

# Collectivizing Justice: A Novel Argument for Quota-Based Affirmative Action

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**Abstract.** This paper offers a new argument in favour of quota-based affirmative action and a mathematical demonstration of that argument. The argument purports to show that if affirmative action is to succeed, then the use of quota-based recruitment procedures is in practice often *unavoidable*—whatever the aims and justification of affirmative action may be. A general implication of the argument is that some duties generated by individual rights or entitlements can only be discharged effectively by addressing the group to which these individuals belong. We may sometimes have to pay to the group what we owe to individuals.

By affirmative action we mean measures undertaken to increase the proportion of some smaller group  $A$  (e.g., female employees) in a larger group  $G$  (e.g., employees at a workplace). Affirmative action is typically thought of as involving the preferential selection of group  $A$  at the expense of another group  $B$  (e.g., male employees) or groups ( $B, C, D...$ ) constituting  $G$ . Justifications of affirmative action have appealed to compensatory and/or distributive justice, and/or considerations of social utility. As will be seen, our argument is of wide applicability insofar as it does not require commitment to any of these justifications. The claim is simply that whatever the motivation for affirmative action policies may be, these policies can fail to achieve an equitable representation due to the dynamic characteristics of the relative distribution of  $A$  and  $B$  within  $G$ . This is because under a small set of plausible and realistic assumptions—in particular, the assumption that members of  $A$  are more likely to quit  $G$  due to being marginalized—the intragroup distribution will be dominated by certain “points of recalcitrance” which prevent a shift towards the desired, more proportionate distribution.

Our mathematical model aims at offering a simple demonstration of the idea that group-blind hiring can conserve the advantage of the majority group. It considers two groups (say, men and women) at a workplace, and tracks their numbers in time, assuming that only three processes change them: 1) new hires, happening at group-specific rates; 2) end-of-career retirements (with equal rates across groups); and 3) premature quitting, for reasons of marginalization caused by being part of a minority at work. This means that if members of one group are substantially less numerous than the other, they will have an extra incentive to quit their jobs (the plausibility of this crucial assumption will also be discussed). As a result, if the initial fraction of one group (e.g., women) is small, then even if they are hired at equal rates with the other group, their fraction gets stuck at a significantly lower value than 50% because their minority status also increases their propensity to quit prematurely. Consequently, intragroup distribution will be dominated by “points of recalcitrance” preventing the move towards a more proportionate distribution. However, if their initial fraction is larger than a quantifiable threshold, then this propensity is sufficiently lowered so that a group-blind hiring policy will equalize the

sizes of the two groups. Moreover, under a wide range of circumstances, this equality will be stable, i.e., small deviations from this equality will be counteracted, restoring equality. For this to happen, however, the fraction of the minority group must first be pushed over that threshold, and one way to help achieve this is via quota-based affirmative action.

By way of illustration, consider the scenario represented in Figure 1 (three more scenarios are discussed in the paper). The figure shows that if the initial fraction of female employees is low (here lower than 32%), then their fraction will eventually stabilize at 12%—despite the fact that hiring rates of women and men are equal. This is because when women are a minority, they are more likely to quit their jobs prematurely. As a result, their proportion will not reach 50%.

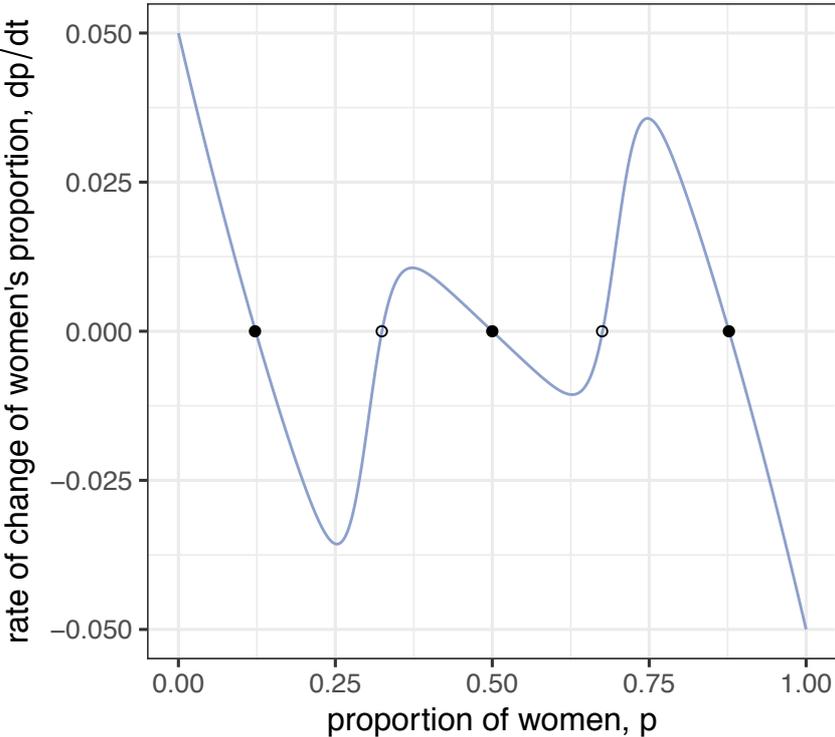


Figure 1: The rate of change of the proportion of women,  $dp/dt$ , as a function of the actual proportion  $p$ .

The surprising upshot of this model is that a hiring policy which is in principle fair can conserve the minority status of the smaller group, even if all stakeholders are committed to affirmative action. We see this finding as strongly supporting quota-based affirmative action because it shows that only preferential hiring of relatively large numbers of the minority group makes it possible to push intragroup distribution past the points of recalcitrance.

While we are not committed to any substantive theory regarding affirmative action, our finding does have some bearing on the debate concerning what is perhaps the most common objection to affirmative action, namely that it amounts to reverse discrimination. The strongest formulation of this objection is that affirmative action involves discrimination of some group (e.g., white males) because members of that group suffer a disadvantage solely based on their membership in a racial, gender, etc. group. And

conversely, members of the group targeted by affirmative action do enjoy an advantage solely based on their membership in that group. This is morally objectionable because this kind of group membership is extraneous to whether someone deserves the kind of position or resource allocated by means of affirmative action. Further, this is also objectionable because even those members of the beneficiary group who are not disadvantaged (“the African-American brain surgeon’s son”) will benefit from affirmative action, and conversely, even disadvantaged members of the “losing” group (the “white miner’s son”) will be further disadvantaged by affirmative action.

If the argument presented here is correct, then that debate is largely redundant. Our model shows is that in order to push past the points of recalcitrance, it is necessary to employ some more or less radical form of quota-based affirmative action policy. This means that justice rendered through affirmative action must be collectivized if it is rendered at all. Therefore, as long as one recognizes as valid *any* normative reason for increasing the representation of the minority group, reliance on quota-based affirmative action will be practically inescapable.