**The Morality of Discrimination**

**Description**

Recent philosophical discussions about discrimination have focused on what makes discrimination wrongful in paradigmatic cases, such as in examples involving sexist hiring committees or racist university admissions procedures. The purpose of this course is to provide a forum within which to build upon these foundations by exploring the further complications that arise in more controversial cases of the kind that we encounter most commonly. Throughout the course, we will explore questions such as the following: Is it wrong for the manager of a nightclub to hire on the basis of an applicant’s good looks? Is it wrong for someone to choose where to live, or where to send her child to school, based upon the racial or ethnic make-up of the local population? If so, is this kind of discrimination wrong for the same reasons, and to the same degree, as discrimination in professional contexts? May the state interfere in individual’s private lives so as to minimise wrongful discrimination of this kind (assuming that it is wrongful) and, if so, which kinds of interventions are justifiable? This will require us to reflect upon whether the wrongness of discrimination varies when it intersects with concerns relating to personal autonomy, bodily integrity, privacy, and family life.

This one-week course will have three parts. First, we will spend one day surveying competing accounts of the wrongness of discrimination so as to familiarise students with existing debates in the philosophical literature. The three main candidates are, first, the ‘harm-based’ account discrimination according to which discrimination is wrong when and because it makes the victims worse-off than they would be according to a given baseline. A second position holds that discrimination is wrong when and because the discriminatory act is the product of certain bad intentions, such as when it is born out of hatred, animus, or prejudice. A third account insists that we must explain the wrongness of discrimination in terms of its objective expressive meaning or the disrespectful message that it sends.

In the second part of the course, we will spend two days investigating more controversial aspects of discrimination. The first of these two days will focus on discrimination in our private lives. We will focus on the morality of discrimination in school and residential choices, and more intimate spheres such as friendship or sexual partners. Our task is to distinguish between the types of rights that peoples have in these areas, and their implications for discrimination. The second of these two days will focus on appearance-based discrimination. In particular, we’ll examine cases in which employees’ performances depend partly on others’ reactions to their appearance, including their beauty, skin tone, height, and so forth.

For the third part of the course, we will spend two days evaluating various policy responses to wrongful discrimination. The first of these two days will focus on affirmative action; the second of these two days will focus on the state’s responses to gender discrimination.

**Preliminary syllabus**

*Day 1 Introduction: The Wrongness of Discrimination: An Overview* (Andres Moles and Tom Parr)

1. Alexander, Larry, “What Makes Wrongful Discrimination Wrong? Biases, Preferences, Stereotypes, and Proxies”, *University of Pennsylvania Law Review*, 1992, 149–219.
2. Hellman, Deborah, *When Is Discrimination Wrong?* (Cambridge, MA.: Harvard University Press, 2011), ch. 2.
3. Lippert-Rasmussen, Kasper, *Born Free and Equal?* (Oxford: Oxford University Press, 2014), ch. 6.
4. Moreau, Sophia, “What is Discrimination?”, *Philosophy and Public Affairs*, 38, 2010, 143-179.

*Day 1 (cont.):* *Discrimination in the Personal Sphere* (Tom Parr and Andres Moles)

1. Bedi, Sonu, “Sexual Racism: Intimacy as a Matter of Justice”, *Journal of Politics*, 77 (2015), 998–1011.
2. Lazenby, Hugh, “Discrimination and Love” in Lippert Rasmussen, Kasper. (ed.) *The Routledge Handbook on Discrimination* (Oxford: Routledge, 2018).
3. Lippert-Rasmussen, Kasper, *Born Free and Equal?* (Oxford: Oxford University Press, 2014), ch. 6.

*Day 2: Appearance-Based Discrimination* (Andrew Mason)

1. Mason, Andrew, “Appearance, Discrimination, and Reaction Qualifications: Appearance, Discrimination, and Reaction Qualifications”, *Journal of Political Philosophy*, 25 (2017), 48–71.
2. Lippert-Rasmussen, Kasper, *Born Free and Equal?* (Oxford: Oxford University Press, 2014), ch. 9.
3. Wertheimer, Alan, “Jobs, Qualifications, and Preferences”, *Ethics*, 94 (1983), 99-112.

*Day 3: Immigration and Discrimination* (Désirée Lim)

1. Lim, Désirée, “Selecting immigrants by skill: a case of wrongful discrimination?”, *Social Theory and Practice*, 43 (2017), 369-396.
2. Wellman, Christopher, “Immigration and Freedom of Association,” *Ethics* 119(2008), 109-41.
3. Mendoza, José Jorge, “Discrimination and Immigration” in in Lippert-Rasmussen, Kasper. (ed.) *The Routledge Handbook on Discrimination*, (Oxford: Routledge, 2018.)

*Day 4 Discrimination and Gender* (Gina Schouten)

1. Gheaus, Anca, “Gender Justice”, *Journal of Ethics and Social Philosophy*, 6 (2012), 1–24.
2. Goff, Sarah, “How to Trade Fairly in an Unjust Society: The Problem of Gender Discrimination in the Labor Market”, *Social Theory and Practice*, 42 (2016), 555–580.

*Day 5 Affirmative Action* (Kasper Lippert-Rasmussen)

1. Dworkin, Ronald, *Sovereign Virtue* (Cambridge, MA. Harvard University Press, 2000), chs 11-12.
2. Pojman, Louis, “The Case against Affirmative Action”, *International Journal of Applied Philosophy*, 12 (1998), 97-115.
3. Suk, Julie, “Discrimination and Affirmative Action” in Lippert-Rasmussen, Kasper. (ed*.) The Routledge Handbook on Discrimination*, (Oxford: Routledge, 2018.)