

which distinctions count: why the Illusion of non-discriminatory education can lead to problematic consequences

Albert Scherr

This contribution starts from the assumption that it is both desirable and necessary to act against discriminatory structures and practices in school, vocational training, and higher education. However, it is argued that the chances of such efforts to succeed are structurally limited. For this reason, critical pedagogy must both take a proactive stance against discrimination within the educational system and also emphasize that education is not in a position to comprehensively compensate for the effects of social inequality and discrimination, i.e. to make real justice of opportunity possible. This is the only way to avoid an ideological instrumentalization that presents the improvement of educational opportunities as a sufficient means to ensure social justice, thus implicitly suggesting that further measures to reduce inequalities and discrimination are dispensable or at least of secondary importance.

Keywords: critical pedagogy, discrimination, education, illusion of equal opportunities, social inequalities

1. Introduction

For modern societies, the meritocratic ideal that access to social positions should not be determined by descent, but rather by the individual's own skills and motivations, is of central importance. It is easy to see and has been shown by numerous empirical studies (see for example OECD, 2018) that this promise is only kept to a very limited extent. This is because, among other things, property and wealth mostly are acquired through inheritance. Because of the huge inequalities between nation-states, citizenship, which is acquired primarily through descent, also has far-reaching consequences for the living conditions that can be achieved. Moreover, even within nation-states, a direct relationship between educational achievement, job skills and burdens, and requirements and wage levels are questionable. Nevertheless, meritocratic promises are a societally necessary "illusion of equal opportunities" (Bourdieu & Passeron, 1971) that cannot be abandoned to legitimize social inequalities. Accordingly, the ideal of equal chances is also fundamental to modern pedagogy, i.e. the idea that access to the educational system should be possible for everyone and that educational success and better or worse grades and certificates should depend solely on differences in individually ascribable motivations and abilities. In terms of the theory of social systems as developed by Niklas Luhmann, this means that the internal distinctions of the educational system (better/worse students, students with different academic interests and talents, etc.) should be decoupled from external social differences. Accordingly, modern pedagogy is based on a "homogenization of the beginning" (Luhmann, 1990, p. 73): By means of age-homogeneous groups in schools, the fiction is institutionalized that all students have the same starting conditions due to

their largely equal, age-appropriate cognitive development. Differences in school performance then are regarded as the result of processes within the educational system that refer to the individually attributable ability and willingness to meet the requirements there.

Discrimination within the education system is in clear contradiction to the principle of individual attribution of successes and failures. This is because discrimination consists in the construction and use of categorical distinctions between social groups, accompanied by the attribution of typical characteristics to those who are considered members of the respective group (Scherr, 2023).¹ In a discriminatory logic, pupils, trainees, and students are not perceived as individuals, but rather as members of a category. This categorization is accompanied by assumptions about what is typically possible, desirable, and achievable for members of this category (see Brubaker, 2006). To overcome discrimination, it is therefore necessary to override such distinctions within the educational system. The perspective of meritocratic individualism therefore necessitates that pedagogical actors and institutions eschew the supposition that the interests, performance, and legitimate aspirations of pupils and students are linked to characteristics such as gender, skin color, ethnicity, religion, race, ethnicity, religion, as well as the class position of the family.

The following argument is that it is not sufficient for the realization of a non-discriminatory pedagogy that educational professionals think and act without prejudice. It is shown that this is particularly the case because schools and universities are not able to comprehensively neutralize or compensate for the direct and indirect effects of discrimination. Considering this, it is emphasized that critical pedagogy must recognize the constraints on the ability to effectively override the effects of discrimination and achieve genuine equality of opportunity within the education system. It must therefore reject an ideology that accepts social structures of inequality outside the education system as immutable, while also ascribing to the education system the illusionary function of effectively enabling a fair distribution of positions within these structures of inequality.

The subsequent argumentation is firstly based on an analysis of sociological and educational theories and concepts related to discrimination (see Scherr, Reinhardt & El-Mafaalani, 2023). In addition, the findings from our own empirical studies on discrimination against minorities in the German education system—Sinti and Roma (Scherr & Sachs, 2017; Scherr & Brüggemann, 2023), male Muslims and Muslim women wearing headscarves (Scherr, Janz & Müller, 2015) and refugees of African origin (Scherr & Breit, 2020)—are incorporated into this analysis. In these studies, it became clear that the respective forms of discrimination are spread to different degrees, and that their grounds legitimations differ considerably. In the case of Sinti and Roma, for example, it is crucial that discriminatory attitudes and practices are based on the assumption that they are members of an educationally disadvantaged poor population whose families are unable to provide sufficient educational support for their children. In the case of Muslim women wearing headscarves, stereotypes come into play that ascribe to them an identification with a pre-modern understanding of gender relations and impute to them a lack of willingness to strive for an independent lifestyle as a modern woman. These specifics cannot be discussed here. Rather, the following is about empirically based generalizations. Nevertheless, against the background of our empirical findings, it must be taken into account that it is not enough in the training and further education of teachers to encourage them to take a general critical look at prejudices but also to critically analyze and overcome the various specific manifestations.

2. Unlearning Distinctions

The possibility of unlearning discriminatory distinctions in the education system and the effectiveness of this process are exemplified by the changes in the educational success of female and male pupils at school.² The idea of unequal talents between boys and girls has been called into question by society, and the importance of formal education for female life courses has also been recognized. As a result, gender-related inequalities in educational success at school have been overcome. Notable advancements have also been made in Germany regarding the reduction of educational disparities for migrants. This has been facilitated by the political recognition of Germany as an immigration society and of migrants as fellow citizens with equal rights (El-Mafaalani, 2023; Scherr, 2022). Against this background it seems reasonable to assume that overcoming prejudices in society and training educators to be critical of discrimination can be an important element in overcoming discrimination in the education system.

Moreover, the ideal of schools, vocational training, and universities without internal discrimination is, in principle, achievable and worth striving for, even if discriminatory distinctions are still influential in other subsystems of society. This is the case because pedagogical concepts and practices in a functionally differentiated society follow an internal logic that is distinct from that of social spheres. For example, pedagogical concepts and practices do not necessarily and directly refer to distinctions that are considered significant in other areas of society (Luhmann, 2004). The undoubtedly problematic and criticizable fact that service companies, for example, may have reasons based on economic considerations to discriminate by taking their customers' prejudices into account when hiring and allocating jobs, does not in any way imply that corresponding stereotypes must or even should be reproduced in schools (see Scherr, Janz & Müller, 2015). For instance, the fact that companies consider Muslim women wearing headscarves to be unsuitable for the position of a car salesperson because customers would doubt their competence does not imply that schools must question the scientific and technical interests and abilities of Muslim women wearing headscarves.

Schools and universities can therefore certainly see themselves as social contexts and be designed as such, within which discriminatory classifications and attributions that are factually relevant and effective in other sectors of society are not permitted to be used there. However, this does not mean that societal discrimination is without consequences for school and university learning opportunities and careers. This is because the effects of discrimination outside of schools cannot be completely neutralized and eliminated within schools and universities. Discrimination in the education system cannot be sufficiently understood solely as a consequence of the effects of discriminatory group constructions, stereotypes, and prejudices on the actions of and institutional procedures within the organizations of the education system. This is because the living conditions outside of school influence the motivations, aspirations, and abilities that become visible within schools.

3. Interdependencies between Discrimination and Education

Discrimination in the educational system is not only an effect of external influences, but also of internal structures and practices. Both sides must be considered in their interconnections. To this end, it is helpful to distinguish four levels of causal relationships (see Table 1):

Table 1

Discrimination within the education system	<ol style="list-style-type: none"> 1. Effects of discriminatory actions of educational staff and students based on stereotypes and prejudices (interactional discrimination) 2. Effects of discriminatory structures and practices embedded in the functioning of educational organizations (institutional discrimination) 3. Effects of historical and current discrimination on educational opportunities, relevant skills, and educational aspirations (direct effects of societal discrimination)
Effects of external societal discrimination	<ol style="list-style-type: none"> 4. Effects of historical and current discrimination mediated by socio-economic disadvantage (indirect effects of societal discrimination)

The significance and impact of interactional discrimination (*level 1*), such as the effects of low performance expectations of teachers on the actual performance of students—a phenomenon known as “stereotype threat” (Schofield & Alexander, 2012)—as well as the influence of stereotypes on grading, are evident and have been repeatedly highlighted in the relevant research. In more recent research, forms of discrimination have also been addressed as institutional discrimination (*level 2*), which are still effective even when teachers have no prejudices (Alvarez, 1997; Gomolla, 2023). This is the case, for example, when schools and universities regard a mother-tongue proficiency of the national lingua franca as a given, assumable normality in immigration societies and therefore have not been learned, while knowledge of heritage languages is not recognized as a relevant competence. Institutional discrimination also occurs when assumptions about the family’s ability to support a student’s further education are taken into account when determining which further educational path to recommend to a pupil or a university student. This topic is beyond the scope of this discussion. It is sufficient to note that forms of discrimination within the education system can, in principle, be overcome through the implementation of education policy measures, the appropriate qualification of teachers at universities, and the development of organizational structures that are critical of discrimination.

The situation is different for the third and fourth levels. This is because historical and current social discrimination have an impact on what is at work and visible in schools and universities as individual performance, learning motivation, and individual or family educational goals, and thus on factors that have a significant impact on educational success and failure. These are factors that can only be influenced to a limited extent by educational action and the design of educational institutions.

To comprehend the interconnections at hand, it is essential to recognize the pivotal role of the family of origin and the private social environment in shaping the educational outcomes. This is particularly evident in the acquisition and development of essential skills, such as language skills, which are acquired and developed mostly outside of educational institutions, both before and during the educational career. Secondly, unequal opportunities to support pupils and students in the acquisition of skills and in their educational careers, for example through family learning support, payment for tutoring, advice on career decisions, and financial support for attending universities, have far-reaching consequences. Thirdly, educational aspirations, i.e., ideas about which educational trajectories and careers are achievable and worth striving for, are to a large extent formed outside

the educational system in significant social relationships, such as families, communities, and neighborhoods. These aspirations are relevant because pupils and students can only achieve what they want to achieve in the education system, for what they can motivate and discipline themselves. Fourthly, these educational aspirations are not merely individual but linked to what Bourdieu called the “sense of one’s own position in social space” (Bourdieu, 1985, p. 17). This concept encompasses the ideas of social groups about what social positions the members of their own groups can and should occupy, as well as what is the appropriate and achievable position for them in the social hierarchies. (For further insight, see Scherr & Breit, 2020).

Historical and current discrimination have an impact on all these aspects. In this context it is essential to consider that educational aspirations and the sense of one’s position are by no means only the result of actual experiences and an assessment of the current social situation, but they are linked to historical experiences of one’s own family and group, which can condense into deeply rooted beliefs about what is desirable and achievable for oneself.³ When analyzing these interdependencies, both the direct effects of discrimination and the indirect effects that are mediated by the fact that discrimination typically leads to socio-economic disadvantages must be taken into account:

- In a direct way (*level 3*) this is the case, for example, when discrimination leads to the adoption of stereotypes in one’s own self-image and then to a low level of confidence in one’s own educational abilities, resulting in a lack of motivation for higher careers and an acceptance of failure as expected. Discrimination and economic disadvantage can lead to a skepticism deeply rooted in collective experiences about one’s own abilities, which requires considerable efforts to overcome.⁴
- The direct effects of discrimination in the past also affect the practical capacity to promote the educational success of the next generation. If historical discrimination included limited access to education or in low educational opportunities for the parent generation, there are few opportunities to support the educational efforts of the next generation. In this respect, our research indicates (Scherr & Sachs, 2017) that although parents are willing and able to provide emotional support for their children’s educational efforts, they are nevertheless unable to provide them with practical support in learning and competent advice on career decisions.
- Indirectly, historical and current discrimination is effective (*level 4*) by the fact that social discrimination leads to the allocation of disadvantaged positions in the structure of social classes and strata, i.e. that members of discriminated groups are often also relegated to the lower socio-economic positions. This implies that the frequently observed consequences of social class—including unemployment, low wages, substandard working and housing conditions, unequal access to social, economic, and cultural capital—continue to affect them, even if older forms of discriminatory classification and attribution have been overcome in contemporary societies.

In combination with socio-economic inequalities, historical and current discrimination can therefore lead to educational institutions being confronted with students who were or are only able to acquire relatively few educationally relevant skills before and outside school, who do not believe themselves to be successful in education, and who are therefore also unable to motivate and discipline themselves for formal education.⁵ They may be perceived as difficult students who cause educational efforts to fail. This is because the effects of structural conditions can lead to problematic behavior by individuals.

4. “Difficult Students”?

A discriminatory perspective sees this as a confirmation of common stereotypes and prejudices about collective characteristics of members of certain social groups for whose educational effects they are not responsible. I contrast an individualistic perspective, which rejects discriminatory categories and attributions and, therefore, views students as individuals in abstraction of their membership of a discriminated minority, schools and other educational institutions are then dealing with “difficult students” whose motivation they cannot sufficiently influence and whose deficits they can only compensate for to a limited extent. From the school’s point of view, they lack basic skills, a sufficient willingness to learn, and self-discipline.

If an individualistic perspective implies designing educational institutions as non-discriminatory social contexts, this can nevertheless help to avoid the pedagogical reproduction or reinforcement of social discrimination and enable experiences of equality and recognition which can foster the personal development of students. This is by no means unimportant, but it is insufficient to override the direct and indirect effects of social discrimination on learning success and careers at school.

Even if sociologically enlightened teachers and schools as institutions are critically questioning such an individualistic view: If they recognize that it is not a matter of individually attributable deficits but of the effects of discrimination in connection with socio-economic inequalities, their scope for influence is limited.

All this should not be misunderstood as a justification for a pedagogical fatalism that draws from the insight into the societal causes of educational inequalities the wrong consequence to renounce or devalue measures that can contribute to reducing risks related to discrimination and inequality. Examples of such measures are targeted support to reduce language deficits, establishing courses for additional learning support, social work assistance in schools, and pedagogical interventions strengthening the confidence of students and their parents in their own abilities. It is also demonstrably possible to reduce the impact of social background on academic success by compensating for socio-spatial effects, by improving the resources of schools in socio-economically disadvantaged districts, and by avoiding early selection for school careers (for Germany, see most recently Wößmann et al., 2024). Nevertheless, it would be illusory to believe that the far-reaching effects of historical and current discrimination and the associated effects of class situation on education can not only be mitigated but largely overcome by anti-discriminatory pedagogy and measures within the education system alone.

5. Criticism of the meritocratic ideology

Against this background, it is important to consider the problem of such a critique of discrimination which ignores structural societal inequalities and therefore runs the risk of becoming entangled in the ideology of neoliberalism. Overcoming discrimination fits with a liberalism that promises everyone equal opportunities to strive for privileged positions within the existing structures of social inequality without questioning these structures. As Nancy Fraser has shown, the concept of “progressive neoliberalism” (Fraser, 2019) is predicated on the premise of overcoming discrimination without addressing the underlying structural social inequalities between social classes and strata. Consequently, it endeavors to validate the meritocratic tenet that the distribution of social positions is just, as it is contingent solely on individual merit. Consequently, it is imperative that the education system appear to be a fair gatekeeper for access to professional careers, thereby creating the necessary illusion of equal opportunities. For this to succeed, it is necessary to demonstrate that no one is discriminated against in early childhood education and care, schools, vocational training,

and universities. This means that for societal inequality to be justified, discrimination—or at least the appearance of discrimination within the educational system—must be overcome. This means that the theoretical critique and practical overcoming of discrimination can have the paradoxical effect of contributing to the justification and thus the maintenance of inequality and injustice in societies.

However, this problem does not justify abandoning the goal of ending discrimination. It is therefore essential to organize schools as social settings in which everyone can experience equal recognition and is respected in their particularity as an individual. In addition, efforts must be stepped up to minimize the impact of social inequalities on educational opportunities at school by expanding school support programs in line with needs. If the goal of an education without internal discrimination were achieved, it would undoubtedly be a significant step forward. Nevertheless, it is essential for a critical pedagogy to emphasize in public communication that even an internally consistent non-discriminatory pedagogy can only make a limited contribution to the actual realization of equal educational opportunities and equal life chances. An illusory misjudgment of this fact would be problematic for two reasons. Firstly, it would politically contribute to ascribing an inappropriate mission to the education system, which it is unable to fulfill. At the same time, it would also tend to neglect the responsibility of other societal sectors for overcoming the direct and indirect consequences of class structures and discrimination. Secondly, on an individual level such an illusion would have the consequence of placing the responsibility for success and failure solely on the individual students and their families. Because if everyone believed that education operates really fair and just, they would also have to believe that they are responsible for their own success and failure.

Therefore, the perspective of critical pedagogy should be oriented towards actively striving for equal opportunities within the educational system as well as empowering students and their families to become aware of the significance of discrimination and class relations for their educational opportunities, in order to enable them to fend off neoliberal attributions of personal responsibility. The paradoxical message for pupils, students, and their families affected by discrimination must be: Despite fewer opportunities, make the most of them.

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1. In the following, I use discrimination as an umbrella term that encompasses different forms of racial, nationalistic, ethnic, religious, and gender-based discrimination. Racism, viewed in this way, is a specific form of discrimination that can be intertwined with and overlap with other forms of discrimination.
2. The empirical reference for the following consideration is above all the developments in Germany since the 1980s.
3. See the classic study by MacLeod (2016) which has hardly been received in German-language research to date.
4. There it was and is an important element of emancipatory movements of discriminated minorities to create and disseminate positive narratives about their own history, culture, and identity.
5. This is by no means a necessary condition and not always the case due to the complex mediation through family upbringing and socialization as well as other influences in the social environment.