A Pluralist Theory of Wrongful Discrimination

Dr. Sophia Moreau (sr.moreau@utoronto.ca) Feb. 2021

(1) Discrimination as a status-based wrong

Discrimination is not always wrong. And it can be wrong for reasons that have nothing specific to do with the fact of discrimination (eg. violence against innocent people).

But when it is wrong qua discrimination, this is because fails to treat some people as the equals of others. So it is a status-based wrong.

(2) A pluralist account of when we fail to treat people as each other’s equals

We fail to treat some people as each other’s equals when we do any of the following:

(i) We subordinate some social groups to others, creating a situation where, across a number of different areas of society, certain groups receive less power, authority and deference, and there are structural accommodations in place that render these groups invisible; or
(ii) We deny some people deliberative freedoms, in circumstances where they have a right to them and others enjoy them; or
(iii) We leave some people without access to “basic goods”, goods they need if they are to be (and be perceived as) the equals of others in their society

(3) Indirect discrimination is just as serious as direct discrimination

Wrongful indirect discrimination just as serious from a moral standpoint as wrongful direct discrimination.

Both forms of discrimination can fail to treat some people as each other’s equals by doing (i), (ii), or (iii) above.

(4) We must separate blame from responsibility

Governments and social institutions have a responsibility to take the steps and spend the money necessary to ensure that individuals and groups are treated as the equals of others.

But it does not follow that they are to blame when they do not. Whether blame is appropriate depends on the institution’s position, foreknowledge, access to information, etc.

It is more productive to focus on (i) compensating the discriminatee and (ii) forward-looking remedies, rather than on blaming the discriminator.