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*Higher-Order Discrimination*  
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This discussion treats a set of familiar social derelictions as consequences of the perversion of a universalistic moral theory in the service of an ill-considered or insufficiently examined personal agenda.<sup>1</sup> The set includes racism, sexism, anti-Semitism, homophobia, and class elitism, among other similar pathologies, under the general heading of *discrimination*. The perversion of moral theory from which these derelictions arise, I argue, involves restricting its scope of application to some preferred subgroup of the moral community of human beings. Those who try to justify rejection of the stringent requirements of universalistic moral theory on the grounds that it is too demanding, distant, or alienating properly to govern our behavior often mean to restrict its scope of application to one's friends, family, colleagues, and loved ones without regard to whom, in particular, such a subgroup includes. The following analysis of higher-order discrimination suggests that we often select the individuals who constitute such subgroups for reasons that we ourselves would reject on moral grounds were we to examine them carefully, but that we choose instead to put our rational resources in the service of avoiding any such examination at all costs. The implication is that arguments that truncate the scope of moral theory in fact justify bestowing the gift of moral treatment on a select few who deserve it no more than the many from whom we withhold it. Therefore, it would be precipitous to conclude that universalistic moral theory can be legitimately restricted in its practical scope of application in any way at all.

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### 1. Reciprocal First-Order Discrimination

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 noninstrumental value or competence, e.g., her race, gender, sexual orientation, class background, 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 seen as a source of value or superiority a *primary valued attribute*, and a person perceived as bearing such an attribute the *valuee*.

Instances of first-order discrimination are familiar targets of moral condemnation because they disvalue individuals for having attributes perceived as primary disvalued attributes that are not in actuality sources of disvalue. But how should we evaluate what I will call *reciprocal first-order discrimination*, in which the attribute is perceived as a primary *valued* attribute and its bearers elevated accordingly? Are such attributes ever relevant to judgments of a person's noninstrumental value or competence? Take the case in which we are particularly drawn to befriend a valuee with whom we share a similar ethnic background because we expect to have more in common (lifestyle, tastes, sense of humor), share similar values, or see the world from a similar perspective. In this kind of case the primary valued attribute is not, say, being Jewish but rather having the *same* ethnic background, whatever that may be. Is similarity of ethnic background an attribute that is relevant to our judgments of how valuable the valuee is as a friend? No, for it does not form any part of the basis for such a judgment. That a friendship is better, richer, or more valuable in proportion to the degree of similarity of the friends' ethnic backgrounds is a judgment few would be tempted to make.

In these cases it is not the valuee's similar ethnicity itself that is the source of value but rather the genuinely valuable attributes - for example, similarity of values or worldview - with which we expect similar ethnicity to be conjoined. Rather than making a *normative* judgment about his value or

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<sup>2</sup> I restrict the discussion to consideration of *noninstrumental* 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., hiring a black person to provide a role model in a classroom or to provide a unique and needed perspective in a business venture or court of law, refusing to sell real estate in a certain neighborhood to a black family solely because doing so would lower property values, hiring a woman to a professional position solely to meet affirmative action quotas, or refusing to serve Asians at one's family diner solely because it would be bad for business.

competence as a friend in this case, we in fact make an *epistemic* judgment about the probability that because of the valuee's ethnic identity, he will bear attributes susceptible of such normative judgments. These epistemic rules of thumb are defeasible and may have disappointing consequences for personal relationships. For they ascribe primary value to a kind of attribute at the expense of others that are in fact more important for friendship - like sensitivity, similarity of tastes or experiences, and mutual respect - with which that kind of attribute is only contingently, if ever, conjoined. (Presumably something like this may explain the malaise of someone who has chosen all the "right" friends, married the "right" spouse, and landed the "best" job yet feels persistently unhappy, disconnected, and dissatisfied in his social relationships.)

If similarity of race, gender, sexual orientation, class background, or religious or ethnic affiliation are in themselves irrelevant to judgments of a person's noninstrumental value or competence, primary valued attributes such as being of a particular race, gender, etc., are even more obviously so. At least it has yet to be demonstrated that any *particular* racial, ethnic, gender, class or religious group possesses the attributes necessary for, e.g., friendship to an outstanding degree.<sup>3</sup> Epistemic probability judgments about the concatenation of any such primary valued attributes with genuinely valuable traits, such as sensitivity or similarity of interests, may also bias our ability to perceive clearly the attributes a particular individual actually has, as when a wife minimizes the reality and seriousness of her husband's physical abuse of her because of the weight she accords to his class background. This would be a case of reciprocal first-order discrimination, according to the above definition, because she sees as a (compensating) source of superiority a primary valued attribute, class background, that is irrelevant to judgments of the valuee's noninstrumental value or competence as a spouse.

It might be objected that we need such epistemic rules of thumb, however irrational or poorly grounded, in order to survive in a world of morally opaque others. How *ought* we behave, for example, alone in a subway car with four black male teenagers carrying ghetto blasters and wearing running shoes? However, while we may need rules of thumb to get along in the world, it is fairly obvious that we are not getting along all that well in the world with the rules of thumb we have. Even if it were true that most muggers were black male teenagers in running shoes, it still would not follow that most black male teenagers in running shoes were muggers. It might be a mistake on quite a

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<sup>3</sup> The thesis that women make better friends is often supported by arguments to the effect that they *become closer confidants more quickly*. But there are many other attributes that contribute to friendship - e.g., trustworthiness, loyalty, dependability, honesty, mutual respect, etc. - that such arguments do not address.

large scale (as self-fulfilling prophecies often are) to react to every such person we encounter as though he were. The consequences of acting on the rules of thumb on which we now tend to rely do not inspire sufficient confidence to warrant our continued unquestioning allegiance to them.

Alternately, one may make a judgment of value about some such attribute abstractly and independently considered. One may value being black, or of working class origins, for its own sake. Or one may choose a partner from the same religion because one views that religion and its traditions themselves as intrinsically valuable, independently of one's partner's compatibility with respect to lifestyle, values, or worldview. Here the judgment of value is directed not at the valuee's value or competence but rather at the attribute he bears, to the preservation of which one's choice of him is instrumental. Nothing in the following discussion addresses or precludes such judgments, although there is much to say about them. My target is judgments of noninstrumental value about individuals, not about attributes of individuals abstractly and independently considered.

Is it humanly possible to value a person just because she bears some such primary valued attribute - not because of the further attributes with which we expect that one to be conjoined but just for the sake of that attribute in itself? It is difficult to make sense of this. Suppose that I value Germanness because the Germans I have known tend to have deep passions and an amusingly fatalistic sense of humor and that I then meet a shallow and phlegmatic German with no sense of humor at all. In the absence of other, unexpectedly attractive personality characteristics I may appreciate, just what is it about being German *in itself* that is supposed to confer worth on this particular individual? Either we must be able to spell out an answer to this question in terms of other attributes that are only contingently connected, if at all, to this one - e.g., having been socialized within a certain culture "from the inside," being part of a certain historical tradition, etc. - or else we are appealing to a mysterious and ineffable, nonnatural quality of Germanness.<sup>4</sup> Then suppose that there are such qualities and that we may arguably appeal to them. To what degree might Germanness outweigh the person's other attributes that,

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<sup>4</sup> For purposes of this discussion I ignore the range of cases in which my valuation of, e.g., Germanness is rooted in the status or worth I expect my choice of German friends to confer *on me*. This kind of case occurs both in situations in which the valued attribute is one shared by oneself and in those in which it is not. Thus it may happen that one's choice of a white, Anglo-Saxon Protestant spouse is made in part with an eye to reinforcing the value of one's own status as a white, Anglo-Saxon Protestant, or alternately, that one's choice of a black spouse is made with an eye to highlighting one's rejection of the policy of "remaining with one's own kind." These are all cases in which the attribute is valued as a source of *instrumental* value or competence, i.e., its ability to confer value on the evaluator. Therefore, they are irrelevant to my argument.

by hypothesis, I deplore? Surely, the mere fact of Germanness can provide no consolation at all, in practice, for other attributes of the person that offend me. It will not compensate, for example, for a failure to laugh at my jokes or a tendency to discuss the weather at excessive length or to fall asleep at the opera. And then it is hard to see in what its purported value consists.

Independently of the other, genuinely valuable attributes with which they are only contingently, if at all, conjoined, attributes such as race, gender, sexual orientation, class background, and religious or ethnic affiliation are in themselves always irrelevant to judgments of a person's noninstrumental value or competence. This holds whether they are considered as primary disvalued or valued attributes and even where they are used as epistemic rules of thumb for detecting such attributes. We may, in fact, feel compelled to make such judgments, in the service of expediency or what we imagine to be our self-interest, and screen our circle of associates accordingly. But it is nothing to be proud of. In what follows, I will focus primarily on some consequences of cases in which these and other, similar attributes are seen as sources of disvalue, i.e., on first-order discrimination rather than reciprocal first-order discrimination. My thesis will be that we have reason to scrutinize our social behavior even in situations in which we sincerely believe ourselves to be above both types of discrimination.

## 2. Higher-Order Political Discrimination

By *second-order discrimination* I will understand the attitude within which a primary disvalued attribute in turn confers disvalue respectively on further attributes of the disvaluee. I shall refer to these latter as *secondary disvalued attributes*.

Second-order discrimination works in the following way. A disvaluee's primary disvalued attribute, say, being a male homosexual, causes the second-order discriminator to view some further attribute of the disvaluee, say, being an eloquent speaker, in a negative light. The *respect in which* this further attribute is seen as negative depends on the range of possible descriptions it might satisfy, as well as the context in which it appears. Thus, for example, the second-order discriminator might view the disvaluee's eloquence as purple prose, as empty rhetoric, or as precious, flowery, or mannered. These predicates are not interchangeable for the second-order discriminator. Nor are they taken to be arbitrarily applied. The second-order discriminator will choose from among them to express his disvaluation in response to contingencies of the situation and individuals involved. The second-order discriminator may, in all sincerity, explain his disvaluation with reference to impartially applied aesthetic standards or to his ingrown, native suspicion of big words. But the crucial feature of second-order discrimination

is that the actual explanation for his disvaluing the person's eloquence, *in whatever respect he disvalues it*, is the person's primary disvalued attribute of being a male homosexual.

Does second-order discrimination as thus defined ever actually occur? Some familiar examples of it include attaching disvalue to a person's having rhythm by reason of its putative connection with her being black, or attaching disvalue to a person's being very smart by reason of its putative connection with his being Jewish. Both of these cases are examples of discriminatory stereotyping in which some arbitrary attribute is falsely taken to be characteristic of persons of a particular race or ethnic or religious affiliation. But I mean to call attention to a slightly different feature of these examples. Someone who practices second-order discrimination regards a black person who has rhythm as vulgar, salacious, offensive, or at the very least, undignified. Similarly, such a person regards a Jewish person who is very smart as sophisticated, glib, crafty, subversive, ungentlemanly, nor at the very least, untrustworthy. In both cases, attributes that are in themselves salutary, or at least neutral, are castigated by the second-order discriminator by reason of the disvalue conferred on them by the primary disvalued attribute. This is what makes them examples of second-order discrimination.

These familiar, stereotypic examples of second-order discrimination do not exhaust the repertoire of higher-order discrimination for many reasons. First, orders of discrimination can, in theory, be multiplied indefinitely. So, for example, a case of *third-order discrimination* would involve what I shall call *tertiary disvalued attributes*: The primary disvalued attribute (being black, say) confers disvalue on a further, secondary disvalued attribute (having rhythm), which in turn confers disvalue on yet a further attribute of the person (being a good dancer, say). Having rhythm is seen as vulgar by reason of its association with being black, and being a good dancer is then seen as exhibitionistic (say) by reason of its association with having rhythm. In any such case the primary attribute is in fact irrelevant to judgments of a person's value or competence. Hence, the value or disvalue it confers on secondary, tertiary, etc., attributes is bogus.

The *n*-order disvalue relation is *transitive* in that, for example, if being black confers disvalue on having rhythm and having rhythm confers disvalue on being a good dancer, then being black confers disvalue on being a good dancer. The *n*-order disvalue relation is also *inclusive* in that the primary disvalued attribute poisons the higher-order discriminator's evaluations of all further attributes of the disvaluee. For example, the primary disvalued attribute of being black may confer disvalue, alternatively, on a dancer's classical styling: classical styling in a black dancer may be seen as

inappropriate or as an obscene parody of traditional ballet.<sup>5</sup> The primary disvalued attribute also confers disvalue on other, unrelated attributes of the disvaluee: her appearance, accent, mode of dress, etc.<sup>6</sup>

The inclusiveness of the  $n$ -order-disvalue relation underscores a second reason why stereotypical cases of second-order discrimination do not exhaust the repertoire of higher-order discrimination: non-stereotypical traits are also recruited to receive disvalue from primary disvalued attributes to suit particular occasions. We do not ordinarily think of classical styling in dance as an attribute about which discriminators might have any particular attitude. But this may be mistaken. Higher-order discrimination is not concerned solely with *stereotypical* secondary, tertiary, etc., disvalued attributes. It may be concerned with *any* further attributes of the person on which the primary disvalued attribute itself confers disvalue. Thus, for example, being Jewish (or black or a woman) may confer disvalue on being smart, which in turn may confer disvalue on being intellectually prolific. A person's intellectual prolificity may be seen as evidence of logorrhea, or lack of critical conscience, and may thus poison the evaluation of those intellectual products themselves. We do not ordinarily think of intellectual prolificity as an attribute about which discriminators have any particular attitude, either. But this too may be

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<sup>5</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 great innate and cultural obstacles to achieve. In either case, being black functions as a primary disvalued attribute because it carries a presumption of inferiority into the evaluation of further attributes of the person.

<sup>6</sup> Is it perhaps too strong to claim that a primary disvalued attribute poisons the higher-order discriminator's evaluation of *all* of the disvaluee's other attributes? Can't a higher-order discriminator respect a disvaluee's traits of character in a certain restricted area *despite* his disvalued status? I am inclined to think not. For this seems to occur almost exclusively when the "valued" attribute itself conforms to the higher-order discriminator's stereotypes. For example, a black man may be admired for his athletic prowess but encounter hostility when he runs for political office. In such cases the higher-order discriminator's admiration and respect for the stereotypical trait is not unalloyed. It is tempered by a certain smug complacency at the disvaluee's confirmation of his disvalued status in the very cultivation and expression of that stereotypical trait. To sustain the above objection, we would need to see a higher-order discriminator exhibiting *unalloyed* admiration and respect for *nonstereotypical* traits in such a way that *these positive feelings did not, in turn, 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.

mistaken. A first test for ascertaining whether the disvalue of some attribute of a person is to be explained as a case of higher-order discrimination is to ascertain whether or not that attribute is disvalued uniformly across individuals, regardless of anything that might count as a primary disvalued attribute for a higher-order discriminator. If someone is just as contemptuous of Fred Astaire's having rhythm as they are of Michael Jackson's, or just as contemptuous of intellectual prolificity in Balzac as in Isaac Asimov, then the charge of higher-order discrimination may be defeated.<sup>7</sup>

A third reason why stereotypical cases of second-order discrimination do not exhaust the repertoire of higher-order discrimination is that stereotypes change in accordance with changes in the objects of discrimination as different populations seek access to the goods, services, and opportunities enjoyed by the advantaged, and primary and higher-order disvalued attributes change accordingly. For instance, the anti-Semitic response to the attempts of Jewish intellectuals to achieve full assimilation into the institutions of higher education in this country frequently found expression in the disvaluative description of assertively ambitious Jewish academics as pushy or opportunistic. Now similarly situated blacks and women frequently enjoy 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

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<sup>7</sup> It might be thought that this first test is inherently self-limiting for the case in which the person happens to dislike, e.g., just the attribute that is most typically associated with a certain race (dark skin) but nevertheless passes the first test in that she disvalues it uniformly across individuals, whether it occurs in blacks, East Indians, Jews, Arabs, Aborigines, or Coppertone-soaked Californians. I think what we should say about this kind of case is that it does not present a problem. The fact that someone is acquitted of being a racist doesn't imply that her evaluations are therefore admirable or enlightened. Any predicate or combination of predicates that *fails* the first test is either a rigged definite description of a particular disvalued group, e.g., "ova-producing featherless bipeds," or else describes a discriminatory stereotype, e.g., "dark-skinned, dark-eyed, woolly haired individuals with rhythm." Of course, a person might just happen to disvalue only individuals who fit such a stereotype and not those who violate it. But since this disvaluation would not be independent of anything that might count as a primary disvalued attribute for such a person, it would not defeat the charge of higher-order discrimination.

Note, however, that the first test does not work for identifying a distinct but related attitude, which we might call *generalized higher-order discrimination*, in which a person comes to disvalue some constellation of higher-order attributes across the board *specifically because of its original association with a primary disvalued attribute stereotypically ascribed to a certain group*. Someone who finds having rhythm vulgar in any dancer, regardless of racial or ethnic affiliation, *because* he associates having rhythm with blacks, whom he fears and despises, would exemplify such an attitude.

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 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.

### 3. Nonstereotypical Higher-Order Discrimination

A fourth reason why stereotypical cases of second-order discrimination do not exhaust the repertoire of higher-order discrimination is that 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, and 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 to be partially definitive of, more widely recognized primary disvalued attributes. For example, higher-order discriminators may tend to assume that ethnic identity is inherently connected with a certain physical appearance (Jews have dark, curly hair and long noses), that racial identity is connected with a certain style of diction and class background (blacks speak Black English and come from the ghetto), or that gender identity is connected with a certain social bearing (women are sympathetic, passive, and emotional). This is how a stereotype is formed. But again, I mean to call attention to a slightly different point: these attributes themselves may be seen as sources of disvalue *independently* of their possible connection with such stereotypically primary disvalued attributes. Someone who has all of the valued race, ethnic, religious, class, and gender attributes but lacks the valued style of diction, mode of self-presentation, or educational or professional pedigrees may be subject to higher-order discrimination just as fully as someone who lacks all of the former attributes but has all of the latter. In both cases this means that their other attributes - their personality characteristics, interests, or achievements - will be seen as higher-order disvalued attributes by reason of their association with these equally arbitrary primary disvalued attributes.

This shows that the first-order political discrimination with which we are familiar is merely a special case of a more general psychological phenomenon that 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 evaluations 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 family lineage or mode of dress can hardly be expected to be genuinely judicious when it comes to judging her gender, race, sexual orientation, class background, 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.

#### 4. Reciprocal Higher-Order Discrimination

A fifth reason why familiar, stereotypic examples of second-order discrimination do not exhaust the repertoire of higher-order discrimination is that higher-order discrimination as so far described implies a companion phenomenon, which I shall call *reciprocal higher-order discrimination*. This is what occurs when attributes irrelevant to judgments of a person's competence or worth are seen as primary *valued* attributes, as sources of value that then confer value on the person's secondary, tertiary, etc., attributes. Any one of the primary attributes enumerated so far may have this function. For example, a person's gender may be perceived as conferring value on secondary attributes, such as his competence to hold a certain professional position. Or a person's familial lineage may be perceived as conferring value on her admissibility to an institution of higher education. Or a person's class background may be perceived as conferring value on his manner of dress. Or a person's educational pedigree may be perceived as conferring value on her political pronouncements, which in turn confer value on her personal lifestyle, and so on. Each of these examples have an arbitrary and irrational quality to them. That is because reciprocal higher-order discrimination, like higher-order discrimination itself, is an arbitrary and irrational attitude.

Higher-order discrimination and reciprocal higher-order discrimination are materially interdependent. If a person's having a particular racial identity is a source of disvalue for a higher-order discriminator, then if someone lacks that racial identity, they are not seen as tainted by that disvalue. For example, if a person's being Oriental confers disvalue on his attempts at tact, i.e., if he is therefore perceived as particularly evasive and inscrutable, then if he were white, he would not be perceived as similarly evasive and inscrutable. For if a higher-order discriminator recognized that one can be just as evasive and inscrutable without being Oriental, say if one has a hidden agenda or lacks social skills, then it would have to be recognized that those attributes, *rather* than his being Oriental, might be conferring disvalue on his attempts at tact. Conversely, if a person's having a particular racial identity is a source of value

for a higher-order discriminator, then someone who lacks that racial identity is not blessed by that value. For example, if a person's being white confers value on his attempts as tact, i.e., if he is therefore viewed as sensitive and reasonable, then if he were Oriental, he would not be perceived as similarly sensitive and reasonable. For if a higher-order discriminator recognized that one can be just as sensitive and reasonable without being white, say if one has no personal investment in the issue or has thought hard about it, then it would have to be recognized that those attributes, rather than his being white, might be conferring value on his attempts at tact.

The two tests for higher-order discrimination apply analogously to reciprocal higher-order discrimination: (1) Ascertain whether or not the higher-order valued attribute is valued uniformly across individuals, regardless of anything that might count as a primary valued attribute for the discriminator. If a person's perceived competence to hold a certain professional position would not be in any way diminished if she were black (if, that is, blacks with comparable competence have been hired to such positions) or if the perceived value of a person's political pronouncements would not be in any way diminished if he had a different educational pedigree (if, that is, comparable political pronouncements on the part of others who lack that educational pedigree are similarly valued), then the charge of reciprocal higher-order discrimination may be defeated. (2) Ascertain whether there is any alternative attribute, conduct, or manner directed toward the same goal of gaining access to some social advantage that avoids or deflects the value conferred by the primary valued attribute. If there is not - if, for example, whether you are assertively ambitious or carefully diplomatic, intellectually prolific or intellectually fallow, you can do no wrong - then the charge of reciprocal higher-order discrimination is *prima facie* justified.<sup>8</sup> Henceforth I will take higher-order discrimination to include

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<sup>8</sup> Here it might be objected that the second test is inadequate to ascertain the existence of reciprocal higher-order discrimination, since the explanation for why "you can do no wrong" may be not that all such higher-order attributes receive value from primary valued attributes but rather that all such higher-order attributes are in any case irrelevant to judgments of a person's competence. However, remember that the second test applies specifically to attributes directed toward the goal of gaining access to some social advantage. This includes not only attributes irrelevant to the question of one's entitlement to that advantage, such as those pertaining to the manner or quality of one's self-promotion, but also attributes directly relevant to that question, such as those pertaining to one's status, potential, training, experience, etc. The second test sifts out those cases in which irrelevant higher-order attributes are made the basis for conferring the advantage, e.g., one's manner of self-promotion, and in which relevant higher-order attributes are discounted as the bases for conferring the advantage, e.g., one's previous professional experience. In both kinds of cases, higher-order discrimination is marked

reciprocal higher-order discrimination. These two phenomena demonstrate that one need not be a blatant racist, sexist, anti-Semite, snob, or homophobe - let us describe such an individual as a *simple first-order discriminator* - in order to practice political discrimination. Higher-order discrimination is given fullest expression indirectly, by implication, in seemingly unrelated tastes, preferences, and behavior.

### 5. Higher-Order Discrimination: A Species of Pseudorationality

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*.

The set (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 (1a) and (1b),

- c'. *N* is of negative value, period.

This would be the plight of the higher-order discriminator who, in virtue of his contempt for Isaac Asimov's intellectual prolificity, would feel compelled to abjure Balzac as well. Instead, (c) must be replaced by

- c". *N*, in the way in which it is borne by *A*, is of negative value.

Condition (c") is better because it incorporates that locution that scrupled higher-order discriminators are so reluctant or unable to further define. For the higher-order discriminator, there is *just something about the way in which* a person dances rhythmically that is vulgar, something about the way in which a person manifests their intelligence that is glib or sophistical, something about the way in which they attempt to gain access to social advantages that is unctuous or opportunistic. The higher-order discriminator would vehemently reject the suggestion that this "something" might have anything to do with the person's race, gender, sexual orientation, class background, or ethnic or religious affiliation. But in fact, it is precisely this primary disvalued attribute from which the blemish spreads. Let us, then, take the set of beliefs that

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by the *relaxation or modification* of the criteria of competence for receiving the advantage in order to accommodate the particular attributes of the valuee.

- (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 stipulation that  
 (3) 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 (3)? Part of the answer lies in the nature of first-order discrimination. First-order discrimination can be understood as a species of *pseudo-rationality* that relies heavily on the mechanisms of rationalization and dissociation (Piper 1985, 1988). In *rationalization* we apply a concept to something too broadly or too narrowly, magnifying the properties of the thing that instantiate the concept and minimizing those properties that fail to do so. The perception of someone's race, gender, sexual orientation, class background, ethnic or religious affiliation, etc., as a source of disvalue or value is the consequence of applying value concepts like "person," "human being," "citizen," "member of the community," "rational and responsible agent," etc., too narrowly to include only those individuals who have the primary valued attribute and to exclude those individuals who lack it. In *dissociation* we identify something in terms of the negation of the value concepts in question: identifying Jews as subhuman, blacks as childlike, gays as perverts, working class men and women as animals, or women in general as irrational, for example, are ways of obscuring one's identification of these individuals as fully mature, responsible human beings and thereby of obscuring one's recognition of these individuals as full members of the community with which one identifies.<sup>9</sup>

These habits of thought indicate that first-order discriminators have a *personal investment* in the perversion of moral theory that results from restricting its scope of application to individuals viewed as relevantly similar to themselves (Piper 1987, 1988). Agent *A* is personally invested in some state of affairs *t* if the existence of *t* is a source of personal pleasure, satisfaction, or security to *A*; the nonexistence of *t* elicits feelings of dejection, deprivation, or anxiety from *A*; and these feelings are to be explained by *A*'s identification

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<sup>9</sup> The irony in the case of racism is that there is a substantial literature in biology and the social sciences that indicates that almost all purportedly white Americans have between five and twenty percent black ancestry and hence are, according to this country's entrenched "just one trace" convention of racial classification, black. See Williamson 1974; Cavalli-Sforza and Bodmer 1971; T. E. Reed 1969; Workman, Blumberg, and Cooper 1963; Glass and Li 1953. For these references and discussion on this matter I am indebted to Professor Monro S. Edmonson of Tulane University's Department of Anthropology.

with *t*. *A identifies with t* if *A* is disposed to identify *t* as personally meaningful or valuable to *A*. The first-order discriminator identifies as personally meaningful a truncated moral theory that identifies only individuals of the same race, gender, sexual orientation, class background, or ethnic or religious affiliation as rational and responsible human beings and as full members of the moral community. Such a discriminator gets personal satisfaction and a sense of security from delimiting the moral community in this way and feels deep anxiety at the suggestion that this theory is false or inadequate (or, even more terrifying for the discriminator, that he or she may in fact violate it).

Higher-order discrimination then adds to this constellation of habits of thought the pseudorational mechanism of *denial*, in which we suppress recognition of an anomalous thing or property altogether in order to preserve the internal consistency of our beliefs or theory about the world, ourselves, and other people. I have already argued that typically, higher-order discriminators are likely to be first-order discriminators as well, that is, that they have the same prejudices that incline them to view individuals with the primary disvalued attributes as inferior, not fully members of their community. The simple first-order discriminator experiences no conflict in categorizing disvaluees as inferior beings to be suppressed and exploited. Therefore, she has no need to exercise denial, either of her own discriminatory responses or of the disvaluees' existence. By contrast, higher-order discriminators must deny both in order to preserve the consistency of their beliefs. Because they are deeply affected, but not fully reformed, by arguments and experiences that suggest that first-order discrimination is unjust, both their own discriminatory responses and the objects of those responses are anathema to higher-order discriminators. Because they do not want to believe that their responses are discriminatory, they deny them altogether. The higher-order discriminator may deny, for example, that the primary disvalued attribute in question is a disvalue at all and yet helplessly deplore the "fact" that nevertheless there are no competent or worthy candidates bearing this attribute to be found, or he may hold any such candidate to a much higher standard of acceptance or performance than that which 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.

Thus the higher-order discriminator's personal investment is in not merely the truncated moral theory embraced by the first-order discriminator. In the higher-order discriminator this is conjoined with an equally genuine personal investment in the more comprehensive moral theory that includes all human agents within its scope. The higher-order discriminator is too

intellectually sophisticated to avow explicitly, say, the view that blacks are childlike or that Jews are subhuman. Even to admit privately to herself that she held such a belief would be a source of embarrassment. Yet she does. Naturally, this conjunction engenders an inconsistent worldview in which, on the one hand, the truncated moral theory endorses the exclusive superiority of individuals relevantly similar to the discriminator but in which, on the other, the more comprehensive moral theory to which the higher-order discriminator also subscribes condemns discrimination against those in fact perceived - in accordance with the truncated theory - as morally inferior. In this funhouse worldview, first-order discrimination is rightly viewed from the perspective of the comprehensive theory as not only morally reprehensible but also vulgar. But as such it is, from the perspective of the truncated theory, of a piece with other perceived signs of inferiority, such as being of a different race, gender, sexual orientation, class background, or ethnic or religious affiliation, from any of which the higher-order discriminator views herself as exempt. The inconsistency of this worldview often results in a corresponding, detectable inconsistency in behavior: The higher-order discriminator often vacillates in her treatment of disvaluees between denial of their existence on the one hand and an exaggerated paternalistic attitude of *noblesse oblige* toward them on the other. Because the higher-order discriminator has a deep personal investment in a perversion of moral theory that flatly excludes disvaluees from its scope of application, she is, despite her best efforts, without the psychological resources for recognizing and treating a disvaluee as an equal or even clearly understanding what would be involved in doing so.

Thus, like the first-order discriminator, 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, unlike the first-order discriminator, 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>10</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

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<sup>10</sup> This may contribute to an explanation of the researched phenomenon (Schuman, Steeh, and Bobo 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 *implementation* of those principles.

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>11</sup>

When social or institutional obligations make denial of the disvaluee's presence impossible, denial of (at the very least) her primary disvalued attribute or 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 and so preserves consistency by placating the requirements of conscience. This is why the higher-order discriminator tends to suppress (3). Unfortunately, to suppress habits of thought from awareness is not to eradicate their influence, any more than to suppress the disvaluee's existence from awareness is to eradicate her influence. Higher-order discrimination is characterized by that attitude in which a certain habit of thought, namely first-order discrimination, poisons one's evaluations and behavior, whether one acknowledges this or not.

The higher-order discriminator is inclined, moreover, not to acknowledge this, no matter how obviously incriminating his evaluations and behavior may be to a disinterested observer. For this would expose the painful conflict of conscience that the higher-order discriminator's behavior attempts to suppress. To acknowledge this conflict would be to acknowledge the need to resolve it, i.e., the need to work through and overcome the first-order prejudices that gave rise to it. But it is precisely in virtue of those first-order prejudices themselves that such a project of self-improvement stands very low

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<sup>11</sup> Here the joke characterizing the difference between first-order racism in the South and in the North is relevant: in the South, it is said, whites don't mind how close a black person gets, as long as he doesn't get too big, while in the North, whites don't mind how big a black person gets, as long as he doesn't get too close. Only the higher-order discriminator of either region feels compelled to deny the existence of the black person altogether.

Denial of a person's presence as a way of avoiding conflicting feelings about him 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 others' feelings of envy or resentment conflict with a similar conviction. Or a homely person may be the object of denial when others' feelings of repugnance conflict with their kindness or social good will. Higher-order discrimination is most analogous to this last case.

on the higher-order discriminator's list of priorities. Unlike the resolution of Oedipal conflicts, emotional problems, tensions in one's personal relationships, and career dilemmas, coming to terms with one's prejudices and learning not to inflict them inadvertently on others just is not, in the last analysis, seen as terribly important by the higher-order discriminator. That is part of what makes him a discriminator in the first place.<sup>12</sup>

As I have painted it, then, higher-order discrimination is peculiarly the sickness of thoughtful, well-intentioned, and conscientious individuals who nevertheless have failed adequately to confront and work through their own prejudices or perhaps have been too quickly satisfied by their ability to marshal arguments on behalf of doing so. Such individuals are being neither disingenuous nor hypocritical when they deny that a person's race, gender, sexual orientation, class background, or ethnic or religious affiliation affects their judgment of her competence or worth. They vehemently insist that this is so, they want it to be so, and they genuinely believe it to be so. They are, nevertheless, mistaken. Their efforts to explain away each manifest expression of higher-order discrimination on different and inconsistent grounds are unconvincing. And their behavior exhibits a degree of otherwise inexplicable arbitrariness and idiosyncrasy that severely strains our attempts to apply the principle of charity in making sense of it. Hence, in order to understand the behavior of higher-order discriminators, we must watch what they *do*, not what they *say*.<sup>13</sup>

#### 6. Some Familiar Examples of Higher-Order Discrimination

These attitudes may find expression in an expectation of greater deference or genuflection from a member of the devalued group. The simple first-order discriminator expresses his anger at the violation of this expectation in certain familiar stereotypes: the "uppity nigger" whose refusal

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<sup>12</sup> Here I think it would be wrong to interpret the higher-order discriminator as concerned only with personal problems and not with social ones. Rather, the higher-order discriminator belittles the importance of addressing a certain *personal* problem.

<sup>13</sup> One implication of characterizing higher-order discrimination as a sickness rather than as a fault is that higher-order discriminators are, in the last analysis, not morally responsible for their behavior. This conclusion seems unpalatable in many respects. Nevertheless, I am reluctantly pessimistic about the efficacy of appeals to reason in higher-order discriminators. Because their reason, or rather their clogged pseudorationality, is so inherently a part of the problem, I am inclined to think that the solution should be sought in the adoption of some version of Strawson's "objective attitude" toward them, i.e., that higher-order discriminators must be *managed*, perhaps psychotherapeutically, rather than *addressed*. I suggest an explanation for this kind of intractability in Piper 1985 and 1988.

to behave subserviently is seen as impudence or disrespect, or the "Jewish American Princess," whose assertiveness, presumption of self-worth, and expectation of attention and respect is seen as a sign of being spoiled, selfish, or imperious. But for the higher-order discriminator, such anger is displaced into more subtle but similar reactions. Such an individual may just feel angered or personally affronted by a woman's presumption of equality in personal, social, or intellectual status or in professional worth or as a competitor for social or professional rewards, or he may feel unduly irritated by her failure to defer or back down in argument. She may be viewed as forward in conversation, when in fact she contributes no more and no less than anyone else, or stubborn, unresponsive, or impervious to well-intentioned criticisms, when in fact the only acceptable response to those criticisms, in the eyes of the higher-order discriminator, would be for her to concur with them wholeheartedly and apologize for her dereliction. Or, to take another example, the higher-order discriminator may feel invaded or compromised by a black person's jocularity or willingness to trade friendly insults that one accepts as a matter of course from those considered to be one's peers. The black person may be viewed as overly familiar, insolent, or presumptuous. In all such cases the disvaluee's behavior is seen as a *presumption*, not a right or an accepted practice.<sup>14</sup> The higher-order discriminator is tortured by the suspicion that he is somehow being ridiculed or shown insufficient respect or that the disvaluee's conduct bespeaks contempt.

In a recent compelling analysis of anger (1984), N. J. H. Dent suggests that anger is based ultimately on feelings of personal inferiority. These lead one to overestimate the importance of others' expressions of regard and esteem for one, which in turn multiplies the number of occasions in which one feels slighted when such expressions are not forthcoming or are of insufficient magnitude relative to one's importunate requirements. This oversensitivity to being slighted in turn provokes in one the desire to rectify one's situation through retaliation by lashing 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

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<sup>14</sup> The view of the disvaluee's assumption of equality as a *presumption* may explain the higher-order discriminator's otherwise inexplicable umbrage at being complimented by a disvaluee: an inferior is in no position to confer favors of any kind.

nod from a perceived superior is sufficient to transport one to a state of bliss, anything less than a full-length obeisance from a perceived inferior appears to be an insult.<sup>15</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 treated were one of one's recognized peers. For example, a white Gentile may privately make an anti-Semitic remark to a black colleague in a misguided effort to establish rapport, whereas such a remark would be seen as a serious social lapse even among other white Gentiles. Or a heterosexual may make gratuitous disparaging remarks to a gay colleague about her work or job performance of a sort designed to "cut her down to size" rather than to provide constructive criticism. Or a man may make offensively personal remarks to a woman colleague about her physical appearance, personal life, or manner of dress, of a sort that would be highly inappropriate if they were made to another man. Or he might expect from a woman colleague extra forbearance for fits of temper or irresponsible conduct, or he might expect extraordinary professional demands that he would not from a man. The higher-order discriminator, in other social contexts, may be acclaimed quite rightly as a "prince among men." To disvaluees, however, he reveals himself as Mr. Hyde.<sup>16</sup> Yet unlike President Lyndon Johnson, who conferred with his cabinet through an open bathroom door while uninhibitedly and indiscreetly performing his morning ablutions, the higher-order discriminator cannot be supposed to commit these boorish excesses with any offensive intent. Rather, he regards his response to a person's disvalued attributes as socially

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<sup>15</sup> In the deep South up to the mid 1960s, for example, for a black person to meet the gaze of a white person was perceived as an offense, and for a black man even to look at a white woman was to invite lynching.

<sup>16</sup> This often creates additional difficulties in identifying cases of higher-order discrimination for what they are. The testimony of a disvaluee suffers a credibility problem at the outset. This problem is severely exacerbated if the testimony concerns a higher-order discriminator whom others have every reason to regard as a saint. Under these circumstances any charge of inconsistency - whether it comes from others and targets the disvaluee or comes from the disvaluee and targets the higher-order discriminator - is in the eye of the beholder. For higher-order discriminators regard coarse, tasteless, or brutal behavior toward disvaluees as called forth by them and so as warranted and hence as fully consistent with highly refined manners and courtly civility toward others.

innocuous, as an acceptable variation in social etiquette keyed to the variations among the personality traits of different individuals.

A third example of judgments and behavior poisoned by higher-order discrimination is the kind of arbitrariness in evaluating a person's assets and liabilities as a member of one's group or community mentioned earlier: attributes that would qualify as assets in a value or impartially considered individual are liabilities in a disvaluee, and attributes that would qualify as liabilities in a disvaluee or impartially considered individual are assets in a valuee. For instance, a disvaluee being considered for a creative writing instructorship may be belittled on grounds that she is merely "clever," "bright," or "a hard worker," whereas a valuee showing the same traits may be congratulated on his resourcefulness, intelligence, and drive. Or a potential law partner who is a valuee and is "long on ideas but short on argument" may be praised for her creativity, while a similarly situated disvaluee may be suspected of underlying incompetence.

A fourth example of such distorted behavior is the implicit treatment of disvaluees as being obligated by different rules of conduct than those that govern oneself and those considered to be one's peers. Among one's peers, humor or irreverence at the expense of some sacred relic - a work, personage, or achievement in one's field - may be an acceptable source of entertainment, while such humor on the part of a disvaluee is a sacrilege, personal affront, or iconoclasm that expresses the same lack of respect as that manifested in the "presumption" of equality. Or one may apply different criteria of interpretation of the behavior of disvaluees. Whereas enigmatic behavior by valuees is excused, overlooked, or given the benefit of the doubt, similar behavior on the part of disvaluees is interpreted as proof of vice or malevolence. This interpretation motivates the higher-order discriminator not only to avoid but also to justify the avoidance of direct interaction with the disvaluee and thus to avoid the conflict of conscience described earlier. Or one may apply rules of honor, loyalty, and responsibility only to those considered to be one's peers but may have no scruples about betraying the trust or confidentiality of a disvaluee, who is implicitly viewed as unentitled to such consideration. Alternatively, one may hold disvaluees to far more stringent moral standards than the 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 not vulnerable by reason of their status as valuees. These cases express quite clearly the conviction that disvaluees just do not have quite that same status, and hence are not to be subject to the same standards of treatment, as members of one's recognized community. And at the same time 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, sexual orientation, class background, ethnic or religious affiliation, etc., arbitrarily influences his evaluations when his behavior shows patently that they do.

### *7. Abettors of Higher-Order Discrimination*

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 anti-discriminatory 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 dismantling the entrenched system of discrimination through permanent or seniority status. This is to abdicate the responsibility for enforcing those anti-discriminatory 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, sexual orientation, class background, or ethnic or religious affiliation but rather his inability to "fit in," "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 is 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>17</sup>

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<sup>17</sup> Under these circumstances the disvaluee too may be rightly accused of pseudo-rationality if his personal investment in the theoretical standards of equal treatment is so great that he rationalizes, dissociates, or denies the facts of discrimination that

A third force that intensifies higher-order discrimination is the repressive, pseudorational habits of rationalization, dissociation, and denial already discussed. Earlier I suggested that higher-order discriminators were generally well-intentioned individuals who had failed to come to terms with their own prejudices. I also mentioned some possible reasons for this failure, among them first-order discrimination, avoidance of conflicts of conscience, and feelings of personal inferiority. Another reason that should not be neglected is that higher-order discriminators tend to rationalize, dissociate, or deny the very existence of higher-order discrimination itself. They might claim, for example, that the phenomenon I have described is in truth simple sensitivity to subtle variations and qualities among individuals, all of which might be relevant to questions of value or competence in a sufficiently broad sense. Or they might agree that higher-order discrimination exists but dissociate it from their own motives and behavior as an anomalous phenomenon that is too rare to merit further scrutiny. Or they might just flatly deny the existence of anything like what I have described as higher-order discrimination and deny as well the undeniably familiar instances of it that I have invoked to anchor the foregoing analysis. These tactics reinforce the tendencies of higher-order discriminators to deny their own collusion in the practice of higher-order discrimination and to deny or minimize their need to come to terms with it. Higher-order discriminators are adept at the tactics of pseudorationality because they have so much self-esteem to lose by modifying their beliefs. But we need not be taken in. For above all, higher-order discriminators need to understand that no one is fooled by their tactics. With the aid of this understanding, they may someday learn to stop fooling themselves.

#### *8. Higher-Order Discrimination: A Case of n-Level Pseudorationality*

Higher-order discrimination is an identifiable moral vice that is generically related to, but essentially unlike, such familiar moral vices as self-deception, hypocrisy, deceit, and weakness of will. It is related to the latter in involving an obfuscation of the self and of reality in ways that are simultaneously destructive and self-serving. But higher-order discrimination is unlike these in that it is a moral vice of a purely intellectual kind. In hypocrisy and deceit, for example, we speak or behave in ways that communicate falsehoods to others for reasons of self-interest. And in weakness of will our rational beliefs are corrupted and overridden by illicit emotions. In each of these familiar cases our rational capacities are corrupted

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blatantly confront him. But I argue in Piper, unpublished, that self-preservation *requires* that although such ideals must ultimately die, they must not do so without a long and painful struggle.

or distorted by some other motivational component of the self - our desires, interests, or emotions.

First-order discrimination is similar to self-deception, hypocrisy, and weakness of will in this respect. The first-order discriminator perverts the purpose of her moral theory by treating it as conferring honorific status on people like her. So she truncates the scope of her moral theory by confining its application to people like her. Thus she views others who are not like her as anomalies that threaten it. Involved in this perception of others are fear and anger, in addition to the feelings of personal inferiority earlier discussed. The first-order discriminator then eradicates these anomalies by pseudorationally dissociating or rationalizing them, and this too can be best understood as involving deep emotions that would require a separate paper to explore. For my purposes here the point is simply that these emotions and reactions subvert the capacity to think clearly and rationally about the situation at hand.

By contrast, in higher-order discrimination, rationality is superveniently self-subverting. Having perverted the scope of her moral theory in the service of irrational fears of another's appearance of difference, the higher-order discriminator is now beset by the reproaches of her moral theory itself for having done so. Her personal investment in the truncated version of the theory explains away her first-order discrimination against the disvaluees that theory excludes, while her higher-level personal investment in the comprehensive moral theory compels her to deny her own first-level violation of it. Therefore, what motivates higher-order discrimination is ultimately the discriminator's pseudorational application of her moral theory to her own first-level pseudorationalization of that theory. She becomes a higher-level pseudorationalizer by denying her own first-level pseudorationality at increasingly removed intellectual levels. Call this *n-level pseudorationality*. I think that *n-level pseudorationality* is the kind of thing we have in mind when we say of a person that he is "out of touch with his feelings."

Higher-order discrimination is not the only example of *n-level pseudorationality*. As an alternative, consider self-deception, in which a person pseudorationalizes her perceptions of herself and her relations to others because she is personally invested in a truncated theory of who she is, i.e., in a *personal self-conception*. By itself this is a case of first-level pseudorationality. But if her personal self-conception includes the trait of being particularly committed to self-knowledge, she may pseudorationalize her first-level pseudorationality, for example, by rationalizing her first-level denial of unpleasant facts as an instance of merely refusing to dwell on what is unimportant or irrelevant and then dissociating her rationalization from her theory of self-scrutiny as an isolated and atypical mental glitch. And so on. We might describe this as *higher-order self-deception*. Higher-order self-deception would be an instance of *n-level pseudorationality*. The differences

among cases of pseudorationality and among cases of  $n$ -level pseudorationality have to do not with differences in the strategies deployed but rather in the particular theories perverted by it. Whereas self-deception perverts a theory of who one is as an individual, first-order discrimination perverts a theory of who persons are and how they are to be treated. And whereas higher-order self-deception pseudorationalizes one's pseudorational theory of who one is, higher-order discrimination pseudorationalizes one's pseudo-rational theory of who persons are and how they are to be treated.

So higher-order discrimination is but one instance of a perfectly general tendency, first, to attempt psychologically to explain away anomalies that intrude into, disrupt, or disconfirm our most favored theories and then, having done so, to explain that away as well. We see the workings of  $n$ -level pseudorationality as clearly in theory-building in the social and natural sciences as we do in human interaction in the social and political sphere. In all such cases it is not difficult to imagine the survival value such a tendency may once have had and may still have under certain conditions.<sup>18</sup> Because of our limited cognitive capacities, prereflective higher-order discrimination and first-order discrimination as well are probably unavoidable. Only those who have a deep personal investment in a comprehensive moral theory will feel obliged, on reflection, to modify them.

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<sup>18</sup> In Piper 1988 I argue that the internal consistency of our theories about ourselves and the world are necessary conditions for what I call *literal self-preservation*, i.e., the theoretically rational unity and integrity of the self, and that we are often prepared to sacrifice the integrity of those theories themselves to achieve this.