

rekompensacyjny został już w USA jednoznacznie wyeliminowany, w Europie nadal jest popularny. Tymczasem, pomimo wspomnianej eliminacji, efekty akcji afirmatywnej są w USA nadal dalekie od pożądanych.

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BLIND JUSTICE OR SENSITIVE TO COLORS? AN AFFIRMATIVE ACTION AND THE PRINCIPLE OF EQUALITY IN THE RECENT CASE LAW OF THE SUPREME COURT OF THE UNITED STATES OF AMERICA CONCERNING RACIAL PREFERENCES IN UNIVERSITY ADMISSIONS

The article discusses key issues of recent jurisprudence of the Supreme Court of the United States of America (SCOTUS) concerning racial preferences in university admissions known as affirmative actions. The aim of the article was to present the current position of the judiciary and the doctrine on the so called affirmative actions – its acceptable purposes, manifestations and borders.

The decisions in cases of *Fisher v. University of Texas* (2013) and *Schuette v. Coalition to Defend Affirmative Action* (2014) attracted particularly wide critical response of the American doctrine of constitutional law. Race is still an important indicator of the social position of a person in the USA and often is a source of discrimination. Affirmative actions conceived as mechanisms for the elimination of racial discrimination not only have not brought the desired results but also resulted in phenomena such as the so-called secondary discrimination (mainly the stigmatization of the members of minority groups and the consolidation of negative stereotypes) or reverse discrimination (affecting the members of majority groups) thus deepening racial division. Despite the announcement of the imminent abolition of affirmative actions or even the introduction of relevant prohibitions in state constitutions and law, it should be noted that anti-discrimination mechanisms are still needed in the USA. Because of the fact that the alternative mechanism of anti-discrimination has not been established yet, it is expected that affirmative action will be still applied (perhaps in a different form), and its manifestations and objectives will be an object of the analysis of the doctrine of law, as well as an object of SCOTUS rulings, especially in the context of the constitutional principle of equality (equal protection).