chooses to adopt or that one can ever choose to give up. The person who is denied advantages because of his race is totally unable to alter this particular circumstance of his existence and so may feel with added sharpness that his life is clouded, not merely because he is not being judged as an individual, but because of something over which he has no control at all. This makes racial discrimination peculiarly invidious.

So we have the viewpoint of the victim of racial discrimination to offset against the landlord's argument in favor, and it seems that the victim has more at stake and hence should be given preference, even if the landlord's reason for discriminating is nonarbitrary and hence in a sense legitimate. The case against racial discrimination becomes stronger still when we consider the long-term social effects of discrimination.

When members of a racial minority are overwhelmingly among the poorest members of a society, living in a deprived area, holding jobs low in pay and status, or no jobs at all, and less well educated than the average member of the community, racial discrimination serves to perpetuate a divided society in which race becomes a badge of a much broader inferiority. It is the association of race with economic status and educational disadvantages which in turn gives rise to the situation in which there could be a coloring of truth to the claim that race is a relevant ground for discriminating between prospective tenants, applicants for employment, and so on. Thus there is, in the end, a parallel between the situation of the landlord and the cake-shop owner, for both, by their discrimination, contribute to the maintenance of the grounds for claiming that this discrimination is nonarbitrary. Hence prohibition of such discrimination can be justified as breaking this circle of deprivation and discrimination. The difference between the situations, as I have already said, is that in the case of the cake-shop owner it is only a prejudice against contact with blacks that needs to be broken down, and experience has shown that such prejudices do evaporate in a relatively short period of time. In the case of the landlord, however, it is the whole social and economic position of blacks that needs to be changed, and while overcoming discrimination would be an essential part of this process it may not be sufficient. That is why, if the facts are as the landlord alleges them to be, prohibition of racial discrimination is likely to impose more of a long-term disadvantage on the landlord than on the shop-owner—a disadvantage which is, however, outweighed by the costs of continuing the circle of racial discrimination and deprivation for those discriminated against; and the costs of greater social inequality and racial divisiveness for the community as a whole....

CHAPTER 33

In Defense of Quotas
James Rachels

Affirmative action programs began in the 1960s as a way of redressing past and present discrimination against African-Americans. Later, these programs were expanded to include other groups, such as women, Hispanics, and people with disabilities.

There are two kinds of affirmative action: quotas and racially sensitive policies. Quotas set numerical requirements for admissions, hirings, or promotions. For example, a quota would be imposed on a country club if it were told to admit at least five members of a specific minority group within a year's time. Racially sensitive policies merely consider race as one factor in making a decision; no quota is imposed. For instance, some universities have policies to promote "diversity," where one kind of diversity is racial diversity. In California v. Bakke (1978), the U.S. Supreme Court ruled that quotas are unconstitutional but that racially sensitive policies are permitted.

In this selection, James Rachels specifies some conditions under which quotas seem justified. He begins by discussing an unfamiliar type of prejudice: "heightism," or prejudice against short males. An important study on height and salary came out in 2004, after this essay was written. It confirmed Rachels' belief that heightism is a serious problem—heightism, it found, affects earning power as much as racism and sexism do. However, it suggested that the problem is not prejudice against short men, as Rachels argues, but prejudice against short adolescents. Discrimination against short boys seems to permanently affect their self-esteem and economic prospects. Rachels does cite evidence for
prejudice against short men, however, so the empirical issues may not be entirely clear.

James Rachels (1941–2003) wrote and edited thirteen books, including *The Legacy of Socrates: Essays in Moral Philosophy* (2007) and *Problems from Philosophy* (third edition, 2012), which is an introduction to philosophy.

“Good sense,” said Descartes, “is of all things in the world the most equally distributed, for everybody thinks himself so abundantly provided with it, that even those most difficult to please in all other matters do not commonly desire more of it than they already possess.”

Much the same might be said about prejudice: everyone believes himself or herself to be objective and free of bias. We recognize that other people may be prejudiced, but we imagine that we ourselves see things as they really are.

But of course this is a mistake. We feel that we are unprejudiced only because we are unaware of our biases and how they work. This is true not only of bigots but of relatively open-minded people as well. It is a mistake for any of us to think that we are free of bias. Even when we are striving hardest to be objective, prejudices of all sorts can creep into our thinking without our noticing it.

To illustrate this, we may consider a type of example that does not often occur to us. We are familiar enough with prejudice based on race or gender. But those are not the only ways in which we discriminate. There is an impressive body of evidence that we are also prejudiced against people because of their height. I do not mean abnormally short or tall people—dwarfs or giants. That sort of prejudice is familiar enough. The less widely-recognized form of prejudice is against shorter people whose height falls within the normal range. Let me briefly mention some of the investigations that show this.

In one study, 140 job-placement officers were asked to choose between two applicants with exactly the same qualifications, but one was described, parenthetically, as being 6'1" while the other candidate was listed as 5'9". 109 of the recruiters judged the taller candidate to be better qualified, while only one preferred the shorter candidate. The rest of them—a mere 27 percent—recognized that the two were equally qualified.

Other studies have shown that a person's earning potential is affected more by height than by, say, educational performance. One study compared the starting salaries of male librarians between 6'1" and 6'3" with the starting salaries of male librarians less than 6'. The same comparison was then made between those who had been in the top half of their classes academically and those in the bottom half. The average difference in starting salary between the taller and shorter graduates was found to be more than three times greater than the difference between the salaries of the more and less academically gifted. Another study using a sample of over five thousand men found that after twenty-five years of pursuing their varied careers, those who were 5'6" or 5'7" were earning on average $2,500 per year less than those who were 6'0" or 6'1".

The moral seems to be: if you could choose between being tall and being smart, from a cost economic standpoint, it's better to be tall.

The same sort of prejudice influences the way we vote. Of all U.S. presidents, only two—James Madison and Benjamin Harrison—were shorter than the average height for American males at the time of their election. And since 1904, the taller candidate has emerged victorious in 80 percent of presidential elections. Another moral might be drawn: if you are trying to predict the outcome of such an election, forget the other factors and put your money on the taller man.

Prejudice against short people seems importantly different from racist or sexist prejudice, because the latter sorts of prejudice seem to be motivated, at least in part, by the fact that members of the dominant group derive advantages from the discriminatory practices. These advantages are often economic. However, this seems much less plausible where height is concerned. It seems more likely that prejudice regarding height has some other, deeper psychological source. John S. Gillis, a psychologist who has written at length about this, has speculated that the source of our association of height with ability is to be found in childhood experiences:

All of us experience a real association between height and power throughout our childhood. Adults tower over us physically as children, and they are the ones who control every single important thing in our lives. This may be the fountainhead of heightism. Each of us begins life with a dozen years or so of learning that the bigger person is more powerful and intelligent. This learning takes place not so much on an intellectual level but, more importantly, on the emotional level. Our attitudes and feelings are shaped in ways of which we are unaware.
Whatever the source of these feelings, it is clear that they have deep and long-lasting effects.

The facts about “heightism” are quite remarkable. They suggest a number of points that should be of interest to anyone who is thinking about the philosophical problem of equality, especially as it relates to the formulation and assessment of social policies. First, the studies I have cited show that prejudice can have its influence quite unconsciously. No one—or so nearly no one as makes no difference—realizes that he thinks less well of shorter people. Yet the available evidence shows that this prejudice exists, and that it is widespread. The people who are affected by it are simply unaware of it.

Second, this evidence also suggests that people are very good at rationalizing their prejudiced judgments. The men and women whose actions were studied in these investigations—those who hired, promoted, and gave pay raises to the taller candidates—were, no doubt, reasonable people who could “explain” each decision by reference to the lucky employee’s objective qualifications. No one believed that he was simply rewarding height. Yet the evidence shows that this is what was happening much of the time. The behavior induced by prejudice includes, importantly, the verbal behavior that “justifies” the prejudiced judgments.

These points, taken together, have a discouraging implication. They suggest that it is difficult even for people of good will to prevent such prejudice from influencing their deliberations. If I am prejudiced in ways that I do not fully realize, and if I am skilled at coming up with reasons to “justify” the decisions that such prejudice leads me to make, then my good intention to “think objectively”—no matter how sincerely I want to do this—may be depressingly ineffective.

The Justification of Quotas

People ought to be treated fairly. Yet we know that our assessments of people are often corrupted by prejudice. Does this make any difference in the sorts of policies that should be adopted?

Choosing Widgets. Suppose you are the president of a manufacturing company and each year in the course of your business you need a supply of widgets. Widgets vary greatly in quality, and from among the hundreds available you need to get the ten best you can find. You are not able to devote much of your own time to this task, but luckily you have an assistant who is one of the most astute widget evaluators in the land. “Examine all the available widgets,” you tell her, “and bring me the ten best.”

In the fullness of time your assistant brings you ten good widgets, and all seems well. But then you notice that all ten were made at the Buffalo Widget Works. This is odd, because you know that the Albany Widget Works makes an equally good product; and moreover, you know that the pool from which your assistant made her selection contained equal numbers of Albany widgets and Buffalo widgets. So why should the ten best all come from Buffalo? One would expect that, on average, five would come from Buffalo and five from Albany. But perhaps this was just a statistical fluke, and it will all average out over time.

The next year, however, much the same thing happens. You need ten widgets; you assign your assistant to identify the best; and she brings you nine made in Buffalo and only one made in Albany. “Why?” you ask, and in response she assures you that, even though the Albany company does make excellent widgets, most of the best available this year happened to be from Buffalo. To prove the point she gives you quite an intelligent and persuasive analysis of the merits of the widgets in this year’s pool. You are so impressed that you name her Vice President for Widget Procurement (VPWP).

In subsequent years the story is repeated again and again, with only slight variations. Each year you are told that almost all the best available widgets are from Buffalo. You begin to feel sure that something peculiar is going on. Briefly, you wonder whether your VPWP is accepting bribes from the Buffalo company, but you reject that hypothesis. She is an honest woman, and you cannot help but believe that she is using her best judgment. Then you consider whether, in fact, the Buffalo widgets are simply better than the Albany widgets. But you reject this possibility also; other experts testify that they are equally good.

Finally, you make a discovery that explains everything. It turns out that your vice president was raised in Buffalo, where there is a strong sense of civic pride, and an even stronger sense of rivalry with Albany. Children in Buffalo, it seems, have it drilled into them that everything about Buffalo is better than anything about Albany. Moreover, before coming to work for you, your VPWP worked for the Buffalo Chamber of Commerce and was in charge of promoting Buffalo products. Obviously, then, she is prejudiced, and that explains why she almost always judges Buffalo widgets to be superior.
What are you to do? You could forget about it; after all, the widgets you are getting from Buffalo are pretty good. But you don’t want to do that; it is important to you to have the very best widgets you can get. So you talk to your VPWP, you confront her with your suspicion that she is prejudiced, and you stress the importance of getting the best widgets regardless of whether they are from Buffalo or Albany. She is a bit offended by this because she is a good woman and believes herself to be impartial. Again, she assures you that she is selecting the best widgets available, and if they happen to be from Buffalo, she can’t help it. And as time passes, nothing changes; she continues to select mostly Buffalo widgets.

Now what? You are certain she is prejudiced, but because the prejudice is entirely unconscious, your VPWP seems unable to overcome it or even to recognize it. You could get a new VPWP. But you don’t want to do that, because this woman is an excellent judge of widgets, except for this one problem. Then an obvious solution occurs to you. You could simply change your instructions. Instead of saying, each year, “Bring me the ten best widgets,” you could say, “Bring me the five best Buffalo widgets and the five best Albany widgets.” She might not like that—she might take it as an insult to her ability to judge widgets impartially—but, if it is true that Albany widgets are equally as good as Buffalo widgets, this would result in your getting a better overall quality of widget, on average, year in and year out.

The VPWP might, however, offer an interesting objection. She might point out that, in carrying out your new instructions, she would sometimes have to include in the total of ten an Albany widget that is inferior to a Buffalo widget that was also available. You will have to admit that this is so. But your problem is a practical one. You can trust the VPWP to judge which are the best Albany widgets, and you can trust her to judge which are the best Buffalo widgets. But you cannot trust her to compare objectively the relative merits of a widget from one city with a widget from the other city. In these circumstances, your new instructions give you a better chance of ending up with the best overall supply. Or to put it another way: you want the best-qualified widgets to get the jobs, and the quota system you have established will see to that more effectively than the alternative method of simply allowing your VPWP to exercise her judgment.

Hiring People. In the workplace, people ought to be treated equally, but often they are not. Among the important reasons is prejudice; after all, somebody has to decide who is to be hired, or promoted, or given a pay raise, and those who get to make such decisions are only human and might be prejudiced. Social policies ought to be devised with this in mind. Such policies should contain provisions to ensure that people are given equal treatment, insofar as this is possible, despite the fact that those policies must be administered by imperfect human beings.

Of all the kinds of policies that have been devised to combat discrimination, quotas are the most despised. Almost no one has a good word to say about them. Yet the widget example suggests that, under certain circumstances, quotas can be defensible. Can a similar argument be constructed, not for choosing widgets, but for hiring people?

Suppose you are the dean of a college, and you are concerned that only the best-qualified scholars are hired for your faculty. You notice, however, that your philosophy department never hires any women. (They did hire one woman, years ago, so they have a token female. But that’s as far as it has gone.) So you investigate. You discover that there are, indeed, lots of women philosophers looking for jobs each year. And you have no reason to think that these women are, on average, any less capable than their male colleagues. So you talk to the (male) chairperson of the department and you urge him to be careful to give full and fair consideration to the female applicants. Being a good liberal fellow, he finds this agreeable enough—although he may be a little offended by the suggestion that he is not already giving the women due consideration. But the talk has little apparent effect. Whenever candidates are being considered, he continues to report, with evident sincerity, that in the particular group under review a male has emerged as the best qualified. And so, he says each year, if we want to hire the best-qualified applicant we have to hire the male, at least this time.

This is repeated annually, with minor variations. One variation is that the best female philosopher in the pool may be listed as the department’s top choice. But when, predictably enough, she turns out to be unavailable (having been snapped up by a more prestigious university), no women in the second tier are considered to be good alternatives. Here you notice a disturbing asymmetry: although the very best males are also going to other universities, the males in the second tier are considered good alternatives. Momentarily, then, you consider whether the problem could be that philosophical talent is distributed in a funny way: while the very best women are equal to the very best men, at the next level down, the men suddenly dominate. But that seems unlikely.
After further efforts have been made along these lines, without result, you might eventually conclude that there is an unconscious prejudice at work. Your department, despite its good intentions and its one female member, is biased. It isn’t hard to understand why this could be so. In addition to the usual sources of prejudice against women—the stereotypes, the picture of women as less rational than men, and so forth—an all-male or mostly male group enjoys a kind of camaraderie that might seem impossible if females were significantly included. In choosing a new colleague, the matter of how someone would “fit in” with the existing group will always have some influence. This will work against females, no matter their talents as teachers and scholars.

Finally, then, you may conclude that the existing prejudice cannot be countered by any measure short of issuing a new instruction, and you tell the philosophy department that it must hire some additional women, in numbers at least in proportion to the number of women in the applicant pool. The reply, of course, will be that this policy could result in hiring a less qualified woman over a better qualified man. But the answer is the same as in the example about the widgets. You are not trying to give women a special break, any more than you were trying to give Albany widgets a special break. Nor are you trying to redress the injustices that women have suffered in the past; nor are you trying to provide “role models” for female students. You may be pleased if your policy has these effects, but the purpose of your policy is not to achieve them. Your only purpose is to get the best-qualified scholars for your faculty, regardless of their gender. The fact of unconscious prejudice makes the usual system of simply allowing your experts—the philosophy department—to exercise their judgment an imperfect system for accomplishing that purpose. Allowing them to exercise their judgment within the limits of a quota system, on the other hand, may be more effective, because it reduces the influence of unconscious prejudice.

It is sure to be objected that people are not widgets, and so the two cases are not analogous. But they do seem to be analogous in the relevant respects. The features of the widget example that justified imposing a quota were: (1) There was a selection process that involved human judgment. (2) The result of the process was that individuals from a certain group were regularly rated higher than members of another group. (3) There was no reason to think that the members of the former group were in fact better than the members of the latter group. (4) There was reason to think that the human beings who were judging these individuals might have been prejudiced against members of the latter group. The case of hiring women faculty also has these four features. That is what permits the construction of a similar argument.

This argument takes into account a feature of the selection process that is often ignored when quotas (or “affirmative action,” or “reverse discrimination”) are discussed. Often, the question is put like this: assuming that X is better qualified than Y, is it justifiable to adopt a policy that would permit hiring or promoting Y rather than X? Then various reasons are produced that might justify this, such as that a preferential policy redresses wrongs, or that it helps to combat racism or sexism. The debate then focuses on whether such reasons are sufficient. But when the issue is approached in this way, a critical point is overlooked. People do not come prelabeled as better or worse qualified. Before we can say that X is better qualified than Y, someone has to have made that judgment. And this is where prejudice is most likely to enter the picture. A male philosopher, judging other philosophers, might very well rate women lower, without even realizing he is doing so. The argument we are considering is intended to address this problem, which arises before the terms of the conventional discussion are even set.

Of course, this argument does not purport to show that any system of quotas, applied in any circumstances, is fair. The argument is only a defense of quotas used in a certain way in certain circumstances. But the circumstances I have described are not uncommon. Actual quota systems, of the sort that have been established and tested in the courts during the past three decades, often have just this character: they are instituted to counter the prejudice, conscious or otherwise, that corrupts judgments of merit. Here is a real case that illustrates this.

In 1972 there were no blacks in the Alabama State Police. In the 37-year history of the force, there had never been any. Then the NAACP brought suit to end this vestige of segregation. They won their case in the trial court when federal district judge Frank Johnson condemned what he termed a “blatant and continuous pattern and practice of discrimination.” Judge Johnson did not, however, simply order the Alabama authorities to stop discriminating and start making their decisions impartially. He knew that such an order would be treated with amused contempt; the authorities would have been only too happy to continue as before, “impartially” finding that no blacks were qualified. So in order to prevent this and to ensure that the
Alabamians could not avoid hiring qualified blacks, Johnson ordered that the state hire and promote one qualified black for every white trooper hired or promoted, until 25 percent of the force was black.

Judge Johnson's order was appealed to the Eleventh Circuit Court, where it was upheld. Time went by while the state was supposed to be carrying out his instructions. In 1984, twelve years later, the district court reviewed the situation to see what progress had been made. Forced by the court to do so, the department had hired some blacks. But virtually none had been promoted. The court found that, among the six majors on the force, none was black. Of the 25 captains, none was black. Of the 35 lieutenants, none was black. Of the 65 sergeants, none was black. Of the 66 corporals, however, there were four blacks. The court declared: "This is intolerable and must not continue."

The state of Alabama's last hope was the U.S. Supreme Court, which heard the case and rendered its decision in 1987. By a five-to-four vote, the Supreme Court upheld Judge Johnson's orders, and the Birmingham News ran a front-page story describing the "bitter feelings" of the white troopers, who viewed the ruling as a "setback." A spokesman for the Alabama Department of Public Safety assured the newspaper, "The department will comply with this ruling." It was clear enough from the official statements, however, that "complying with the ruling" would force the department to take steps—actually promoting blacks—that it would never take voluntarily.  

The Circumstances in Which Quotas Are Justified. The imposition of a quota may be justified as a way of countering the effects of prejudice. As I have said, this argument does not justify just any old quota. Our argument envisions the imposition of a quota as a corrective to a "normal" decision-making process that has gone wrong. For present purposes we may define a normal process as follows: (1) The goal of the process is to identify the best-qualified individuals for the purpose at hand. (2) The nature of the qualifications is specified. (3) A pool of candidates is assembled. (4) The qualifications of the individuals in the pool are assessed, using the specified criteria, and the individuals are ranked from best to worst. (5) The jobs, promotions, or whatever are awarded to the best-qualified individuals.

This process may go wrong in any number of ways, of course, some of them not involving prejudice. We are not concerned here with all the ways in which things can go wrong. We are concerned only with the following set of circumstances: First, we notice that, as the selection process is carried out, individuals from a certain group are regularly rated higher than members of another group. Second, we can find no reason to think that the members of the former group are in fact better than the members of the latter group; on the contrary, there is reason to think the members of the two groups are, on average, equally well qualified. And third, there is reason to think that the people performing the assessments are prejudiced against members of the latter group. These are the circumstances in which our argument says the imposition of a quota may be justified.

Even in these circumstances, however, the use of a quota does not eliminate human judgment, and so it does not guarantee that prejudice will disappear from the equation. Prejudice is eliminated from one part of the process, but it may reappear at a different point.

Consider again the male philosophy professors who always recommended the hiring of other males. In our example, the dean concluded that the male philosophers were prejudiced. In order to reach this conclusion, however, the dean had to make the judgment that female philosophers are equally as talented as males. (Otherwise, there would have been no grounds for thinking that the philosophy department's preference for hiring males was the result of bias.) An analogous judgment had to be made by Judge Johnson. He had to assume that black people were as qualified as whites for employment and promotion in the Alabama State Police. But prejudice can infect these general assessments just as it can influence the specific judgments that were being made by the philosophy professors and the highway patrol officials.

Therefore, our argument seems to require the assumption that some people—the hypothetical dean and, more to the point, actual federal court judges—are less prejudiced than others.

This assumption, however, seems correct. Some people are in fact less prejudiced than others; that is why prejudiced decisions can sometimes be successfully appealed. In general, people who are a step removed from a decision-making process are in a better position to be unbiased, or at least to recognize their biases and act to correct them, than those who are close to the "front lines." Part of the reason is that they have less at stake personally. The dean does not have to live in the philosophy department, and the judge does not have to work in the highway patrol. Another part of the reason is that in many instances the officials who impose the quotas are better educated and are more practiced in dealing with prejudice than those on whom the quotas are imposed. Judge Johnson was one of the most distinguished
southern jurists with long experience in handling civil rights cases. The argument that I have presented does indeed assume that he was more capable of thinking objectively about what was going on, as well as about the likely qualifications of blacks, than the officials of the Alabama highway patrol. If that assumption is false, then our argument in defense of his action collapses. But I do not think that assumption is false.

Our argument has one other limitation that should be mentioned. It does not apply in the case of decisions made solely on the basis of "objective" criteria—test scores and the like—assuming, of course, that the tests really are objective and do not contain hidden bias. We can imagine procedures that, by using only such objective criteria, leave no room for the operation of prejudice. So in such cases the "normal" procedure will work well enough. The best-qualified will win out, and quotas will be unnecessary.

But such cases will be rare. Consider the range of cases that must be dealt with in the real world. Is there any decision procedure that a rational person would adopt for hiring teachers that would not disclose that an applicant for a teaching job was female? Should we be willing to hire teachers without an interview? Is there any imaginable test that one would be willing to use as the sole criterion for promotion in a police department? Would we want to eliminate the use of the assessments of those who have observed the officer's performance?

Moreover, it should also be remembered that so-called objective criteria often involve the use of tainted evidence. Suppose, in order to be perfectly impartial, I resolve to make a hiring decision using only objective criteria such as college grades. In this way I prevent any prejudices that I might have from coming into play. So far, so good. But the grades themselves were handed out by teachers whose prejudices could have come into play during the grading process.

Objectives and Replies. The quota policy mandated by Judge Johnson continues to cause controversy. Newspaper columnist James J. Kilpatrick summed up the case against the judge's order succinctly. In the process of complying with the judge's ruling, he wrote, "white troopers with higher test scores and objectively better qualifications lost out. They themselves had engaged in no discrimination. They were the innocent victims of a remedial process addressed to blacks as a group. Were those whites denied equal protection of the law?"

These familiar objections are often taken to vitiate the whole idea of quotas as such. Do they undercut the argument presented here? In the time-honored way, we may consider these objections one by one.

Object: People ought to be hired or promoted on the basis of their qualifications, and not on the basis of their race or sex. To give preference to a black merely because he is black, or to a woman merely because she is a woman, is no more defensible than to prefer a white man because he is white or male.

Reply: The whole point of the argument is that quotas may be justified as part of a plan to make sure that people are hired or promoted on the basis of their qualifications. The sort of policy that I have discussed does not involve hiring or promoting on the basis of race or gender, but only on the basis of qualifications. Quota policies are being defended, in some circumstances, because they are the most effective policies for achieving that goal.

Object: The white male who is passed over is not responsible for the injustices that were done to blacks in the past; therefore it is unfair to make him pay the price for it. As Kilpatrick pointed out, the Alabama state troopers who were not promoted were not responsible for the injustices that were done to blacks, so why should they now be penalized?

Reply: Again, this misses the point. The argument does not envision the use of quotas as a response to past discrimination, but as a way of preventing, or at least minimizing, present discrimination. Sometimes people who defend the use of quotas or other such policies defend them as only temporary measures to be used reluctantly until racism and sexism have been eliminated. It may be agreed that if racist and sexist prejudice were eliminated, there would be no need for race- or gender-based quotas. But unfortunately, despite the progress that has been made, there is little reason to expect this to happen anytime soon.

Object: To repeat the most obvious objection: Wouldn't there be some instances of injustice (that is, instances in which a less well qualified individual is preferred to a better-qualified individual) under a policy of quotas that otherwise wouldn't occur? And isn't this inherently unfair?

Reply: Of course this will inevitably happen. But the question is whether there would be fewer injustices under this policy than under the alternative of "hiring strictly according to qualifications," which
means, in practice, hiring according to assessments of qualifications made by biased judges. Some philosophers have also urged that it is not acceptable to treat someone unjustly for the purpose of preventing other injustices, but that point, even if it is correct, doesn’t apply here. The choice here is between two policies neither of which is perfect and each of which would inevitably involve some injustices. The relevant question is, which policy would involve more?

Objection: Finally, there is an objection that will surely have occurred to many readers. If our argument were accepted, wouldn’t it lead to all sorts of quotas—not only to quotas favoring blacks and women, but also to quotas favoring short people, for example? After all, as has been pointed out here, short people are also the victims of bias.

Reply: If it were possible to devise practical policies that would ensure fair treatment for short people, I can see no reason to object. However, I do not know whether there are particular circumstances in which quotas would be practicable and effective, so I do not know whether such a policy would be defensible. The problem is that prejudice against short people has never been perceived as a serious social issue; consequently it has received little study, and it is less well understood and its effects are less well documented than, say, racist or sexist prejudice. But I know of no reason to rule out in advance the adoption of policies that would counter this sort of bias.

This admission might be taken to show the absurdity of our argument. The very idea of quotas in favor of short people may seem so silly that if the argument leads to this, then the argument may be thought absurd. But why? One might well fear the intrusion of the heavy hand of government in still another area. Yet, if in fact short people are being treated unfairly—if they are singled out for unfavorable treatment because of an irrelevant characteristic—this seems, on its face, just as objectionable as any other form of discrimination and just as good a cause for corrective action. “Heightism” is not now a social issue. But it could become one.

In the meantime, those who have studied the subject have made some modest suggestions. John S. Gillis, the psychologist I quoted above, has made this form of prejudice his special concern. Here are a few of the things he proposes we do. Employers should become aware of height bias and try to ensure that it does not influence personnel decisions. (The effects of such individual efforts might be small and imperfect, but they are better than nothing.) To help break the psychological connection between height and worth, we should avoid using the word “stature” to refer to status, caliber, and prestige. Teachers should stop the common practice of lining up schoolchildren according to height, which suggests to the children that this correlates with something important. Gillis also urges that metric measurements be used to indicate height. This, he says, would help to break “the mystique of the six-footer”—being 6 feet tall is perceived as a grand thing for a man, but being 183 centimeters tall doesn’t have the same ring. These are all modest and reasonable proposals. The imposition of quotas in hiring and the like would be a much more drastic measure, which probably would not be wise until such time as heightism is established as a more pressing social concern.

Notes

2. The following information is drawn from John S. Gillis, Too Tall, Too Small (Champaign, IL: Institute for Personality and Ability Testing, 1982).
3. Gillis, Too Tall, 125.