

# **Equality and Transparency**

## **A Strategic Perspective on Affirmative Action in American Law**

Daniel Sabbagh

## C O N T E N T S

<i>Acknowledgments</i>	ix
Introduction	1
<b>Part 1 Assessing Justifications for Affirmative Action</b>	<b>11</b>
One The Corrective Justice Paradigm	13
Two The Diversity Paradigm	31
Three A Strategic and Consequentialist Perspective: Affirmative Action as an Instrument for Deracializing American Society	49
<b>Part 2 Interpreting Legitimization Strategies for Affirmative Action</b>	<b>87</b>
Four The Problems with the Deracialization Argument	93
Five The Negative Side Effects of Transparency	105
Six Evidence of Dissimulation Strategies	116
General Conclusion	163
<i>Notes</i>	169
<i>Bibliography</i>	215
<i>Index of Cases</i>	239
<i>General Index</i>	243