redistribution, however, was targeted at new economic, commercial, and industrial activities.

In 1970, before the establishment of the NEP, 74% of Malays were living in poverty. By 1994, the figure had declined to 6% (Jain *et al.*, 2003). From an economic point of view, the NEP was able to achieve most of its goals. Significant improvements were seen in Malay representation in business and corporate ownership, professional positions, and higher education. Twenty years of the NEP eliminated most of the socio-economic imbalances among the ethnic groups, gave rise to a Malay professional and business community, and created a more 'ethnically balanced urban community' (Jain *et al.*, 2003, p. 17).

The above successes, of course, also have a lot to do with the fact that the national economy experienced an economic growth rate of about 7%. So, the entire nation benefited from the accelerated economic pace. The NEP, however, did not change ethnic relations in the country. Although, race riots similar to 1969 were never repeated, ethnicity continues to dominate Malaysia's socio-political landscape. There are concerns about Non-Bumiputra resentment over continued preferential treatment for the Bumiputra. Quotas for the Bumiputra in higher education, lower representation of Non-Bumiputra in the public sector, and perceptions of discrimination against Non-Bumiputra in public sector employment practices continue to be issues of inter-ethnic tensions (Hodges-Aeberhard and Raskin, 1997). In addition, there are concerns that even among the Bumiputra, some groups such as the Orang Asli continue to be marginalized.

### Canada

For the last three decades, the number of non-Caucasians or those who are non-white in color has steadily increased in Canada. As late as 1971, whites with European origins constituted about 95% of the whole Canadian population. Since then other more visible minorities (including aboriginal) have doubled their percentage up to 10% in 1991 (Driedger and Reid, 2000). By 2016, it is estimated that the population of non-Caucasians would increase up to 20% (Driedger and Reid, 2000). With the increasing number of visible minorities in the last four decades, the growing emphases on cultural diversity and biculturalism have facilitated legal initiatives for social equity in Canada (Driedger and Reid, 2000).

AA first appeared in 1978 with the establishment of the Canadian Human Rights Act (CHRA). It was enacted to ban individual discriminatory actions and prejudicial employment policies and practices based on ten grounds (Raskin, 1997). Since the majority of Canadians considered AA a form of quota system, employment equity (EE) was adopted in 1986 to eliminate this popular misconception. The primary goals of Canadian EE legislation were (1) to remove structural barriers for the members of four designated groups (i.e. women, aboriginals, persons with disabilities, and visible minorities) in employment settings and (2) to make it necessary to obtain information about members of protected groups (Raskin, 1997). 'Visible minorities' as a category first appeared in 1971 to designate a group of people who were non-Caucasian in race or non-white in color (Wargon, 2000). The Employment Equity Act (EEA) in Canada applies to Crown corporations and federally regulated employers with 100 or more workers (Jain, 1993). Since 1988, employers are responsible for filing annual reports to Employment and Immigration Canada (EIC) with specific information about (1) members of designated groups by occupation and salary range and (2) those hired, promoted, and terminated (Jain, 1993). Failure to file the annual report to EIC can result in a maximum fine of Canadian \$50 000. Employers are also required to prepare annual employment equity plans with goals and timetables, yet there is no penalty for failure to prepare and implement this plan (Jain, 1993). Failure to implement EEA under the Federal Contractors Program (FCP), which came

into effect in 1986, can result in the exclusion of a contractor for future government businesses. FCP, however, does not require a contractor to file an employment equity plan (Jain, 1993).

Given that little is known about the nature and 'make-up' of Canadian EE programs (Jain and Hackett, 1989), it is challenging to pin down their strengths and weaknesses. Overall, Jain (1993) suggests that Canadian federal EE policies have failed to represent visible minorities in the labor force while female representation in the workplace has fairly increased. In a study done by Jain and Hackett (1992), only 30.8% of employers who claimed to have employment equity programs identified visible minorities as a target group while 94.2% identified females as a designated group. Jain (1993) reported that in corporations with EE programs, female representation was higher in several occupational categories, but there were no significant differences in the representation of the aboriginal people, persons with disabilities, or visible minorities between organizations with and without EE programs.

It is suggested that there are several reasons why federal policies did not achieve what they initially aimed for. First, Jain (1993) argues that 1986 Federal EEA and the Federal Contractors Program (FCP) were not very onerous. One of the dire consequences is a lack of coercive power to motivate employers to invest much effort. Jain and Hackett (1989) suggest that little progress was made since there was low monitoring and enforcement effort for the violation of EEA. Employers received little benefit from achieving equity in the workplace except for improved public relations. For instance, 96% of respondents in a study claimed that government pressure was an important factor for their EE implementation (Jain and Hackett, 1989). Without governmental intervention and strong external contingencies of coercion, employers are apparently reluctant to invest much for the successful implementation of EE programs.

Second, Canada has an erratic history of specifying the racial composition of her population (Boyd *et al.*, 2000). Actually there has been no consensus on the definitions of 'designated groups' and 'visible minorities' (Jain, 1993). Further, Canadian Census available data and self-identification data collected by Canadian employers do not match well and the inconsistent measurements exacerbate the problem (Jain, 1993). Some other reasons for the low effectiveness of Canadian EE

programs include narrow scope of the current Act, and few qualitative measures to monitor progress (Jain, 1993).

### South Africa

After decades of social unrest and racial struggles in the apartheid era, majority rule was established with a democratic election in 1994 and black South Africans became protected by law (Msimang, 2001). According to South African Census 2001, black Africans constitute 79% of the total population followed by whites (9.6%), colored people (8.9%), and Indians (2.5%). South African citizens are classified according to a racial origin: Africans refer to indigenous people without mixed race heritage while colored people are mixed race South Africans. Indians are descendants of South Asians who were brought to South Africa as railway workers in the 1800s. Whites are descendants of Dutch and English colonizers who are not of mixed race heritage (Msimang, 2001).

Employment Equity Act (EEA) was enacted in 1998 in South Africa to redress 'ghettoization' of five designated groups (i.e. Black Africans, Colored, Indians, women, and persons with disability) and to achieve equality in the workplace (Jain, 2002). Employers with 50 and more employees are required to undertake AA measures to ensure equitable representation of protected group members in all occupational categories (Jain, 2002). The South African government has taken top-down as well as bottom-up AA policies to increase levels of cooperation and consultation with local key corporate actors. Under current AA programs, South African employers are required to (1) conduct a review of employment policies and practices, (2) conduct a workforce survey and analysis, (3) develop an employment equity plan with numerical goals and timetables, and (4) monitor and evaluate the processes and progress of developing new measures to reduce any disproportional differences (Jain, 2002).

Although AA policy was initially intended to reduce and ultimately eliminate racial inequalities that derived from past wrongs of the apartheid era, there has been no consensus on the meaning of AA in South Africa. The concept has been employed differently by those who invoke it as an antidote to various social inequalities in South Africa (Shubane, 1995). It is also suggested that South African AA has been ineffective as a state

policy to redress past wrongs since a majority of beneficiaries are not the indigent but those from the middle class who are not economically marginal (Shubane, 1995).

In addition, AA programs in South Africa have exclusively focused on the numeric representations of designated groups with less concern for development and promotion of members from protected groups (Human, 1993). AA is often perceived as a governmental intervention to fill quotas and not in terms of development of members from targeted groups. Furthermore, lack of commitment from top managers and negative expectations of white male managers toward blacks and women have also blocked meaningful progress of racial equality in South African organizations (Human, 1993).

### Brazil

In Brazil, 45% of the population claims some African ancestry (Boston and Nair-Reichert, 2003), forming the largest Afro-descendant population in the world outside of the African continent (Htun, 2004). Racism in Brazil first began with the migration of African slaves between 1540 and 1850. Slavery was later abolished in 1888, but freed slaves were rendered poor and homeless. Increase in the black population and accompanying poverty led to the introduction of the whitening of the population (*embranquecimento*) policy in 1889, which lasted till 1930. The policy encouraged immigration of 'lighter' workers or European immigrants into Brazil (Boston and Nair-Reichert, 2003). Although not directly discriminatory towards blacks, the policy implied white supremacy.

Contradictory to the earlier history of discriminatory practices, the idea of 'racial democracy' introduced by the noted Brazilian sociologist Gilberto Freyre in 1930s, brought a feeling of 'oneness' among Brazilians. Racial democracy portrays Brazil as a mixed-race nation where people of different races live harmoniously. Most scholars and supporters of AA in Brazil, however, feel that racial democracy has been more of a myth. Wide disparity continues to exist between whites and people of color. For example, in education, non-writes complete fewer years of study than whites, even after controlling for income and family background (Fry, 2000). Afro-Brazilians are underrepresented in the

legislature, state bureaucracy, the military, and the private sector (Boston and Nair-Reichert, 2003). Being black in Brazil is generally synonymous with being lower-class, lacking opportunities, working as a servant, and living in bad neighborhoods (Htun, 2004). Despite these differences, the ideology of racial democracy continues to profoundly influence the people of Brazil causing reluctance to admit to racism.

Brazil historically dealt with racism by first introducing changes to the constitution, establishing equality between races in 1934. However, the idea of implementing AA programs was only initiated until recently in 1995. By 2002, the senate approved several bills that provided for 'percentage goals' or quotas to appropriate target groups such as blacks, women and the disabled, in governmental hiring and hiring by firms that contracted with the government (Htun, 2004). AA provides quotas for Afro-Brazilians in university admissions. Programs targeting black neighborhoods, job-training programs, preparatory courses for university exams, and support for black-owned businesses are also a result of AA. In addition, the AA policy has established quotas for blacks in television programs, and advertisements (Htun, 2004).

Brazil's specific way of classifying the population does not follow the simple dichotomous taxonomy used in the United States. Brazilians categorize on the basis of a complex taxonomy of terms, which is based not on racial or ethnic descent but on appearance (Fry, 2000). One consequence of AA is that people have become more aware of their skin color. Brazilians have always seen themselves as a mix-colored nation, but now people see themselves in terms of black and white. A problem for AA is that people who are dark-skinned usually resent being called black and prefer a range of other (more euphemistic) terms of self-classification: dark, brown, *bonbon* brown, chocolate and so on, which Rebeiro (1996) states is a consequence of the ideology of whitening. While affinity for lighter skin may discourage some of the target group members to take advantage of AA, the program is also vulnerable to benefiting those who claim to be black but are not economically deprived. Compared to other countries, AA in Brazil is relatively new, weakly implemented, and requires consistent operation of nationwide policies in all governmental and non-governmental agencies.

## DIFFERENCES AND COMMONALITIES AMONG SIX COUNTRIES

In the previous section, we described AA policies in six different countries. These countries differ from one another economically, culturally, and socially; each has its own historical context through which AA programs developed. Thus, it is likely that the unique circumstances of each country influenced differences in the AA policies and the type of group(s) targeted for preferential treatment. On the other hand, there are also commonalities in the context, genesis, practices, and outcomes of AA programs among the six countries. Given the historical and cultural differences among these countries, it is therefore likely that some commonalities in AA are influenced by universal psychological mechanisms and by the interaction of these mechanisms with common contextual features.

### Differences

One of the clearest differences among the six countries is the characteristics of groups that are the beneficiaries of AA. In the United States and South Africa, AA policies are based primarily on race; in Malaysia, the division is along ethnic lines. In India, groups accorded the benefits of AA are identified by caste, which is based not on ethnicity or race but upon historical occupational membership. Although Brazil's AA policy officially targets 'Afro-Brazilians,' it is based more on skin color than race. As a mixed-race nation where over half of the population claim some African ancestry, racial identity in Brazil is ambiguous. Since darker skinned individuals have historically struggled with poverty and lack of education, they are most often the beneficiaries of AA. Countries also differ by whether or not sex is accorded protected status. Sex-based AA exists in India, USA, Canada, South Africa, and Brazil, but not in Malaysia.

The proportion of target group members in relation to the total population of each country also differs. In countries such as the United States and Canada, AA beneficiaries are in the minority and consequently have had relatively little direct representation in government. AA programs in these countries evolved incrementally, with resistance from many in majority groups. In contrast, AA policies in Malaysia, where the beneficiaries are the politically dominant majority, were

established by fiat. In fact, when the independent nation of Malaysia was formed, a deal was struck by the Malay majority with the Chinese and Indian minority groups—special privileges and protected rights for the Malays guaranteed by the constitution, in exchange for citizenship for the Chinese and Indians.

Another difference is how AA is defined and understood. In the US, Canada, and South Africa, there is confusion over whether AA constitutes hard quotas or merely general objectives. The Indian, Malaysian, and Brazilian AA policies, on the other hand, define AA in terms of specific quotas and reservations. These differences show that historical and cultural circumstances influence the nature of AA policies, that AA policies will inevitably differ somewhat from country to country, and that AA programs are simply not a result of cultural imitation. However, there are also features that are common to all or most of the AA programs we surveyed. These are commonalities in context and outcomes, more so than commonalities in specific practices. This suggests that the commonalities are less a product of imitation and more a product of and interaction between ancient psychological mechanisms and the modern context of democratic multi-ethnic states.

### Commonalities

There are at least five common contextual features across the six countries we examined. The beneficiaries of AA programs are members of one or more groups that have been economically and educationally disadvantaged and were oppressed at the hands of other social, racial, or ethnic groups, which were either politically or economically dominant. In addition to being disadvantaged, members of these groups are easily identified by physiological or cultural markers. Dalits in India, African-Americans in the USA, Bumiputra in Malaysia, aboriginal people in Canada, Blacks in South Africa, and dark-skinned people in Brazil—all suffered economically and educationally, were oppressed by dominant groups, and have obvious physiological or cultural badges. A third contextual commonality is that there came to be broad (although by no means unanimous) popular support to enact policies that would provide remediation for past discrimination. A fourth contextual commonality is that all of the countries that we examined are democracies, with

political leaders being elected by popular vote. Indeed, other countries with AA programs that we did not examine (Nigeria, Sri Lanka, Australia, and New Zealand) are also democracies. Finally, all of the countries are former colonies and, with the exception of Brazil, all (as well as a number of other countries with AA programs, such as Nigeria and Sri Lanka) are former British colonies.

As we argued in the introduction, the human desire for fairness and justice, stemming from evolved psychological mechanisms, is an underlying motive behind the development of AA programs. The logic behind AA programs is that a particular group was unfairly taken advantage of and denied opportunities for economic and educational development by another group—an unfair exchange. AA programs evolved as a means of providing just compensation for past discrimination. Typically, this involves giving members of protected groups some special privileges, particularly in obtaining employment or admissions to universities. However, our sense of fairness and justice evolved while humans were living in small hunter-gatherer bands where everyone knew everyone else and reciprocal altruism was attached to concrete actions linked to particular individuals (Moore, 1996). In modern mass societies, broad social policies, such as AA, are often used to administer justice. However, for people to perceive these policies as fair (or unfair), they must activate, or be grafted upon, ancient psychological mechanisms. Therefore, rather than observing specific exchange events with particular individuals, AA programs rely on historical and cultural information about unfair discrimination, transmitted primarily by modern media. An obvious badge also appears to be necessary to serve as a sign that an individual from a particular group suffered from unfair discrimination. A widely known cultural heritage of past discrimination toward readily identifiable individuals appears necessary for AA programs to tap psychological mechanisms for fairness and gain some degree of legitimacy.

In hunter-gatherer bands, fairness in exchange could be remedied via negotiations between individuals or small alliances (Rubin, 2002). Through individual negotiating skill and the power of small alliances, individuals would have a reasonable chance of rectifying an injustice. However, in modern mass societies, where being a member of a group is the basis for receiving unfair

treatment, it is unlikely that an individual or a small group of individuals could redress the effects of historical discrimination against an entire ethnic or racial group. This could only occur when individuals can exert political influence on a mass scale through democratic processes. Although discrimination exists against particular ethnic or racial groups in a number of countries (for example, discrimination against the Shiites under the rule of Saddam Hussein's Bath party in Iraq), we are not aware of any AA program in non-democratic, totalitarian states. If particular ethnic coalitions want preferential laws to be passed, they can use voting power to put pressure on electoral candidates. In India, for example, AA policies are frequently used as platforms to obtain votes.

AA programs do not exist, or exist only on the policy margins, in nations that are more or less ethnically homogeneous, such as Korea, Japan, and many European countries. The essence of AA policies among the nations we examined is to remedy past discrimination against a distinct group. With the exception of India, discrimination and animosity occurred between autonomous ethnic groups that were cobbled together into multi-ethnic nation-states by a colonial power or was a result of conflicts with former slaves imported to colonial territories. Humans evolved in racially and ethnically homogeneous hunter-gatherer bands (Sarich and Miele, 2004), so the admixture of multiple ethnic groups under one sovereign is evolutionarily novel and thus likely to lead to ethnically based coalitions and ethnic conflict. By ignoring the consequences of ethnic interests and the role of ethnicity in coalitional politics, colonial powers set the context for heightened ethnic conflict and ultimately for policies such as AA, which attempt to remedy past discrimination (Salter, 2003).

In addition to contextual commonalities, at least four outcomes are common across most of the AA programs we examined—an extended temporary solution, problems with identification, escalation of racial and ethnic cleavages, and benefits not reaching the most needy. Initially, AA programs were designed as temporary solutions to social injustice and inequalities (e.g. Crosby *et al.*, 2003). However, once instituted, it becomes difficult to discontinue the policies, because doing so threatens the interests of certain groups: the designated beneficiaries themselves, politicians, and administrators. In addition, other groups begin agitating

for inclusion into the protected status category. For instance, in countries such as India more groups have been added. In India, where the AA program originally was created to target the 'untouchables' and native tribes, now also targets groups that fall under the category of socially and educationally disadvantaged classes. India is presently struggling over the issue of including people of other religions such as Muslims and Christians in addition to the current target groups. This appears to be the case also with other countries, such as the USA and Canada. In the US, the impetus for AA sprung from the civil rights struggles of African-Americans. Later, women and other minorities too began lobbying for and were granted protected status (Anderson, 2004).

Debates on the existence of race are still going on in the field of biological anthropology (e.g. Sarich and Miele, 2004). From the evolutionary psychological perspective, preferential treatment of kin was functional in the ancestral environments for it enhanced the individual genetic fitness. However, in contemporary societies where massive migration and mixed marriages are common, racial and ethnic groupings tend to be arbitrary (Crawford, 1998). Thus, it is not surprising that identifying individual members of protected groups is a common problem in AA programs, particularly in countries where considerable inter-marriage has occurred. In the US and Brazil, for example, it can be difficult to identify people with African ancestry in mixed races, and the question arises as to what extent they are eligible to benefit from AA. In Brazil, where majority of the population is of mixed race, self-identification of one's race has led to affluent people taking advantage of the system. India resolved a similar problem in its AA program by implementing the 'creamy layer test' wherein individuals from affluent families that were socially labeled backward were disallowed from using the program.

Resentment by non-recipient groups (be it Caucasians in the US, Non-Bumiputra in Malaysia or Non-Dalits in India) towards groups who benefit from AA is another commonality because non-beneficiaries are not allowed a share in the AA pie. The distribution of rewards based on group membership has made racial and ethnic differences more salient and has fostered an 'us versus them' feeling between groups. AA intensifies in-group/out-group distinctions, exacerbates inter-group conflict, and ends up polarizing people

on the basis of an arbitrary criterion such as race. On the other hand, these programs are successful in increasing representation of poorly represented groups in employment and education, and creating greater diversity. However, diversity implies valuing differences in a positive manner, and it is unclear whether these programs help to achieve this.

Similarly, a criticism of AA in all the countries we examined is that the programs do not necessarily improve the lot of those who really need them. AA beneficiaries often end up being those who are already in higher socio-economic brackets, and the only reason they become eligible is because of group membership. For example, in Malaysia, people like the Orang Asli continue to be marginalized. Despite this, AA programs continue to receive support from all sections of the beneficiary groups. The rationale behind this is the feeling of kinship that group members share due to their visibly common cultural and social markers. People feel that as long as resources and opportunities can be kept within the group, benefits will become available if not for themselves then at least for their children.

## CONCLUSIONS

AA programs are attempts to remedy past discrimination toward one or more groups. Although AA policies differ somewhat from country to country, reflecting historical and cultural influences, they share a number of commonalities in context and outcomes. These commonalities reflect an interaction of ancient psychological mechanisms (e.g. fairness, alliance tracking) with the context of modern, democratic, multi-ethnic states with a history of discrimination towards several easily identifiable groups. While few could argue with the objectives of AA programs, it is unclear whether AA programs have worked as originally intended (Sowell, 2004). Nevertheless, these programs appear to be spreading around the world, and they typically expand within countries that institute them. This suggests that when certain contextual conditions occur (democracy in multi-ethnic nations), this can activate ancient psychological mechanisms that, in modern mass societies, provide at least part of the motivation for the development of social welfare policies such as AA.

The psychological adaptations that motivate AA programs were crafted by evolution thousands of years ago for responding to problems humans faced in ancient environments. However, adaptations that were adaptive in the past may not necessarily be functional in modern environments (Crawford, 1998; Bellow, 2003). Indeed, this may be the reason why AA programs result in unintended—and sometimes maladaptive—consequences. Nevertheless, if these mechanisms do indeed serve to motivate the development of AA programs in multi-ethnic democratic nations, then it would seem plausible that some type of AA programs are inevitable as long as there are wide disparities across racial and ethnic groups in income, occupational status and educational levels. The combination of alliance tracking mechanisms, our deep feelings about fairness and justice, and democratic politics provides the opportunity for racial and ethnic groups to advocate for policies that appear to benefit them. On the other hand, as economic freedom and opportunity reduce these disparities among groups, and as globalization and migration increase inter-racial and inter-ethnic marriages, it is also plausible that AA programs will eventually diminish.

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