Kasper Lippert-Rasmussen


In this book, Kasper Lippert-Rasmussen offers a detailed and compelling account of discrimination. Lippert-Rasmussen sets out to answer three key questions about discrimination, and the book is divided into three parts which tackle each in turn. First, he asks a conceptual question: what is discrimination, and what different types of discrimination are there? Second, he asks a normative question: why is discrimination wrong (when it is wrong)? Third, he asks an important practical moral and political question: what is to be done about discrimination?

There is much to admire in this work. It is impressive in its ambition, in the way that it carefully deconstructs issues and positions, and in the care, clarity, and inventiveness with which they are examined. It builds an original, comprehensive, and persuasive account of discrimination, but the author is refreshingly honest about the central difficulties he identifies in the account offered. In this review I wish to focus particularly on the relationship between the first, conceptual, part, and the second part, in which the wrongness of discrimination is discussed. Consequently, I will have little to say about the third part, so I should emphasise at the outset that I found this last part extremely interesting and fruitful to engage with (and, interestingly, much of it does not rely on Lippert-Rasmussen’s own normative account).

In the first two parts of the book, Lippert-Rasmussen takes what I will call a ‘concepts first, morals second’ approach. That is, he first seeks to identify what discrimination *is*, and then to look at what makes it wrong. Lippert-Rasmussen begins with the concept of ‘differential treatment.’ Some, but not all, differential treatment is discriminatory. Some, but not all, discrimination is wrongful (by which Lippert-Rasmussen means pro tanto wrongful). Finally, some, but not all, wrongful discrimination is impermissible (pp. 1–2). So, first, Lippert-Rasmussen must provide an account of what discrimination is, and must (seemingly) do so without relying on claims or intuitions about wrongfulness.

Lippert-Rasmussen provides an account of discrimination as differential treatment of socially salient groups. But I am not sure exactly what status he accords to the account. On the one hand, he appears to view various accounts of discrimination as in competition, and points out various ways in which his is better than other accounts, and ways in which those other accounts seem to fail. Yet, on the other hand, he seems to shy away from declaring that it is the proper or best way to understand discrimination: ‘I am not claiming that
this is the only concept of discrimination we have...or that it is, in some sense, the correct concept of discrimination’ (p. 46, see also p. 6, p. 47n76), and he proposes merely to give his account ‘special weight’ (p. 14), and to use it as the basis for the rest of the book.

Lippert-Rasmussen claims that his ‘social salience’ account has various advantages (pp. 33–36). One is that ‘almost all groups on whose behalf the charge of being discriminated against is voiced are socially salient groups’ (p. 33). But I cannot see the significance of this is. First, Lippert-Rasmussen himself notes that there are types of discrimination which we do not identify or discuss as such (pp. 39–40). Second, Lippert-Rasmussen’s account is a non-moralised one, but people only level a ‘charge’ of discrimination when they feel that wrongful discrimination has occurred. Third, voicing and organising political opposition to discrimination is only likely to occur where there is an identifiable pattern of discriminatory actions, and there is the social and political will and organisation to do so, so it is not surprising that the political focus is on discrimination against socially salient groups. But this doesn’t make idiosyncratic differential treatment (like discrimination against those with green eyes) non-discrimination. For sure, we want our concept of discrimination to include these politically important types of discrimination, but it doesn’t follow that we should want it to be limited to them.

In general, it is difficult to see the precise relationship between the conceptual and moral enquiries (see pp. 47–49 for discussion). The conceptual enquiry is logically prior, but at times Lippert-Rasmussen seems to allow his moral views to influence or justify the way in which he carves up the conceptual space (e.g., pp. 33, 59–60, 168–169). There seems to be an attempt to achieve some kind of reflective equilibrium between the conceptual and the moral story (pp. 48–49), but this places competitors of both at a disadvantage – the conceptual competitors don’t fit as neatly with his moral account, the moral competitors don’t fit as well with his conceptual account. Perhaps we should simply see the whole thing as a package, to be taken or left together, but this is not how Lippert-Rasmussen presents things – the accounts are presented separately, and compared with their respective competitors.

At the very least, the moral enquiry seems to drive the importance of the conceptual enquiry: one of the chief reasons for engaging in the conceptual enquiry is that ‘in order to know what makes discrimination morally wrong... we need to know which non-moral properties discrimination have’ (pp. 13–14, see also p. 48). And yet at times, it seems like the conceptual enquiry is unrelated, and, perhaps, morally-speaking, unimportant. For example, when we come to consider genetic discrimination, Lippert-Rasmussen informs us that, while many people think of this as discrimination, it is not discrimination on