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## Higher-Order Discrimination

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# Center for the Study of Ethics in Society



## HIGHER-ORDER DISCRIMINATION

Adrian M. S. Piper  
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Papers Presented to the Center

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# Higher-Order Discrimination\*<sup>1</sup>

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Presented to the WMU Center for the Study  
of Ethics in Society  
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\*PLEASE NOTE: This paper is excerpted from a longer, slightly different version which appears under the same title in Identity, Character and Morality, Edited by Owen Flanagan and Amelie Rorty (Cambridge, Mass.: MIT Press, 1990)





I.

By first-order discrimination, I mean what we ordinarily understand by the term "discrimination" in political contexts: A manifest attitude in which a particular attribute of a person that is irrelevant to judgments of that person's intrinsic value or competence, e.g. her race, gender, class, sexual orientation, or religious or ethnic affiliation, is seen as a source of disvalue or incompetence; in general, as a source of inferiority.<sup>2</sup> I shall call an attribute so perceived a primary disvalued attribute, and a person perceived as bearing such an attribute the disvaluee. Conversely, I shall call any such arbitrary attribute, when seen as a source of value or superiority, a primary valued attribute, and a person perceived as bearing such an attribute the valuee. By second-order discrimination, I will understand the attitude within which a primary disvalued or valued attribute in turn confers disvalue or value respectively on further attributes of the disvaluee or valuee respectively. I shall refer to these latter as secondary disvalued (or valued) attributes.

Second-order discrimination works in the following way. A disvaluee's primary disvalued















that title. Conversely, those with such primary disvalued attributes who attempt to substitute diplomacy for assertion are characterized by higher-order discriminators as manipulative, obsequious, or sycophantic. A second test for ascertaining whether or not the disvalue of some attribute of a person is to be explained as a case of higher-order discrimination is to ascertain whether there is any alternative attribute, conduct or manner, directed toward the same goal - i.e. of gaining access to unjustly withheld social advantages, that avoids or deflects the disvalue conferred by the primary disvalued attribute. If there is not - if, that is, whatever your strategy, you're damned if you do and damned if you don't, then the charge of higher-order discrimination is prima-facie justified.

Other arbitrary attributes, not just the familiar political ones, can function as primary disvalued attributes to a higher-order discriminator. Physical appearance, style of diction, social bearing, familial, educational, or professional pedigree, circle of associates, manner of dress, are among the more familiar, if less widely acknowledged, objects of higher-order discrimination. Some of these attributes are often assumed to go hand-in-hand with, or even be partially definitive of, more widely recognized



This shows that the first-order political discrimination with which we are familiar is merely a special case of a more general psychological phenomenon which is not limited to first-order political discrimination at all. However, higher-order discrimination usually includes it; for it would be psychologically unusual, to say the least, to find an individual who is in general corrupt in his evaluation of a person's other attributes in the ways just described, yet impartial and scrupulous in his evaluations of blacks, Jews, women, gays, etc. and their attributes. Someone who is apt to dislike a person because of her hair texture or accent or mode of dress can hardly be expected to be genuinely judicious when it comes to judging her gender, race, class, sexual orientation, or ethnic or religious affiliation. Hence we can expect that first-order political discrimination and higher-order discrimination in general are to be found together.

Higher-order discrimination as so far described implies a companion phenomenon, which I shall call reciprocal higher-order discrimination. Here attributes irrelevant to judgments of a person's competence or worth are seen as primary valued attributes, as sources of value which confer value on the person's secondary, tertiary, etc. attributes. Any









in seemingly unrelated tastes, preferences, and behavior.

## II.

So far I have used locutions like "seen as conferring value/disvalue on" and "by reason of its association with" to describe the relation between primary and higher-order disvalued or valued attributes, without saying in any detail in what I take that relation to consist. It does not consist in the set of beliefs held by the higher-order discriminator to the effect that

- (1)      (a) agent A has primary disvalued attribute P;
- (b) agent A has n-ary attribute N; and
- (c) P confers negative value on ... N.

(1) is faulty because of (c): Only the most perverse and unrepentant higher-order discriminator would admit - even to herself - that it is P that confers negative value on N. On the other hand, only the most absurdly consistent higher-order discriminator would affirm the belief that, in virtue of (1.a) and (1.b),





attribute from which the blemish spreads. Let us then take the following set of beliefs

- (2) (a) agent A has primary disvalued attribute P;  
(b) agent A has n-ary attribute N; and  
(c'') N, in the way in which it is borne by A, is of negative value,

plus the following stipulation

- (i) For the higher-order discriminator, A's possession of P is what in fact confers negative value on N

as characteristic of the typical, i.e. scrupulous higher-order discriminator.

What makes higher-order discriminators so scrupulous? What, that is, explains the higher-order discriminator's tendency to suppress (2.i)? Part of the answer lies in the nature of first-order discrimination. First-order discrimination can be understood as a species of pseudorationality which relies heavily on the mechanisms of rationalization and dissociation.<sup>5</sup> In rationalization, we apply a concept to something







deplore the "fact" that nevertheless there are no competent or worthy candidates bearing this attribute to be found; or hold any such candidate to a much higher standard of acceptance or performance than that he ordinarily applies, relative to which her secondary attributes can be disparaged. He may denigrate her intelligence as cleverness; or ridicule her for working too hard when she exhibits energy and commitment to her work; or disparage her professional recognition as achieved through hustling or connections.

These discriminatory responses suggest that the higher-order discriminator in fact categorizes such members of the disvalued group themselves in similarly demeaning terms with respect to their primary attributes, but experiences a conflict of conscience about doing so. Faced with the conflict between first-order discriminatory habits of thought and the dictates of conscience, the higher-order discriminator exercises denial, above all in order to avoid this conflict, by eradicating its source from awareness. The higher-order discriminator often fails to acknowledge the very existence or presence of members of the disvalued groups, in order to circumvent his own, first-order discriminatory responses to them.<sup>7</sup> For instance, he may ignore or

fail to acknowledge a disvaluee's contribution to a general discussion, or respond to that contribution as though someone else had made it. Or he may relegate a disvaluee to marginal or peripheral tasks in a professional setting. Or he may simply ignore the disvaluee altogether, avoiding all social interaction not strictly required by social or institutional obligations. In behaving in this fashion, the higher-order discriminator does not give vent to any sort of malevolent impulse. His aim is not to insult or injure the disvaluee in any way. Rather, his aim is to avoid the painfully conflicting feelings - of disgust or contempt on the one hand, and the pangs of conscience on the other - that acknowledgement of the disvaluee provokes.<sup>8</sup>

When social or institutional obligations make denial of the disvaluee's presence impossible, denial of (at the very least) her primary disvalued attribute, and of its perceived disvalue, supplies a second-best resolution to this conflict of conscience: Denial of the disvaluee's primary disvalued attribute suppresses from awareness the discriminatory habits of thought elicited by it, hence similarly preserves consistency, by placating the requirements of conscience. This is why the higher-order discriminator tends to suppress











out at the offender. This analysis by itself does not, I think, cover all cases of anger; nor does it explain the origins of simple first-order discrimination. But it does provide insight into why higher-order discriminators, like simple first-order discriminators, are apt to become so angry, so often, at imagined slights from seemingly arrogant disvaluees. The more inferior one feels, the more expressions of esteem one requires. And the more inferior one perceives a disvaluee to be, the more elaborate the disvaluee's expression of esteem of one is required to be. Whereas a friendly nod from a perceived superior is sufficient to transport one to a state of grace, anything less than a full-length obeisance from a perceived inferior appears to be an insult.<sup>13</sup> In all such cases, irascibility regularly directed at particular members of disvalued groups should not be dismissed as simply an idiosyncrasy of character, even if it is not intentionally directed at members of disvalued groups as such. It is, nevertheless, an overt expression of higher-order discrimination.

A second, related example of behavior and judgments distorted by higher-order discrimination is the treatment of disvaluees in a way that would constitute a clear insult or faux pas, if the person so







members of one's own community in fact practice among themselves. Any violation of these standards by the disvaluee then creates an irradicable moral blemish to which the valuees are invulnerable, by reason of their status as valuees. These cases express quite clearly the conviction that disvaluees just do not have quite that same status, hence are not to be subject to the same standards of treatment, as members of one's recognized community - at the same time that the higher-order discriminator vehemently and in all honesty denies that any such discrimination is taking place. Indeed in all of these examples, the higher-order discriminator may sincerely deny that the person's race, gender, class, sexual orientation, ethnic or religious affiliation, etc. arbitrarily influences his evaluations, when his behavior shows patently that they do.

### III.

There are many forces that may intensify higher-order discrimination and its social consequences. Among them are, first and foremost, complicitous institutional practices. Individuals in positions of responsibility often rank their personal and social allegiances ahead of their professional obligation to protect disvaluees from the pernicious

effects of higher-order discrimination. Or they effectively reward higher-order discrimination, by regularly interpreting instances of it as expressions of professional autonomy, and refusing in principle to scrutinize suspected instances of it, on the grounds that doing so would be unwarranted interference in an organization's internal affairs. These institutions often comply with the letter of antidiscriminatory policies, by hiring members of disvalued groups to temporary positions of high public visibility. Since such individuals are regularly replaced by other, equally competent but equally transient members of the same disvalued group, that group's visibility within the institution can be maintained, without infiltrating the entrenched system of discrimination through permanent or seniority status. This is to abdicate the responsibility for enforcing those antidiscriminatory policies to which such institutions publicly claim to be committed.

Second, there is the intellectual resourcefulness of the higher-order discriminator: Someone who is in fact deeply invested in the disvaluational status of some primary attribute may always recruit some further, equally irrelevant attribute to explain her seemingly irrational judgment, and thus deflect the charge of higher-order

discrimination: It may be said, for example, that the disvalued attribute is not a person's race, gender, class, sexual orientation, ethnic or religious affiliation, etc., but rather his inability to "fit in," to "get along with others," or "be a team player." This is a particularly familiar and dependable response, because the evidence for ascribing this attribute may be materially coextensive with the evidence for disvaluing the primary attribute at issue: Since the disvaluee is in theory held to the same standards of conduct that govern others in the community, but in fact expected to conform to different ones, tailored to his disvalued status, his inability to "fit in" can be guaranteed at the outset.<sup>15</sup>





fooling themselves.



person's value or competence, e.g. as a role model in a classroom, or to provide a unique and needed perspective in a business venture or court of law. I restrict the discussion to consideration of intrinsic value or competence as determined by principles of justice and equality. The contrast is with instrumental value or competence in furthering some specified social or institutional policy, of the sort that would figure in arguments that would justify, e.g., refusing to sell real estate in a certain neighborhood to a black family solely because doing so would lower property values, or hiring a woman to a professional position solely in order to meet affirmative action quotas, or refusing to serve Asians at one's family diner solely because it would be bad for business. Whether these should be included under the rubric of first-order discrimination, hypocrisy, prudence, or mere moral pusillanimity is too large a topic to address here.

<sup>3</sup>Of course there are other, more convoluted cases of higher-order discrimination that represent epicyclic variations on the straightforward cases I shall be examining. For example, being black may wildly exaggerate the value attached to classical styling in a black dancer, if classical styling is perceived as something the person had to overcome





positively reform the higher-order discriminator's prejudicial attitude toward the person's primary disvalued attribute: Someone who sincerely respects and admires a disvaluee for nonstereotypical reasons, without feeling threatened or invaded, has already begun to weaken the psychological edifice on which her discriminatory evaluation of the person as a disvaluee is based.

<sup>5</sup>I discuss the concepts of pseudorationality, rationalization, dissociation, and denial at greater length in "Two Conceptions of the Self," Philosophical Studies 48, 2 (September 1985), 173-197; reprinted in The Philosopher's Annual VIII (1985), and "Pseudorationality," in Brian McLaughlin and Amelie O. Rorty, Eds., Perspectives on Self-Deception (Berkeley: University of California Press, 1988).

In characterizing first-order discrimination in terms of rationalization and dissociation, I mean to describe the actual behavior of simple first-order discriminators. If it is true, as some have suggested, that first-order discrimination is symptomatic of a repressed attraction to a disvalued attribute, or fear that one has it (e.g. blacks' uninhibitedness, women's sensitivity), then the explanation of first-order



phenomenon, noted by Schuman, Steeh, and Bobo (Racial Attitudes in America: Trends and Interpretations (Cambridge, Mass.: Harvard University Press, 1985), that in the last twenty years, white support for the principles of equality and fairness for blacks have increased, concurrently with white opposition to the implemenation of those principles.

<sup>8</sup>Denial of a person's presence as a way of avoiding conflicting feelings about them is fairly common. A very handsome man may be the object of denial, when others' feelings of attraction to him conflict with their conviction that these feelings are inappropriate; a very fortunate or charismatic person may be the object of denial, when other's feelings of envy or resentment conflict with a similar conviction. Or a homely person may be the object of denial when other's feelings of repugnance conflict with their kindness or social good will. Higher-order discrimination is most analogous to this last-described case.

<sup>9</sup>Here I think it would be wrong to interpret the higher-order discriminator as concerned with personal problems and not with social ones. Rather, the higher-order discriminator belittles the importance













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