

## **Preferential hiring and group membership**

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### §1. Four-sentence argument (summary)

1. Thomson argues that it is permissible for someone to be hired for a job in a publically supported institution from a pool of equally qualified candidates, on the basis of their group membership.
2. I argue that group membership should not be the basis of preferential hiring as one's overriding right arises from one's experience of systemic injustice, not from one's group membership.
3. Thomson might disagree, arguing that group membership is the appropriate basis for preferential hiring because it is a necessary condition which gives rise to one's overriding rights.
4. I disagree that group membership is a necessary condition, as there is a distinction between a group's claim for compensation, and a particular member's claim for compensation.

### §2. Final essay (1478 words)

A central problem in business ethics is about hiring, i.e. what criteria businesses should adopt when making hiring decisions. Thomson marries hiring ethics and public justification in her paper, *Preferential Hiring* (1973). She does this by considering a publically supported institution's hiring policies, arguing that because an institution is publically supported, said institution's hiring policies require public justification. There are important discussions about what exactly is public justification, and what principle of public justification we should adopt. For this essay, and for space, I take it that hiring policies "must

be in some sense justifiable to, or acceptable to, all reasonable citizens." (Tahzib, 2021).

Additionally, I assume that individuals are indeed compensated via preferential hiring.

Whether this assumption is true is debatable, and is an important debate. However, it remains out of scope. I argue that group membership is not the basis of preferential hiring, as one's overriding right arises from one's experience of systemic injustice, not from one's group membership. Specifically, group membership is not the basis for preferential hiring as it is not a necessary condition, but rather an incidental one. Thus, more needs to be said about why members of a wronged group should be compensated for via hiring policies.

Thomson argues that it is permissible for someone to be hired for a job in a publically supported institution from a pool of equally qualified candidates, on the basis of their group membership. She says that as long as no rights are infringed by doing so, or if a white man's right to a job is infringed, it is infringed with proper justification, i.e. by an overriding right (Thomson, 1973, p. 378). Specifically, given two equally qualified candidates, a white man, and a black person or a woman, it is permissible for us to straightaway declare for the black person or the woman because either member of such a group has experienced systemic injustice, which gives rise to an overriding right. Thomson argues that overriding rights is an acceptable public justification for preferential hiring, as reasonable members of the public would see that past or present inequalities warrant some form of compensation. Her account is developed on a limited range of scenarios, centred around the scenario where of a pool of equally qualified candidates, one candidate is white, and the other is black, or a woman (p. 382). She says "[her] concern has been only to show that the white male applicant's right to an equal chance does not make it any unjust to opt for a policy under which blacks and women are given preference." (p. 382). Implicit in her argument is that individuals belonging to these groups should be compensated, and that the group itself should be compensated. Thus, the reason why any individual has an overriding right to be preferentially hired is

because they belong to a group which has collectively experienced systemic injustice. Thus, Thomson says group membership is where an individual's overriding right stems from.

I disagree that group membership is where an individual's overriding right stems from. I argue that group membership should not be the basis of preferential hiring as one's overriding right arises from one's experience of systemic injustice, not from one's group membership. Thomson ties the need for compensation to the membership of specific groups, i.e. women and black people. She ties the need for compensation to the fact that said communities collectively have experienced injustice. This is regardless of whether a particular member has indeed experienced the injustice felt by the community. Let us suppose that she is right in implying that individuals who experience systemic injustice should be compensated, and that groups that are subject to systemic injustices should be compensated. But, these two premises do not immediately lead to the conclusion that group membership is the reason why an individual should be compensated. For instance, why did her construction of said groups factor in race or gender? What is the relevance of race and gender, given Thomson's criteria? I argue that there is no relevance. Thomson has not supplied any justification for us to consider race and gender regarding which groups should be preferentially hired, beyond the fact that the black community and women as a collective have experienced systemic injustice. The constraint of gender and race is irrelevant, in this case, as Thomson's justification arises from the experience of injustice, not because one is of a specific race, or a specific gender. Thus, I argue that Thomson's application of her justification for her thesis can be made more precise by reconstructing her groups in her scenarios. We can say that all members belonging to group G have an overriding right to be preferentially hired, if we tie membership of G to an individual's experience of injustice. It is immediately evident that G is a community that has collectively experienced injustice,

fulfilling Thomson's criteria. This reconstruction preserves Thomson's verdict while providing more precise justifications.

Thomson might disagree, arguing that group membership is an appropriate basis for preferential hiring because it is a necessary condition which gives rise to one's overriding rights. It is a necessary condition because communities, as well as individuals, experience systemic injustices. Thus, communities deserve compensation. This is where the basis of group membership stems from—from the needs of the community. She might say that my reconstruction is inappropriate, as it does not account for crucial details, e.g. that communities should be compensated. She could argue that historically, women have been discriminated against by men merely because of their gender. Similarly, racists are discriminatory towards black people, because they do not like their particular race. Thus, race and gender are morally relevant in an account of preferential hiring—because of the nature of systemic injustice. She could argue that this is where the basis of her chosen groups lie. Thus, these boundaries and partitions are created not by Thomson, but by past irrational actions and injustices. Her account merely recognises this fact by focusing on these two groups in particular. Therefore, Thomson could argue that it is appropriate for an account for preferential hiring to emphasise group membership precisely because systemic injustices are felt by communities.

I disagree that group membership is a necessary condition, as there is a distinction between a group's claim for compensation, and a particular member's claim for compensation. Specifically, if Thomson were to argue that group membership is a necessary condition because a group ought to be compensated, she needs to argue that preferential hiring compensates the group. However, in her account, she has not supplied any such arguments. This argument is non-trivial, as Simon noted in his reply to Thomson. Simon says that "it does not follow from the fact that some group members are compensated that the

group is compensated." (Simon, 1974, p. 314). He argues that if every member of a wronged group is compensated individually, the group itself is not compensated. "Rather, it would have compensated each member qua individual." (p. 314). Simon then says that if any "additional premises" were supplied, it would "count against preferential hiring as an instrument of collective compensation", as preferential hiring would limit the distribution of compensation to those who are successful in their attainment of jobs (p. 315). I note that this claim lies outside my scope, as specified in my first paragraph. However, it should be noted that he uses this claim to argue that the only relevant group to be preferentially hired is the set of people who have been "injured or victimised" (p. 314). Thus, the debate about whether group membership is a necessary condition hinges on the debate about whether preferential hiring compensates a wronged group qua collective. Implicit in Thomson's account is that preferential hiring appropriately distributes compensation to groups and individuals. It should be noted that just because Thomson has not supplied a plausible argument which argues that preferential hiring appropriately distributes compensation to groups, it does not mean that she is unable to supply one. But, since it is not immediately apparent that preferential hiring appropriately distributes compensation to groups, more must be said before we can accept group membership to be the appropriate basis of preferential hiring.

As Simon points out, there are additional questions that must be addressed about preferential hiring as a form of compensatory justice. One such question is whether markets are appropriate for distributing compensatory justice. Another concern is that if we only distribute compensatory justice via hiring policies, we restrict access to such justice to those who are successful in attaining jobs. This restriction, Simon argues, is unfair as it arbitrarily limits access to subsets of the group who ought to be compensated. Apart from these, there are fundamental questions to be addressed, such as the assumptions I have stated in the

opening paragraph. A richer account of preferential hiring would address these types of questions, and more.

### §3. Response to instructor feedback (239 words)

In my first proposal, the instructor said that the inclusion of Lim's paper, *Accommodating Autistics and Treating Autism: Can We Have Both?* (2015) was not recommended. Providing the link between Thomson's account and Lim's accommodation thesis would exceed the word count, and more importantly, detract from a focused analysis of preferential hiring. The common link between both papers is a discussion about what responsibilities companies have to their applications. While this is an important debate, and while a link can be provided, it lies outside the focus of Thomson's paper, as she does not aim to engage with this topic. I referenced Lim because I thought a good topic for this paper would be about the responsibilities a publicly supported organisation would have. Upon feedback, I reevaluated the viability of such a paper. Thus, I rescoped my essay and found other references. In light of this, my first and second sentences were rewritten. I think that this comment was instructive, as it highlighted that a good philosophy paper should be precise and clear in its analysis. This comment was also valuable as it provided specific, actionable recommendations that I could consider and follow, in order to improve my final submission. Subsequent feedback which highlighted that my arguments and examples were not directly relevant to Thomson's account, as well as the mandate for a four-sentence argument structure, guided me to a sustained argument about a specific point in Thomson's account.

### §4. AI generated text (AI tool used: Chat GPT-4o)

I've asked Chat GPT-4o to analyse the entirety of my fifth paragraph, which corresponds to the fourth sentence in my four-sentence argument. 4o says: "Your paragraph raises an important challenge to Thomson's account, particularly regarding whether

preferential hiring compensates groups as collectives. However, there is a potential objection to your claim that group membership is not a necessary condition for compensation.

By arguing that group membership is distinct from individual claims, you overlook the possibility that systemic injustice often targets individuals \*because\* of their group membership. Thomson's focus on group identity may not be reducible to a simple distribution problem but instead reflect the social reality that group-based harms create collective disadvantages, which necessitate group-based remedies. For instance, systemic injustice against women or Black individuals operates on structural levels, such as unequal access to education, professional networks, and social capital. These structural harms persist beyond individual cases and may require group-oriented solutions to address their collective impact effectively.

Simon's argument that compensating individuals does not necessarily compensate the group assumes a clear separation between individuals and groups that might oversimplify systemic injustices. Preferential hiring could symbolically affirm the dignity of historically marginalized groups while simultaneously benefiting individuals, thereby serving dual purposes. While it is true Thomson does not explicitly argue this, her framework could plausibly extend to this point.

Thus, while your critique of Thomson's lack of explicit argumentation for group-level compensation is valid, it does not fully address the potential systemic rationale for focusing on group membership. By shifting entirely to individual-based frameworks, you risk underestimating the role of group identity in perpetuating and addressing systemic injustice." (OpenAI, 2024).

#### §5. My evaluation of the AI generated text (247 words)

40 argues that Thomson's account could be extended to say that preferential hiring could serve a dual purpose, namely "symbolically affirming" a wronged group's claim to

compensation while "simultaneously benefiting individuals" (OpenAI, 2024). I argue that 4o's conclusion is not substantive, as it makes two problematic claims. First, it argues that preferential hiring benefits individuals. While this is true to an extent, I have addressed this in my final paragraph, arguing that an account of preferential hiring should not restrict the distribution of compensation to the successful attainment of jobs. Why would we want to put conditions on the attainment of compensation if all members of a wronged group deserve compensation? Would we not want everyone with claims to compensation to attain it? Needless restrictions to compensation seem irrelevant and redundant. Second, it claims that preferential hiring symbolically affirms a wronged group's claim for compensation. Suppose that this is true. Then, 4o implicitly argues that wronged groups value or appreciate symbolic affirmations. This implicit premise does not follow from any claims 4o makes. Rather, it is an assumption that serves its desired conclusion. Nowhere in my discussion of preferential hiring did I discuss the symbolic meaning of the policy. Granted, implicit in my arguments is that compensation is valuable. But I did not make such explicit claims. Furthermore, the value of compensation and what a wronged group values are distinct claims, each of which needs to be substantiated. However, 4o provides no clear arguments to that effect.



## References

OpenAI. (2024). *ChatGPT-4o* (13 May 2024 version) [Large language model].

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Tahzib, C. (2021). Does Social Trust Justify the Public Justification Principle? *Journal of Applied Philosophy*, 38(3), 461–478. <https://doi.org/10.1111/japp.12471>

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