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Against Credentialism

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In some European countries employers are required to have a certain percentage of physically handicapped persons in their labor force; why not a similar requirement here for the difficult-to-place? (King 2010: 208)

I. Introduction

Contemporary labour markets fail to serve the interests of those who lack higher education qualifications. In part, this is because many of these individuals are denied decent employment opportunities. Instead, they face sizeable risks of sustained periods of unemployment and, when work does arrive, it may well be precarious, hazardous, and/or poorly paid. These circumstances have far-reaching consequences for individuals' mental and physical health, self-respect, and social status, as well as for the prospects of those dear to them (Case and Deaton 2020).

It is not difficult to see what is morally troubling about these arrangements, in which the fruits of social cooperation are largely denied to society's least educated members. This is a severe case of distributive injustice and, in our opinion, these concerns support much more extensive government interference in the labour market to improve the opportunities of those whose prospects are greatly hindered by their lack of education.

In this paper, however, we seek to go beyond this familiar conclusion, by exploring a less obvious but no less serious aspect of the injustice inflicted on those without any higher education. Our concern is with the fact that an individual's level of education exerts an unduly large – and, indeed, rapidly growing – influence on her life chances (Case and Deaton 2020: 50-53). It is with the fact that so many doors are bolted shut for those with only high school qualifications but held wide open for their more educated peers. More specifically, our original claim is that, in many cases, this inequality of prospects is sustained by, or amounts to, a form of wrongful discrimination against those with a comparative lack of educational qualifications. This discrimination occurs under certain conditions through the widespread practice of *credentialism*, that is, through the practice of hiring or promoting applicants on the basis of their educational qualifications.

We suspect that this conclusion will strike many readers as surprising, perhaps even highly controversial. This is because it is common to regard discrimination within the labour market on the basis of an individual's level of education as at least morally

permissible and maybe even morally required.¹ As will become apparent, though, we believe that this is a serious mistake. To this extent, our analysis not only makes a political contribution by shedding new light on a pressing injustice, but it also makes a philosophical contribution by exposing the often wrongfully discriminatory nature of theories of justice in selection that permit or require employers to choose among candidates on the basis of their level of education.

Our strategy for defending these conclusions is as follows. In Section II, we start by describing the orthodox view, according to which employers may discriminate on the basis of education when deciding whom to hire or promote. In Section III, we then draw attention to some well-established objections to the orthodox view, which justify a number of amendments. At first glance, these revisions appear minor. But we contend that, on reflection, they are much more radical since they open the door to the possibility that credentialism can be wrongfully discriminatory. In each of Sections IV and V, we then respond to an objection to our arguments. Finally, in Section VI, we conclude by briefly noting some implications of our view.

Before moving on, four qualifications are in order. First, though credentialism involves discrimination on the basis of any educational qualifications, including those earned at high school and in further education, we restrict our focus to credentialism with respect to higher education in particular. This is because the divide between those with and without a university degree is one of the brightest and starkest in many contemporary societies, and our aim is to shed new light on its significance without implying anything about secondary education. Second, we acknowledge that it is an over-simplification to assume that those with higher education always receive more favourable treatment in all labour markets (Tholen 2017). Plainly, there are industries, such as plumbing, where this is not the case. And there are significant variations between countries in the nature and extent of the advantage that higher education confers. As a general matter, however, attending university greatly enhances an individual's employment prospects. Third, it bears emphasizing that we articulate credentialism in terms of discrimination on the basis of educational qualifications, rather than on the basis of skills or talents, mostly because only the former are publicly verifiable (Williams 1998). Fourth, although our proposal for reforms gives rise to the question of who should bear the associated costs, we inevitably have to set that question aside. However, we emphasize that our proposal does not implicitly assume that a specific party, such as the employer, the state, or the successful applicant, is liable for these costs.

¹ For example, Michael Sandel asserts, without argument, that 'There is nothing wrong with hiring people based on merit. In fact, it is generally the right thing to do' (2020: 33). In this paper, we avoid referring to meritocracy, since this term is used in many different ways, which can invite confusion.

II. The Orthodox View

The orthodox view starts with the idea that, subject to various constraints (such as a concern for basic rights, the interests of future generations, and so on), we have decisive reasons to favour procedures that maximize economic output. This is because we all stand to benefit from the additional economic gains that this makes possible.² In the context of the labour market, this implies that an employer should hire or promote the candidate who is most likely to maximize economic output, which is the applicant who would perform best in a given position.³ In our world, that may be strongly (but imperfectly) correlated with an applicant's level of education.

It is straightforward to see why this view is attractive to those who endorse consequentialist accounts of justice, such as utilitarianism (Sidgwick 1907: ch. 5; Dobos 2016: 361-364; Miller 1992: 164-165). But the orthodox view can also arise from non-consequentialist, contractualist conceptions of justice that are especially concerned with the position of the least advantaged members of society (Anderson 2004; Daniel 1978; Swift and Marshall 1997). Elizabeth Anderson puts it as follows:

Suppose we had to choose principles for the allocation of jobs to job-seekers, not knowing our own talents. When we think of ourselves as job-seekers, each of us would prefer a principle of allocation that favored our own chances of getting better jobs. Since we lack personal information in the social contract, we cannot rig a principle to suit ourselves. This reflects the fact that, from the impartial standpoint of justice, we have no intrinsic reason to favor one person's interests over another's. We can only choose a principle based on our shared interests as customers or clients of the job-holders who are to serve us. And that interest is simply to be as well-served as possible, which is to say served by those whose combination of ability and motivation make them the best performers in the given job (2004: 102).

The thought here is that, when choosing a principle to govern selection decisions, each of us has reason to prefer one that facilitates the most qualified candidate being offered the role. Crucially, this is true regardless of *why* she is the most qualified. From this perspective, it is irrelevant whether the applicant was born with exceptional natural talents that led to her possession of a valuable university degree, or whether

² We set aside other ways in which to defend such procedures, such as by appeal to the idea that respect for the applicants' agency requires that an employer hire or promote the individual who would perform best in the role. For defences of this view, see Mason 2006: 56-64; Sher 1987. For responses, see Arneson 1999; Clayton 2012; Segall 2012.

³ Of course, this implies nothing about the distribution of *rewards*. Moreover, there are complications about how to understand the demands of productivity, but we set these aside for the sake of ease. For discussion, see Daniels 1978.

she happened to have parents that attached great value to her education (Anderson 2004: 102; Daniel 19782: 222; Swift and Marshall 1997: 43-44). This is because, if we lack knowledge about our own characteristics, which is what guarantees the impartiality of our decision-making in this case, then rationality will require that we assess the labour market in terms of its effects on the economy and on our lives as consumers.

As members of the economy more broadly, each of us has reason to maximize the size of the economic pie, subject to various constraints, since this is to our advantage regardless of who we end up being (Anderson 2004: 105). After all, a larger economic pie means greater national income, the creation of more valuable employment opportunities, innovation, and technological progress – all things from which we would benefit even if we turned out to be the least advantaged members of society. This provides a clear rationale, admissible to contractualists, to adopt a system in which firms hire and promote the candidates who would perform the tasks associated with the role most well.

Considering our interests as consumers generates a similar conclusion. It might be tempting to attribute this to the thought that selecting the most qualified applicant for each role leads to the production of qualitatively superior goods and services, compared to those that would be produced by less qualified applicants. For example, we might think that, if a school were to fail to appoint the best teacher, then the students would receive a lower standard of education. Similarly, if a restaurant were to fail to hire the best cook, its customers would receive less tasty dishes. On this view, the consolation for being denied a job in virtue of our comparative lack of talent is that we receive qualitatively better goods and services as consumers.

Yet this interpretation assumes that employers have a relaxed attitude to the quality of goods and services they provide. However, this is rarely the case, particularly when there is a measure of government control, as is often the case with education. Rather, the better interpretation of why our interests as consumers give us reason to prefer that the most qualified applicant be hired stems from a concern for minimizing the *costs* of production. For example, if a school were to hire someone other than the best teacher, then it would have to spend more resources on training him than would have been the case if it had appointed the better teacher. Importantly, these additional resources could have been spent on other goods and services, such as infrastructure and healthcare, from which the least advantaged members of society disproportionately benefit. Alternatively, by hiring the better teacher and by thereby spending less on his training, the state could then lower taxes, thus increasing certain individuals' disposable income.

This reasoning is not confined to goods and services provided by the state. Rather, it applies to those provided by the market as well. For instance, if a restaurant were to hire someone other than the best cook, it would have to spend resources training her

that it would not have had to spend had the better cook been appointed. In turn, this might lead to higher prices, which the consumer would then have to bear.⁴ As a result, each consumer would have fewer resources to spend on other goods and services. And, of course, the lower our income, the more we are affected by such changes in prices. This point reveals why it is a mistake to focus exclusively on differences in the *quality* of goods and services that would be available under different arrangements. Instead, one weighty reason to prefer that the most qualified candidate for each position be hired is based on a concern for minimizing the *costs* of production.

We acknowledge that there are *some* cases in which additional training will never be sufficient to ensure that the desired quality of goods and services is available. For example, we strongly suspect that no matter how much training we receive, neither of this paper's authors could ever become competent surgeons, let alone good surgeons. When this is the case, failing to hire the best candidate will always affect the quality of the service provided, and this will give us a further reason to favour a principle that facilitates the most qualified applicant being selected. We explore the significance of this point later in the paper but, for now, we emphasize only that this is not always the case. Indeed, when we consider the full range of tasks in contemporary labour markets, including those associated with unskilled- and semi-skilled work, we believe that it is rarely the case.⁵ Much more often than not, the main reason for concern with failing to hire or promote the most qualified applicant is cost-based.

On the orthodox view, then, these are the interests that we would take into consideration when settling on a principle to govern the allocation of applicants to jobs. It is these interests that give us reasons to prefer that firms appoint the best qualified candidate, particularly if we turned out to be among the least advantaged members of society. In fact, from the perspective of the orthodox view, there is some reason to believe that discriminating on the basis of educational qualifications when deciding whom to hire is not only morally permissible, but maybe even morally required. In the end, though, whether there is such a moral requirement will depend on further factors, which we do not discuss, such as whether employers have a moral permission to engage in hiring practices that predictably increase the price or decrease the quality of their goods and services.

III. The Prevalence of Credentialism

⁴ More broadly, if other restaurants are required to follow suit and spend more resources on training as well, the business environment of that society will become more costly and therefore less friendly to new businesses. This may lead to lower economic growth, as well as to a lower supply of jobs, which would disproportionately affect the least advantaged.

⁵ For discussion of some of the relevant empirics, see Tholen 2017.

Despite the initial appeal of the orthodox view, there are various cases that challenge its plausibility. Although these cases have been explored in the context of different philosophical debates, we believe that they serve as broader objections to the orthodox view. Moreover, we will argue that these cases imply that credentialism can be wrongfully discriminatory, at least under certain conditions.

III.A. Arbitrary Exclusionary Design

The first case that undermines the orthodox view is drawn from the literature on gender discrimination. As several commentators have noted, women are sometimes wrongfully discriminated against despite the hiring procedure not directly treating gender as a condition for being hired. This happens when the *structure* of a specific job has been designed in a way that for no good reason disadvantages women (MacKinnon 1987: ch. 2; Moreau 2020: 69; Perez 2019; Radcliffe-Richards 1980: ch. 4). Under these conditions, it may be appropriate to speak of *indirect* wrongful discrimination against women.

For instance, let us consider the minimum height requirements that exist for some jobs, such as in fire brigades, the police, and the army.⁶ As women tend to be shorter than men, the effect of such rules is that fewer women than men are eligible for these roles. It might seem that this requirement is *justified* and that the resulting disadvantage that women face is nothing more than an unfortunate, albeit not wrong-making, side-effect. For, given the size of the equipment that is used in these jobs, it might appear that these requirements are necessary to ensure that the tasks associated with these roles can be carried out safely. However, this alleged justification collapses once we observe that we could have structured the requirements for these jobs in alternative ways. This becomes obvious once we notice that these minimum height requirements are modelled according to the average height of men, which varies across different societies. We see this once we compare the height requirements that exist in the Greek police force to those that exist in Hong Kong, for example. While the former treats a height of at least 1.70m as a necessary condition for the job, the latter requires that police officers be at least 1.63m.⁷ This reveals why it is misleading to regard the minimum height requirements that are associated with the average height of *men* as necessary, for it *is* possible to design the equipment and the broader structure of these jobs in a more inclusive way.

Of course, once a job has been structured in an exclusionary way, redesigning it may be costly. When this is the case, the most cost-effective option is simply to hire

⁶ For discussion, see Kymlicka 2001: 379-380. It is significant that many countries have now abolished such requirements, precisely because they are indirectly discriminatory.

⁷ We note that, although the European Court of Justice has found the height requirement in Greece to amount to indirect discrimination, the requirement is still in place. We also note that Hong Kong now has a different minimum height requirement for women (1.52m), but this does not have any implications for our argument here.

someone who satisfies the relevant requirements. In effect, this means that more men would then be hired, since more men would predictably fit the description of the best qualified candidate. Yet this is clearly an unacceptable conclusion. For the fact that jobs have been shaped in ways that indirectly benefit men over women is inconsistent with the demands of gender justice. A commitment to justice therefore requires accepting some economic losses and, by extension, a costlier outcome, for the sake of making hiring practices more inclusive of women.⁸ Importantly, this remains true even if women were to benefit economically from keeping the exclusionary structures as they are, say, because of the additional economic growth that it would make possible. This is because we each have interests not only in living in an economically productive society, but also in having various employment opportunities available to us.⁹ The failure to hire women on the grounds that they are not qualified for the job when the structure of that job indirectly and for no good reason disadvantages women is therefore unjust, and it amounts to wrongful discrimination, irrespective of whether it is the most cost-effective option. Contrary to the orthodox view, this case establishes that it is sometimes not only morally permissible, but morally required to hire candidates using criteria that clash with the goal of minimizing the costs of production.

While the way in which this argument applies to practices that indirectly disadvantage women is uncontroversial, we contend that it applies to a more contentious case with equal force. This is the case of individuals whose comparative disadvantage is attributable to their lack of higher education. Such cases are prevalent in contemporary labour markets, due to the widespread practice of shortlisting or interviewing only those applicants with a given level of formal education, most typically those who possess at least a university degree (Bukodi and Goldthorpe 2019: 149-151; Green 2006: 31-32; Tholen 2017: ch. 6). In this context, the disadvantage endured by those who are indirectly discriminated against on the basis of their education is typically justified by appealing to the orthodox view. That is, these hiring practices are defended as the most cost-effective ones, on the grounds that the equipment and the broader structure of the job require a certain level of education. However, we believe that there is a structural parallel between the cases of exclusionary design that we have seen so far and some cases in which applicants are disadvantaged due to the practice of credentialism.

To see this analogy, let us focus on the fact that, just as in the example of firefighters where minimum height requirements have been structured in a way that privileges

⁸ In the long run, we might expect to recover some or all of these costs by recruiting from a pool that includes women who require less training to do the redesigned jobs. If so, then the trade-off may not be as acute as we suggest here (Mill 1965-91: 326-328; Swift and Marshall 1997: 42). Though we are sympathetic to this view, it is worth reiterating that a commitment to gender justice would require us to bear some costs even if we were sure that we could not recover all of these.

⁹ Brian Barry (1973: 86) criticizes John Rawls's justice as fairness for similar reasons.

one group of persons (in this case, men) for no good reason, when they could have been structured in a more inclusive way, the same is true in some cases of jobs that have been structured in a way that makes higher education qualifications necessary to complete the relevant tasks. The clearest such cases are those in which employers require a university degree even though this is unnecessary for the role. For instance, let us consider the examples of investment banking, consulting, marketing, sales, and administrative jobs, which typically require the possession of a higher education degree, without requiring a *specific* subject. This is because the knowledge that is actually necessary for the job is usually gained *on* the job. The same argument may apply to cases in which knowledge of some kind is required for the job, and this knowledge is typically imparted through higher education, but in which this is the case only because these jobs have been structured in this specific way. In this case, it may be possible to structure these jobs in other, more inclusive ways that do not make the possession of higher education necessary for the role. These alternative structures could have included extensive on-the-job training, for instance. Since the structures that *have* been selected indirectly and for no good reason disadvantage a certain set of persons, we can conclude that these cases are relevantly similar to the firefighter case.

The upshot of these remarks is that, just as the orthodox view is implausible in the case of structures that indirectly and for no good reason disadvantage women, it is similarly implausible in the case of jobs that have been structured in ways that indirectly and for no good reason disadvantage those with no more than a high school education. In both cases, by following the requirements of the orthodox view, we would be engaging in wrongful discrimination. With this in mind, it is highly plausible that we should be willing to bear some economic costs to improve the opportunities for those without a university degree to work in professions where, without good reason, they are currently required.¹⁰ Given our interests in having valuable employment opportunities, this is true even though doing so deprives us of some economic resources that we might otherwise put directly into the hands of those individuals.

III.B. Non-Arbitrary Exclusionary Design

At this point, a critic might object that, although the widespread discrimination against women in the labour market arose for no good reason and was unjust from

¹⁰ As in the case of women's inclusion (see fn. 9), it might be true that, in the long-run, on-the-job training schemes turn out to be more efficient than a system of credentialism. However, this depends on empirical contingencies. Where this is the case, we have additional reasons to object to credentialism. Indeed, Abhijit

the outset, this is not the case for those who are disadvantaged due to a lack of educational qualifications.¹¹ On the view we have in mind, this is because credentialism has arisen for a good reason, namely for the purpose of reducing the costs of production. If this is true, then it would seem that the analogy between structures that disadvantage women and structures that disadvantage those who lack higher education fails.

We have already argued against this objection by claiming that the prevalence of credentialism is unjustified in some jobs, where the role could have been designed in a way that would make higher education unnecessary to complete the associated tasks. However, those pressing this objection might insist that these cases are relatively rare. This is because, even when employees gain the *knowledge* that is necessary for the job while at work, we might reasonably expect those with a university degree to have attained a number of transferrable skills, such as communication and analytical skills, that improve performance. Moreover, those pressing this objection might add, possessing higher education can signal to employers that a candidate has certain valuable character traits, such as being at least minimally conscientious and self-disciplined (Caplan 2018). Of course, higher education is not necessary for the development of these skills, since some applicants with no more than a high school education may possess them as well. And similarly, the correlation between possessing a higher education degree and possessing valuable character traits is not strict, given that some graduates comparatively lack these traits, while many who lack a degree possess them, sometimes to a greater degree than graduates. But given how many applicants there are for each job, we might think that employers gain precious time from restricting the pool of applicants to those who are most likely to have these skills, namely university graduates. Thus, those pressing this objection might conclude that there *is* good reason for hiring the most educated applicant. This would further imply that the case of exclusionary structure examined in the previous subsection, which was designed in this way *for no good reason*, fails to provide an analogy for the disadvantage suffered by those with a comparative lack of education and, more broadly, that it fails to provide an argument against the orthodox view.

Moreover, establishing alternative, more inclusive structures through on-the-job-training would presumably be more costly than keeping exclusionary structures in place. The costs involved would most likely include not only the economic costs of training new employees, but also lower economic growth and national income, combined with higher prices for goods and services. This might seem to supply us with a decisive reason for designing these structures in an exclusionary way and, importantly, for upholding them once they have been designed in this way. Thus, the

¹¹ For example, Thomas Scanlon claims that a preference for hiring Ivy League graduates is not bigoted, while a preference for hiring candidates of a specific race or gender is (2008: 73).

objectors might once again conclude, in line with the orthodox view, that, even if alternative, more inclusive structures are possible, cost-based considerations provide us with a sound justification for many instances of credentialism.

To see why this objection fails to undermine our argument, let us consider a different case of wrongful indirect discrimination, which shows why the existence of cost-based reasons for exclusionary structures is not sufficient to establish that these structures are justified:

Amy has applied for a job. In order to use the computer to complete this job's tasks, she would require her employer to install disability-friendly software at some cost. Given that the employer can hire another applicant without having to bear these costs, they do so.

In this case, Amy is placed at a disadvantage *because* of her disability. Of course, this does not happen directly, as the employer does not consider disability in itself to be a ground for rejecting her application. However, she is excluded indirectly and so indirectly discriminated against on the basis of her disability. Moreover, if it *is* possible to remove the disadvantage that Amy would endure, without considerable cost, then we should conclude that the indirect discrimination that Amy suffers is wrongful. Indeed, in many jurisdictions, the law recognizes this by including disability in the list of protected characteristics against which employers ought to refrain from discriminating both directly and indirectly.¹²

In response to this suggestion, a critic might contend that the discrimination in question can be wrongful only if it is global, rather than local (Lippert-Rasmussen 2014: 39-41). On this view, it can be wrongful only if Amy is disadvantaged with respect to many jobs in the same industry rather than to one specific job. The idea is that, even if Amy is disadvantaged with respect to this specific job, she is not wronged as long as she is not disadvantaged when applying for a number of jobs in other companies. But one problem with this reply is that, unless Amy would have higher chances than other candidates in other companies, this would imply that she must tolerate having lower chances of success in that industry than her able-bodied peers. This is the case because able-bodied applicants would be competing for a greater number of jobs, while the number of jobs for which Amy would be eligible is restricted to the companies that have accessible structures. We can conclude, then, that local discrimination can remain problematic.

Crucially, Amy's case shows that indirect discrimination can be wrongful even if it occurs because a job has been structured in exclusionary terms for cost-based reasons.

¹² We assume that the indirect discrimination that Amy suffers is morally wrongful because it disadvantages her, and that laws that prevent such indirect discrimination are justified in virtue of this (Lippert-Rasmussen 2013: chs. 2 and 6). However, we recognize that this claim is controversial (Arneson 2013: 87-113).

For as we have seen in this case, the structure of the job is designed in the most cost-effective way, by using the cheapest available software that the great majority of employees would need. Unlike in the case of women, then, in the case of disability, jobs may be structured in an exclusionary way in order to reduce the costs of production. Moreover, we have seen that the structure of the job *could* be redesigned in a more inclusive way but this would come at a cost. This implies that, in order to refrain from engaging in indirect discrimination on the basis of an applicant's disability, we are required to accept greater costs in the production of goods and services.

We imagine that this is a conclusion that readers will find plausible. But the interesting point is that endorsing this conclusion reveals, once again, that the orthodox view is untenable. For we have seen that, at least in the case of disability, the requirement to refrain from engaging in indirect discrimination implies that we should sometimes prioritize inclusiveness over cost-effectiveness. That is, we should be willing to bear some economic costs to improve the employment opportunities of individuals with disabilities. Crucially, we should sometimes act in this way even if doing so deprives us of economic resources that these individuals might gain, whether directly through cash transfers, or indirectly through economic growth and lower prices. This is because, as we saw in the previous section, our concern for economic output should not take lexical priority over our concern for individuals' employment opportunities. Rather, given the centrality of employment in most individuals' lives, we have good reason sometimes to eliminate the disadvantage that individuals with disabilities endure in comparison with their able-bodied counterparts, rather than minimizing the costs of production. Contrary to the orthodox view, then, we should be willing to bear *some* costs for the sake of redesigning the structures of jobs in more inclusive ways.

This conclusion brings us back to the claim that the fate of those who lack any higher education is relevantly similar to that of those who are indirectly discriminated against in the labour market on the basis of their gender or disability. In some cases, like in the case of gender, these individuals endure disadvantage arbitrarily, meaning that there are no good reasons for the disadvantage they suffer. In other cases, they are disadvantaged for the sake of minimizing the costs of production. However, since the latter goal does not always yield decisive reasons to justify discrimination against individuals with disabilities, it is puzzling to insist that it always generates decisive reasons to justify discrimination against individuals who lack a university degree.

We can conclude, then, that the argument we have defended so far stands even in cases in which discrimination against those who lack any higher education occurs for cost-based reasons. After all, just as we should be willing to bear some economic costs to mitigate the disadvantage endured by those with disabilities in the competition for

jobs, so too we should be willing to bear some economic costs to mitigate the similar disadvantage endured by those who lack any higher education.

While this may sound controversial, we believe that the practical upshot of this result need not be particularly revisionary. As we have seen, the analogy with gender and disability leads us to the conclusion that we should redesign the structures of jobs in more inclusive terms, even if their initial exclusionary design aimed to minimize the costs of production, and even if redesigning them would require accepting some economic costs. More specifically, as our analysis suggests, we could address the problem of wrongful credentialism by greatly expanding on-the-job training schemes and other such initiatives. We return to this point in Section VI.

III.C. The Importance of Proportionality

So far, we have argued that hiring on the basis of a candidate's education is wrongfully discriminatory *under certain conditions*. Our argument relies on an analogy with two other cases in which following the orthodox view leads to wrongful discrimination against women and individuals with disabilities. However, even in these two cases, wrongful discrimination arises only under certain conditions. These are conditions in which the reasons that require governments and employers to improve individuals' employment prospects are not defeated by other considerations.

Clearly, there are some cases in which discrimination is not wrongful, even if it is deeply regrettable. These are cases in which the costs of making employment structures more inclusive are *disproportionate* in comparison with its associated benefits. This might be either because it is infeasible to create more inclusive structures or because the cost of making these accommodations is unreasonable. To illustrate the role of infeasibility, let us consider cases of severe or profound cognitive disabilities. In these cases, it may be that there is no conceivable structure of most jobs that could make them more inclusive for these individuals.¹³ While this is regrettable, it is implausible to insist that an employer who is seeking someone to fill an administrative position is engaging in wrongful discrimination by not considering individuals with profound cognitive disabilities.

Now turning to the role of reasonable accommodations, let us consider the case of an individual with a physical disability that would require exorbitantly expensive equipment in order to communicate her thoughts with others. In that case too, it may be implausible to maintain that an employer who recruits for a position that mainly requires communication with customers engages in wrongful discrimination by not providing candidates with exorbitantly expensive communication equipment.

¹³ It should go without saying that this is not the case for individuals with milder cognitive disabilities, which do not prevent them from developing a number of skills that are valuable in a great range of jobs.

We do not take this to imply that there are no duties towards those who are permissibly indirectly discriminated against on the basis of their disability. It is consistent with our claim that we should compensate individuals for this kind of disadvantage, and this might require the creation of new, specifically-designed employment opportunities. Our claim is only that the cases of discrimination that we are considering are not wrongful.

By once again relying on these analogies, we see that we should adopt a similar line of reasoning in the case of education. To be sure, there are *some* cases in which it would be infeasible or exorbitantly costly to make specific jobs more accessible to those who lack higher education. In some cases, no amount of training and resources could make certain jobs accessible to specific persons who lack the skills that a specific university degree provides. In other cases, given the level of technical skill that some jobs require, it would be extremely expensive, even if not impossible, for employers to offer the relevant training. For instance, even if employers could single out those candidates who *could* develop the medical skills that are required to be a competent surgeon, it would be unreasonable to insist that the employer engages in wrongful discrimination when choosing an applicant who is already developed these skills through years of medical school. In such cases, where the costs of not requiring higher education greatly outweigh the benefits, the indirect discrimination endured by those with no more than a high school education may not be wrongful.

Once again, however, we note that, just as in the case of women and individuals with disabilities, there is a great number of professions in which proportionality calculations lead us to the conclusion that the reasons for the inclusion of those without any higher education are decisive. These are professions in which we can greatly improve an individual's prospects with relatively cheap adjustments, perhaps with only a few months of intense supervision, for example. In these cases, the additional costs would be proportionate given the considerable benefits that they promise. Consequently, our argument against the orthodox view stands, such that placing candidates at a comparative disadvantage due to their lack of higher education can amount to a form of wrongful indirect discrimination.

IV. The Role of Responsibility

We now turn to the first of two objections that might be pressed against our argument. It comes from those who claim that there is a crucial difference between the case of higher education and that of gender or disability. In the former case, individuals *choose* whether or not they will pursue higher education, while gender or disability are (at least largely) unchosen. If we should hold individuals responsible for their choices, as most theories of distributive justice suggest, then it would seem that we should hold those who choose not to pursue a university degree responsible for the costs that they then face as a result of that choice. If correct, this would further imply that there can be no *wrongful* discrimination against those who lack higher

education qualifications, since they are morally responsible for lacking these qualifications, as well as for the consequences of this. Taking their qualifications into consideration when deciding whom to hire would then be morally permissible. In fact, given that this objection highlights the significance of responsibility, doing so may not only be permissible but also strongly preferable. This is because the choices that we responsibly make signal to others certain characteristics or ambitions that we have (Caplan 2018). As a result, it might be a mistake for employers to ignore the information that they can deduce from an applicant's responsible choice to advance her knowledge and skills through higher education. It is on this basis that our critics conclude that, once we accept that the demands of justice (including just hiring practices) are sensitive to exercises of responsibility, then our argument collapses.

However, while we agree that, as a general matter, justice should be sensitive to responsibility, we deny that this commitment is inconsistent with our argument. This is for a number of reasons. First, we have good reason to doubt the claim that, in our seriously unjust world, those who decide not to pursue higher education *are* morally responsible for that decision in the way necessary to support the objection. This is particularly questionable given that the majority of individuals who do not pursue higher education come from less advantaged backgrounds. Clearly, higher education is often costly and therefore much more readily accessible to more advantaged members of society. And even if states aim to improve accessibility to higher education by providing loans, it may still be rational (or at least understandable) for individuals from poorer backgrounds to decide against graduating with high debt, particularly given uncertainty about their labour market prospects.¹⁴ Therefore, this decision should not be taken to signal a lack of valuable character traits, such as conscientiousness or self-discipline. Since more inclusive job structures are possible at an acceptable cost, we should prefer them so as to improve the employment prospects of those individuals who choose not to attend university.

Perhaps then it may seem that, given existing background injustices, we should view the choice not to attend university as one for which an individual is responsible only if higher education is free. But even this would be too quick. To begin, even if tuition fees are eliminated, as is the case in various countries, attending university may still be prohibitively costly for students who struggle to meet their living costs. Moreover, even if all costs were eliminated, students from more privileged backgrounds would be more likely to gain places at prestigious institutions that most improve students' labour market prospects. Generally, this is either because they have already received better primary and secondary education or because they have received other benefits from their parents that influence their academic performance, such as bedtime stories or traveling experiences. As a result, given existing background injustices, we may

¹⁴ Indeed, evidence suggests that widening access to higher education has had only a very limited effect on improving social mobility (Bukodi and Goldthorpe 2019; Chetty et al. 2017).

question whether it is plausible to view an individual's decision to pursue higher education as a choice for which she is responsible, regardless of whether higher education is supported through student loans or even available for free.

In the light of these conclusions, it might seem that all that our argument shows is that we ought to favour *true* equality of opportunity and thus *fair* access to education, so that one's family background does *not* affect one's opportunities to pursue higher education. Those drawn to this view can concede that disadvantaged individuals who choose not to pursue higher education are *not* morally responsible for that choice. But they might insist that this merely reveals the familiar point that we ought to improve access to higher education, so that individuals *can* be held responsible for that choice, against a background of true equality of opportunity. They might then contend that there would be nothing wrong with credentialism if these background institutions were in place.

However, we do not think that our argument for the wrongness of credentialism is contingent on a background of unjust access to education (though such a background does make the wrongness of credentialism even more stark). Nor do we think that all that our argument implies is that states ought to make access to education truly equal (though, of course, we agree that this is important). In fact, we think that our argument remains unaffected by this objection, even against a background of fair access to higher education. More specifically, there are two reasons to be skeptical of holding individuals responsible for their lack of higher education credentials and therefore why our argument against credentialism is consistent with a broader commitment to responsibility.

The first reason is that, as we transition from our seriously unjust society to a just society that ensures fair access to education, we are faced with the problem of changing the way in which individuals are *socialized*. This problem occurs because many members of the least advantaged social groups have been wrongfully socialized to believe that, because of their socioeconomic status, higher education is simply not for individuals like them (Case and Deaton 2020: 257-258). Given psychological and sociological complexities, changing this belief is extremely difficult, even if states improve access to higher education. We therefore expect that, at least for a considerable amount of time in the transition to a just society, some individuals who are currently among the least advantaged members of society (or whose parents are among such members) would hold a deeply engrained belief that they cannot or should not pursue higher education. Clearly, the persistence of such wrongful socialization should make us skeptical of the claim that these individuals are responsible for their comparative lack of higher education credentials. Our concerns about the practice of credentialism as a case of wrongful discrimination then remain pressing.

Second, even if there were fair access to education and we were to overcome the problem of wrongful socialization, inevitably children receive very different upbringings in ways that lead to predictable variations in their likelihood of flourishing academically. In some cases, this is because the parenting they receive is characterized by emotional or physical abuse or neglect. Even setting aside the risk that this upbringing can pose for the development of mental health problems, personality disorders, and substance abuse issues, it clearly affects these individuals' likelihood of pursuing higher education. In other, less severe cases, differences can occur from more innocuous variations in approaches to parenting, such as reading bedtime stories, providing affection and validation, and the belief that the child can and should pursue educational opportunities.¹⁵¹⁶

While these differences in children's upbringing may not be unjust, they are morally troubling, and their direct impact on children's subsequent decision to not pursue higher education should make us skeptical of the claim that they ought to be held responsible for this decision by facing barriers in the labour market.¹⁷ This is especially the case since, as we have seen, it is possible to structure the labour market in alternative, more inclusive ways by introducing, for example, on-the-job-training. Importantly, unless we took 'fair access to education' to require heavy interference with the family, such differences in children's upbringing would remain even against the background of an otherwise just society with fair access to education. We therefore conclude that a concern for responsibility fails to undermine our argument against credentialism, both against the existing background of socioeconomic injustice, and against a background of fair access to education.

¹⁵ To be sure, some individuals might choose to refrain from pursuing higher education even if they have received a just socialization and fair access to education. The existence of these individuals does not prove, however, that credentialism is permissible, since it would disproportionately affect those who have *not* received a just socialization and since it would not be wise to allow employers to assess the socialization of each applicant.

¹⁶ We explore related questions in [title redacted].

¹⁷ We do not maintain that whenever an individual's choice is attributable to unfair upbringing or socialization, that is sufficient to conclude that we should not hold them responsible for that choice. However, when this is the case, we do think that there is a presumption in favour of changing the social and economic structures that lead to such outcomes. For instance, let us consider a young woman who is raised continuously hearing from her family that higher education is simply not for women, and that women belong only within the family home. If that woman ends up choosing not to attend university, despite that option being formally available to her, we should be suspect of the claim that she should rightly be deprived of the chance to join the labour force later because she should be held responsible for her choice. Yet it is impossible and undesirable fully to prevent this problem by intervening in the family and by policing the exact way in which children are brought up. For that reason, we claim, we should design labour markets in more inclusive ways. Still, we stress again that this does not imply that we should never hold anyone responsible for an act that is causally attributable to their upbringing or socialisation.

V. Protected Characteristics

Let us now turn to the second objection, according to which our analogies with other cases of exclusionary job structures fail because, unlike educational achievements, gender and disability are *protected characteristics* because they place their holders in *socially salient groups*. What makes a group socially salient is that perceived membership of it significantly affects social interactions across a wide range of social contexts. Clearly, gender and disability each qualify as socially salient characteristics according to this definition, given that each affects an individual's social interactions across a wide range of social contexts. The prevalence of direct and indirect discrimination against individuals who are disabled or not cisgender men is indeed a testament to that fact. The same is not true for possessing an odd number of eyelashes, for example, which is irrelevant in all social contexts.¹⁸ The question that is pertinent to our argument is whether we might regard a certain level of education as socially salient in much the same way as gender and disability.

It is typically assumed that an individual's educational qualifications are not a socially salient characteristic and that, for this reason, discrimination on the basis of these qualifications cannot be wrongful. Indeed, Kasper Lippert-Rasmussen has suggested that a 'focus on social salience implies that a meritocratic hiring policy does not amount to discrimination against the less well qualified' (2013: 30). Shlomi Segall similarly appeals to the idea of salient group membership to justify the role of 'alma matter' but not sex, race, or social class as a legitimate reason in hiring decisions (2012: 52-53). More recently, when commenting on (though not endorsing) the prevalence of this form of discrimination, Michael Sandel writes:

...at a time when racism and sexism are out of favor (discredited though not eliminated), credentialism is the last acceptable prejudice. In the United States and Europe, disdain for the poorly educated is more pronounced, or at least more readily acknowledged, than prejudice against other disfavored groups (2020: 95).

However, we suggest that once we examine the way in which higher education affects social relations, we see that it *should* be regarded as socially salient. For instance, let us consider the sophisticated account of socially salient groups that has recently been developed by Sophia Moreau (2020). According to Moreau, when discrimination is wrong, a crucial reason for this is that it subordinates members of some groups to members of other social groups (see also Khaitan 2015: ch. 5). There are four conditions whose satisfaction generally establishes that a specific social group is

¹⁸ Why think that we should have a list of protected characteristics in the first place? Why must we rule out wrongful indirect discrimination against those with an odd number of eyelashes, for example? Some critics contend that this is a mistake (Thomsen 2013). Our argument in this section is compatible with this critical outlook, but it does not presuppose it.

subordinated to another, thereby revealing that its members' mutual characteristic is socially salient and that discrimination against them on this basis is wrongful:

- i. The members of that group have, across a number of social contexts, less relative social and political power and less relative de facto authority than the other group.
- ii. The members of that group have, or are ascribed, traits that attract less consideration or greater censure across a number of different social contexts than the corresponding traits of the empowered group.
- iii. These traits are the subject of stereotypes, which help to rationalize the differences in power and de facto authority, the habits of consideration and censure, and the structural accommodations.
- iv. There are structural accommodations in place in society that tacitly accommodate the needs of a superior group while overlooking the needs of at least some members of the subordinate group; and these accommodations work together with stereotypes to rationalize the differences in power and de facto authority and the differences in consideration or censure (Moreau 2020: 62).

We can easily see that lacking a university degree meets each of these four conditions for social salience. First, those who lack higher education qualifications have less relative social and political power and less relative de facto authority than those who possess such qualifications. This is not confined to the social context of the labour market. Clearly, the ways in which we communicate, relate with others, our broader skills and capacity to describe, analyse, and evaluate things, situations or ideas, are typically both affected and signalled by our level of education.

Moreover, as suggested by our discussion in the previous section, lacking a university degree is a trait that attracts less consideration or greater censure across social contexts. Individuals who lack a university degree are often viewed as worthy of censure because lacking a university degree is often 'identified with patterns of action or dispositions of behavior that are perceived as worthless, or worse, as vices' (Moreau 2020: 53; Kolodny 2014: 296-297).

Relatedly, lacking a university degree is often the subject of stereotypes that further rationalize the subordination of that group. These stereotypes often label people as lazy, irresponsible, or lacking in native productive capacities. When membership in this group intersects with membership in other disadvantaged groups (as is often the case), these stereotypes compound with the stereotypes that accompany membership in those groups, thereby solidifying their subordination.

Finally, the topic of this paper is a testament to the fact that there are structural accommodations in place in society that tacitly accommodate the interests and needs of those who possess higher education, while neglecting the interests and needs of those who lack them. While, as we have seen, it *is* possible to have alternative structures that provide on-the-job-training, the job structures that are in place render a university degree necessary. These structural accommodations further work together with stereotypes, such as the ones we have mentioned, thereby rationalizing and strengthening the subordination of those who lack a university degree.

At this point, some critics might complain that our analysis has proceeded too quickly, overlooking a further difference between the various cases. In particular, someone might insist that it makes a crucial moral difference whether a significant proportion of those who possess a given characteristic identify as members of a common social group in virtue of this. On this view, what distinguishes gender and disability from education qualifications is that, whereas the former see themselves as part of a community of individuals, perhaps united by a range of common life experiences, nothing similar is true for those who are comparatively less educated.

However, even if those with less education see themselves as members of a common social group to a much lesser degree than women and those with disabilities, this should not count against the force of the former's complaints. Indeed, it strikes us as highly politically dangerous to argue that we should take a set of individuals' complaints less seriously – let alone not seriously at all – when they are voiced by those without a common identity. After all, it is precisely these complaints that are least likely to be heard and acted on, at least in the absence of robust and sustained argument of the kind that we aspire to offer.

VI. Conclusion

To take stock: we have argued that credentialism – the practice of hiring on the basis of applicants' educational qualifications – can be wrongfully discriminatory. To defend this claim, we examined the orthodox view of hiring, which seems to yield the strongest possible justification of credentialism. According to that view, hiring the most qualified candidate is permissible because we each have an interest in minimizing the costs of production. We then argued that the orthodox view fails to address cases of wrongful discrimination, such as discrimination on the basis of gender or disability, and claimed that there is a parallel between these well-established cases and the case of individuals who lack any higher education. This parallel might be challenged by invoking the relevance of responsibility or on the grounds that our educational qualifications do not constitute a socially salient characteristic, in the way that gender and disability do. We considered and responded to these worries, thereby concluding that credentialism can amount to wrongful discrimination against less educated candidates.

Two questions naturally arise at this point. The first of these concerns the distribution of the costs of restructuring the labour market to make it more inclusive to those without a university degree. We have set this question aside because our argument is not contingent on any particular view of the just distribution of the relevant costs. However, we would like to note that, on one plausible suggestion, these costs should be covered by states. At a minimum, this means that extensive government provisions and subsidies should be in place that incentivize firms to hire those who lack higher education credentials.

The second question concerns the precise implications of our argument. If employers must refrain from hiring on the basis of educational qualifications, it might seem that our argument leads to a defence of lottocratic hiring. This is not the case, however, since our argument is not in principle opposed to selecting candidates on the basis of *certain* potential or actual skills or qualifications. All that our argument implies is that educational qualifications should generally not be included in the relevant skills or qualifications, just as one's gender or disability should generally not be (directly or indirectly) so included. While there is a separate question of how exactly hiring decisions should be made, we believe that our argument suffices for the conclusion that, in cases where proportionality concerns are satisfied and provided that government support is in place, employers have a duty to refrain from discriminating on the basis of higher education qualifications, just as they have a duty to not discriminate on the basis of gender and disability. Instead, jobs should be restructured on more inclusive terms, with schemes such as on-the-job training.

An interesting question that arises is whether the duty to refrain from discriminating on the grounds of higher education qualifications ought to be enshrined in anti-discrimination legislation. While this may seem to follow from our argument, we do not think that this is necessarily the case, partly due to practical concerns. We therefore view this as an interesting question that we leave open, and restrict the implications of our argument to the urgent labour market reforms that are required by virtue of employers' and states' duties to end the wrongful practice of credentialism.

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