

Philos 117AC, Fall 2017

Setting the Stage:

Plessy v. Ferguson; Robert R. Alvarez, Jr. "The Lemon Grove Incident"; *Brown v. Board of Education*

Main text:

Deborah Hellman, *When Is Discrimination Wrong?*

In some sense, "discrimination" is just distinguishing among people on the basis of a trait.

- We do this all the time, and it isn't always wrong. (Should children be able to drive?)
- So when and why is discrimination wrong?

Is it *always* wrong to draw distinctions on the basis of *certain* traits, such as race or sex?

- But, then, is affirmative action wrong?

Is it wrong to draw distinctions on the basis of certain *purposes*?

- Not hiring someone unqualified serves the purpose of productivity. Not wrong.
- But: not hiring women because they might have children also serves the purpose of productivity. Seems like wrongful discrimination.

Is it wrong to draw distinctions on the basis of *irrelevant* characteristics?

- Irrelevant to certain purposes? Then same problem as above.

Is it wrong to draw distinctions on grounds other than *merit*?

- Suppose we prefer local candidates to support the local community. This doesn't seem like wrongful discrimination. But do they merit it?

Is it what is wrong the *treatment* that results from discrimination?

- Sometimes the treatment is not very important, but wrongful discrimination: e.g., Mandela and short pants.
- Other times, the treatment is very important, but discrimination is fine: e.g., not hiring someone with weaker qualifications.

Discrimination wrongs:

- when it fails to treat people as of equal moral worth
- which is when it *demeans* them.
- This depends on what is *expressed*.
- This in turn depends on the social context, on culture and history. In particular, is there a history of mistreating people on the basis of this trait?
- Does not depend on its *effects* ("stigma"): whether it causes one to *feel* demeaned or causes *others* to treat one poorly
- Does not depend on what was *intended*.
 - Intending (but failing!) to demean A-name people.
 - Not intending to demean (but still doing so!) by sorting by race for photo.

Contrast other ways in which a history of mistreatment might seem to matter:

- Contributes to caste, hierarchy.
- Always outvoted in making the policies regulating treatment.

Same problem for both: Makes the victim of the wrong the group, not the individual.

Does this overlook some cases of wrongful discrimination?

1. Refusing to hire or admit candidates with A-names?
2. Hiring/admitting only likeable people?