Respect and discrimination

Kasper Lippert-Rasmussen, lippert@ps.au.dk

Abstract: Some claim that discrimination is wrongful, when it is, because of the disrespect it involves. This claim is plausible in part because, say, racist and sexist discrimination appear wrong even if, by sheer coincidence, they harm no one. I discuss two different disrespect-based accounts of the wrongfulness of discrimination: one offered by Larry Alexander in a seminal 1992 article, which focuses on beliefs about moral worth, and one by Benjamin Eidelson, which focuses on giving appropriate weight to the equal moral worth and autonomy of discriminatees in the discriminating agent’s deliberations. At the end of the day, both are vulnerable to the same sort of counterexamples. Moreover, Eidelson’s account oscillates between a fact- and an evidence-relative account of disrespect in a way that is problematic. In accordance with Alexander’s more recent views, I conclude that we are yet to see a satisfactory disrespect-based account of the wrongness of discrimination.

1. Introduction

What makes wrongful discrimination wrong? This question forms the title of a 1992 article by Larry Alexander, which has been very important for much work—my own included—on the ethics of discrimination. In it, he makes two striking claims. First, some forms of differential treatment amount to discrimination and yet are not wrongful at all. Second, there are two distinct sources of the wrongness of discrimination (Alexander 1992, p. 155). Most discrimination is contingently wrong in virtue of its consequences, e.g., irrational statistical discrimination is typically wrong because of the “unnecessary social costs” involved in acting on the basis of “inaccurate stereotypes” (Alexander 1992, p. 169). However, when “a person is judged incorrectly to be of lesser moral worth and is treated accordingly, that treatment is morally wrong regardless of the gravity of its effects. It represents a failure to show the moral respect due to the recipient, a failure which is by itself sufficient to be judged immoral” (Alexander 1992, p. 159).

In recent work, Alexander (2015, pp. 878-879; forthcoming, p. 2) retreats from his earlier position. He now believes that, perhaps setting aside the
complications of promises and fiduciary duties, that mental states are irrelevant to moral permissibility, and, with some reservations, embraces a consequentialist account of the wrongfulness of discrimination (Alexander 2015, p. 873; 2016, pp. 251, 258; cp. Scanlon 2008, pp. 19-20; Thomson 1999, pp. 515-516). I am skeptical about the force of the arguments by Alexander and others in favor of the view that mental states do not bear directly on moral permissibility (Lippert-Rasmussen 2010; McMahan 2009). However, I share Alexander’s present view that the wrongfulness of discrimination results from how discrimination harms people. Hence, I will explore the possibility of rejecting accounts of the wrongness of discrimination focusing on disrespectful mental states without commitment to any across-the-board dismissal of the relevance of mental states for moral permissibility.

In Section 2, I expound Alexander’s 1992 account. I then argue that it is vulnerable to a counterexample (Section 3). Section 4 presents a very recent disrespect-based account of the wrongness of discrimination offered by Benjamin Eidelson, which builds on Alexander’s 1992 work. While, in some respects, the former is superior to the latter, it is vulnerable to a counterexample similar to the one that threatens Alexander’s (Section 5). Section 6 explores an additional problem to which Eidelson’s account gives rise. Because Eidelson, unlike Alexander, contends that certain forms of statistical discrimination are inherently disrespectful, his view is implausibly bifurcated between a fact- and an evidence-relative account of disrespect. Hence, the overall line of this argument supports Alexander’s present skepticism.

1 However, Alexander rejects consequentialism as a general normative theory and endorses a deontological, causal constraint—the means principle—which “forbids actors from achieving otherwise good consequences by using, without their consent, others’ bodies, labor, talents, or other resources that are rightfully theirs” (Alexander 2016, p. 251). While discriminatory acts might violate the means principle, presumably Alexander presently thinks that their being discriminatory is irrelevant to their permissibility.
about disrespect-based accounts of wrongful discrimination, though for more specific reasons than those on the basis of which he holds this position.

2. Alexander’s account

I set aside what Alexander 1992 says about the wrongness of those forms of discrimination that are either not wrongful at all or wrongful simply by virtue of their consequences.² My focus is on discrimination that Alexander thinks is disrespectful, and, thus, intrinsically wrong.

What counts as disrespectful discrimination? Alexander suggests that discrimination “premised on the [false] belief that some types of people are morally worthier than others,” where for some to have greater moral worth than others is for them to merit “greater moral concern” than others, is disrespectful against those who are premised to have lower moral worth (Alexander 1992, pp. 160-161). Or, as I shall formulate Alexander’s view (probably allowing myself some exegetical liberties):³

\[
X \text{ disrespectfully discriminates against } Y \text{ relative to } Z \text{ if, and only if:}
\]

1) Y and Z are persons;
2) X treats Y worse than Z;
3) and 2), because X falsely believes that Z has greater moral worth than Y.

This account captures well some paradigmatic cases of disrespectful discrimination, which appear wrong in part because of the disrespect they involve. Take for instance

² In this section and the next I take “1992” as read whenever I refer to Alexander’s views.
³ Lippert-Rasmussen (2013, pp. 113-127) distinguishes between three interpretations of Alexander’s account: the falsehood, the comparative falsehood, and the irrational comparative falsehood account.
Alexander’s case of the Nazi who treats Jews worse than people whom he perceives to be Aryans, because he believes that Aryans have greater moral worth than Jews. Even if, surprisingly, this discriminatory act has no harmful effects on anyone, we might still think that there is something morally objectionable about the act; to wit, that it is disrespectful and that this makes it morally wrong (Parr & Slavny 2015; cp. Arneson forthcoming).  

In the next section I shall explain why this account cannot be right; but first I want to draw attention to three features of Alexander’s account. First, “moral worth” is standardly used in philosophy to refer to a Kantian idea, which implies that persons have a special moral status compared to non-persons. So construed, two features of moral worth are important. First, moral worth is a superior moral status to whatever moral status non-persons, e.g., cats or severely demented human beings, possess. Second, all persons have equal moral worth irrespective of how they vary in other respects, e.g., in terms of their level of rationality or their deeds.

Both aspects of the Kantian idea are controversial (Arneson 1999; Carter 2011; McMahan 2003; Singer 1990; Williams 1988). In any case, Alexander plausibly does not mean *Kantian* moral worth, but something different, and, thus, steers clear of the controversy surrounding the Kantian idea of moral worth.  

---

4 Some—Alexander 2015 included—would argue that while, undeniably, there is something objectionable about the pertinent Nazi official, it is not that his action is wrong in the sense of being impermissible. Rather, what is morally objectionable is something about the Nazi’s character or his moral deliberations (Lippert-Rasmussen 2013, pp. 160, 173; cp. Alexander 2015, p. 877). This reply might reflect a general denial of the claim that mental states affect the moral permissibility of actions (as opposed to, say, the culpability of the agent, cf. [Alexander 2016, p. 258]); and, as noted above, I want to steer clear of this issue.

5 There is an additional attraction of interpreting his view in a non-Kantian way. Suppose I am an anti-Kantian who rejects the notion of moral worth. Thus, I do not believe that anyone has greater moral worth than others for the simple reason that I do not believe that *anyone* has moral worth. On Alexander’s view, interpreted along Kantian lines, I could not engage in intrinsically wrong, because disrespectful,
Admittedly, his account of discrimination is person-centric in that he only considers discrimination against “people.” However, even though he contends that all people have equal moral worth, he does so explicitly setting aside the possibility of “differential moral concern for the especially virtuous and vicious” (Alexander 1992, p. 161). Moreover, he submits that the trait of “being a criminal” is “a trait that more plausibly reflects lower moral worth” (Alexander 1992, p. 161). Neither the reservation nor the conjecture makes sense if he had in mind the Kantian notion of moral worth.

Second, while I have introduced Alexander’s account as an account of the wrongfulness of certain kinds of discrimination against someone, suitably extrapolated it also offers an account of why certain kinds of discrimination in favor of someone are disrespectful and, thus, intrinsically wrong. Suppose that a benevolent slave owner treats his slaves better than others for the condescending reason that he falsely believes that they have a lower moral status than persons and that this makes it morally desirable for reasons not relating to moral claims that he should provide extra care to them relative to persons. This appears no less disrespectful to the slaves than a comparable case of discrimination against them. Rather than saying that disrespect in Alexander’s sense only interacts with discrimination against to produce wrongness, given the wider framework it seems better to say that such discriminatory acts in favor of can be intrinsically wrong as well.

discrimination. However, given that disrespectful discriminatory acts are intrinsically wrong, this view seems implausible, e.g., in light of a case where I treat people differently on the basis of their moral virtuousness and believe that a praiseworthy action by a white person boosts his or her moral virtuousness more than an otherwise comparable act by a black person. Admittedly, Alexander (1992, p. 200) places himself in the company of “we good Kantians,” but that is in a different context, where he submits that “[m]oral worth must be based on moral choices” and not “immutable traits” —a view which has a Kantian flavor, because of its rejection of moral luck, but still is different from Kant’s view on moral worth, since moral worth is grounded in the capacity for autonomous choice, not in the choices actually made.
Third, sometimes people assume that things that are intrinsically wrong are more wrong than things that are not. However, this need not be the case, as Alexander surely agrees, despite the morally serious nature of his example of intrinsically wrongful acts of discrimination. Indeed, on his account it would be strange if intrinsically wrongful discrimination were more wrong per se than extrinsically wrongful discrimination. Disrespect on Alexander’s account is a scalar thing. There is a difference between thinking that the moral status of some person is just slightly lower than that of another and thinking that it is much lower. Moreover, the latter view seems much more disrespectful than the former. Hence, if wrongness of discrimination results not from disrespect in an either/or fashion, but varies with the degree of disrespect, plausibly some disrespectful acts of discrimination are only slightly wrong, albeit intrinsically so, and might be much less wrong than non-disrespectful acts of discrimination that are extrinsically wrong.

I now move on to what I think is a near-fatal counterexample to Alexander’s account of the wrongness of disrespectful discrimination (Lippert-Rasmussen 2006; Lippert-Rasmussen 2013, pp. 120-121).

3. An objection

Suppose—counterfactually if you like—that animals and human beings have the same moral status. Compare then the following two cases in which an experimenter conducts painful experiments on animals that confer minor benefits on human beings:

---

6 Strictly speaking, if “wrong” means “impermissible” it makes no sense to talk about degrees of wrongness. Impermissibility is an either/or matter in the exclusive sense. However, in a looser sense it is intelligible, because often one can order the reasons by virtue of which something is wrong in a scalar way.

7 As noted, Alexander only discusses disrespectful discrimination against persons. However, since this exclusive focus is not motivated by a Kantian concern for the moral worth of persons, there is no reason why his account cannot be extended to
**Inegalitarian Belief:** The experimenter conducts his experiments on animals falsely believing that human beings have greater moral worth than animals.

**Egalitarian Belief:** The experimenter conducts his experiments on animals correctly believing that animals and human beings have equal moral worth.

If Alexander’s account (suitably extended) is correct, the inegalitarian experimenter acts in a way that is disrespectful—he harms animals on the basis of his false belief about the unequal moral status of animals and human beings—unlike the egalitarian experimenter, who holds true beliefs about the comparative moral status of animals and human beings. Since the two cases are identical in terms of harmful consequences, and since *Inegalitarian Belief* involves disrespect, unlike *Egalitarian Belief*, the former case should be more wrongful than the latter. However, intuitively, if there is a difference in terms of wrongfulness between the two acts of experimentation, the case involving what I stipulated to be true—egalitarian beliefs about moral status—is morally more wrong.\(^8\) It follows that we must reject Alexander’s account. On his account, *Inegalitarian Belief* is wrong in a way in which

---

apply to animals. Furthermore, the present counterexample is the one Eidelson discusses. In any case, the present counterexample could be formulated in such a way that it involves human beings only, e.g., by substituting “anencephalics” or “severely mentally handicapped people” for “animals.” This should also accommodate those who worry that the egalitarian experimenter, unlike the inegalitarian, must harbor some form of irrational bias and that this explains why the latter case is more wrongful than the former. After all, many who are not irrational believe in the moral equality of all human beings, including anencephalics and the severely mentally handicapped.

\(^8\) I write “if there is a difference in terms of wrongfulness” because I want to bracket whether mental states, including beliefs about the moral properties of actions, affect the wrongness of actions, e.g., because they affect culpability and that in turn affects wrongness or because they affect the latter directly. Henceforth, I ignore the conditionality of my claim, but note that you do not object to what I claim here if you simply say, unconditionally, that the two experimenters’ actions are equally wrong.
Egalitarian Belief is not, i.e., it involves treating some individuals worse than others on the basis of false beliefs about their moral worth. And since the two cases, by stipulation, are morally identical in terms of all other wrong-making properties, on Alexander’s account Inegalitarian Belief should be more wrong.

Why is what the egalitarian experimenter does more wrongful than what the inegalitarian experimenter does? To the extent that mental states determine wrongness of action, plausibly the more morally objectionable a mental state, the more wrongful the resulting action. Moreover, it seems morally more objectionable, ceteris paribus, to do what you think is wrong, or to do what clashes with your beliefs about moral status, than not to do so. This account might be attractive.\(^9\) However, it is unclear that it will work from the point of view of a disrespect-based account of the wrongness of certain kinds of discrimination.

Suppose that all members of a racial minority give all members of the racial majority permission to treat them on the basis of whatever beliefs about their moral status they have, however false or irrational these beliefs are, provided that they do not act in ways, thinly described, that they would not be permitted to act independently of their motivation. Hence, members of the minority have not given members of the majority permission to kill them, since this is impermissible regardless of motivation, but they have given members of the majority permission not

\(^9\) It might not fit all intuitions. Compare a sexist agent who falsely believes that men have greater moral worth than women and, thus, only listens carefully to men, with an unreflectively sexist agent, who believes that men and women have equal moral worth, and yet only listens carefully when men speak. In this case, my intuitions do not align well with the proposed account, but align well with Alexander’s view. It would be nice to know why this is so—perhaps I implicitly assume that the meaning expressed through my differential attention in the cases is different and more hurtful in the former case and that the reflectively sexist agent should be aware of that, and hence gives even less weight to the interests of women than does the unreflective sexist. In any case, in offering a counterexample to Alexander’s account I do not need to offer a theory of disrespect and wrongness of discrimination.
to hire them for jobs on the grounds of their false beliefs about moral status, when it would be permissible not to hire them anyway on different motivations, e.g., because they were not the best qualified. In that case, it appears plausible to say that members of the racial majority no longer wrong members of the minority by treating them disrespectfully when they act on their false beliefs about moral worth, because of the permission that they have been granted. Still, this case is possibly no less morally objectionable than the original case, e.g., because the permission plays no role in the deliberations of the discriminators, in which case this suggests that the relevant moral objectionableness does not bear on wrongness of actions after all, but on the nature of the agent’s character or the objectionableness of her deliberations, etc.

However, if we go along with Alexander, this is not what we want to say. On his view, false beliefs about moral worth bear **directly** on moral permissibility.

Having mentioned the problem pertaining to persons who consent to being treated disrespectfully, I want to set it aside. This is in part because the problems for disrespect-based accounts that I want to develop go in different directions, in part because there are argumentative moves that proponents of such an account can make in response. For instance, they might claim that there is an inalienable right to be treated respectfully and, thus, that any consent to being treated disrespectfully is void. I think this view is unattractive—non-consensual disrespect is clearly morally more objectionable than consensual disrespect—but I want to sidestep this issue.

On the assumption that Alexander’s account captures the essence of respect and that my claim about the comparative wrongness of the *Egalitarian* and *Inegalitarian Beliefs* is correct, the present counterexample generates problems for disrespect-based accounts in general—but things change if we revise our understanding of disrespect. This is the move I will explore in the next two sections.
4. Eidelson on disrespect

In a recent book, Benjamin Eidelson (2015) proposes, *inter alia*, a sophisticated account of the wrongness of discrimination. Like Alexander 1992, he thinks that not all discrimination is wrongful; that different forms of discrimination are wrong for different reasons; and that paradigmatic forms of discrimination are all disrespectful in a way that makes them intrinsically, *pro tanto* wrong: “[A]cts of discrimination are intrinsically wrong when and because they manifest a failure to show the discriminatees the respect that is due to them as persons” (Eidelson 2015, p. 73).

However, he conceives of disrespect differently from Alexander. In part this reflects an ambition to offer a disrespect-based account that is immune to the previous section’s counterexample, and in part it reflects that, in one respect, he takes a more critical view of statistical discrimination than Alexander does.

Eidelson’s account of disrespect builds on Stephen Darwall’s notion of recognition respect, according to which recognition respect amounts to “a disposition to weigh appropriately in one’s deliberations some feature of the thing in question and act accordingly” (Eidelson 2015, p. 76; cp. Darwall 1977; 2006). According to Eidelson, two such features are crucial: 1) that “persons are of value in themselves, and equally so” (Eidelson 2015, p. 79) and 2) that “persons are autonomous: they possess a faculty of self-control through which they can make their lives, in significant part, their own” (Eidelson 2015, p. 79). Or, as I shall put it:

X disrespectfully discriminates against Y relative to Z if, and only if:

1) Y and Z are persons and, thus, are a) ends in themselves, and equally so, and b) autonomous;
2) In X’s deliberations behind his discriminatory act, X fails to give appropriate weight to the fact that Y is an end in himself, but does not fail to do so in the case of Z, or does so to a lesser extent in the case of Y than in the case of Z, or;

3) In X’s deliberations behind his discriminatory act, X fails to give appropriate weight to the fact that Y is autonomous, but does not fail to do so in the case of Z.

Before I zoom in on two specific components of this account, let me compare it to Alexander’s account of disrespect.

First, like Alexander’s account, it is person-centric (cp. Eidelson 2015, p. 97) and, thus, does not explain the wrongness of discriminating in favor of some infants over others and simply does not apply to cases where, say, people inappropriately give greater weight to the interests of pets rather than cows in their deliberations. Also, unlike Alexander’s, this account stands and falls with the moral equality of persons thesis.

Second, unlike Alexander’s account, the site of disrespect on Eidelson’s account is not beliefs, but deliberations. This means that an act can be disrespectful in his account while not being disrespectful on Alexander’s account, though the reverse is not possible. It is quite easy to see that the former can be the case. I believe that men and women have equal moral worth. Suppose that, against my own better judgment, I suffer from an implicit bias such that I consistently give greater weight to the interests of men than to the interests of women. In this case and assuming that considering persons to be ends in themselves to an equal degree implies giving equal

---

10 According to Eidelson (2015, p. 99), you can fail to give equal weight to people’s interests without having formed any “explicit judgment of comparative value.”
weight to their interests, I act disrespectfully on Eidelson’s account by, say, unconsciously giving greater weight to the interests of men, even if I do not act disrespectfully on Alexander’s account.\textsuperscript{11} Eidelson thinks that this feature of his account is an advantage, since, plausibly, such cases involve disrespect.

There is another reason, pertaining to the role autonomy plays in Eidelson’s account, why an act might be disrespectful on Eidelson’s account and not in Alexander’s. Suppose I believe, consciously as well as unconsciously, that Y and Z have the same moral worth. Suppose, moreover, that I treat Y worse than Z; e.g., in my capacity as a police officer I stop and search Y, but not Z, regularly, on grounds of reliable statistics showing that people like Y are more likely than people like Z to be engaged in certain kinds of crime. Moreover, in doing so I fail to pay any heed to Y’s and Z’s self-presentation, which unequivocally suggest that Y is a law-abiding citizen and Z is not. Suppose, finally, that there is no interest-based ground for saying that I treat Y worse than Z—perhaps Y gets generously compensated for the inconvenience—or perhaps there is, but, interest-wise, the issue is too insignificant to explain the putative serious wrong involved in my discriminatory act. In this case, I engage in disrespectful discrimination on Eidelson’s account, but not in Alexander’s. This, Eidelson would say, speaks in favor of his account.

Consider next why a discriminatory act cannot be disrespectful in Alexander’s sense and not disrespectful in Eidelson’s sense. It is possible that an agent believes that Y has a lower moral worth than Z and yet is not disrespectful in Eidelson’s sense. After all, the agent might simply bracket his beliefs about differential worth in his deliberations about to how to treat Y and Z and proceed from the assumption that they

\textsuperscript{11} “To respect a person’s equal value relative to other persons one must value her interests equally with those of other persons, absent good reasons for discounting them” (Eidelson 2015, p. 97).
have equal moral worth and, thus, give appropriate weight in his deliberations to their being ends in themselves and to their being autonomous. This, however, does not show that an act can be disrespectful in Alexander’s sense but not in Eidelson’s. The case is not one in which the relevant discriminatory act is motivated by the agent’s false beliefs about moral status—but then it is not disrespectful in Alexander’s sense either. To make it so, it would have to motivate the agent’s discriminatory act, and for it to do that, the relevant belief must play some role in the agent’s deliberations, however rudimentary, about what to do. But in that case, it would also qualify as disrespectful in Eidelson’s account.

Perhaps some might respond that there could be cases of very unreflective agents who treat Y worse than Z in the absence of any deliberations whatsoever and, thus, do not act disrespectfully in Eidelson’s sense and yet act disrespectfully on Alexander’s account, since their act is “premised on” the belief that Z has greater moral worth than Y in the sense that it is this belief that causes them to treat Z better than Y.

In response, note, first, that this is not how Alexander appears to have intended his account. “Premised on” is a deliberative, and not a merely causal, notion. Second, if we allow ourselves to postulate subconscious deliberations in a case like this in order to make it fall under Eidelson’s account of disrespect, we cannot reject the attribution of unconscious beliefs about differential moral worth to agents in cases such as the one I described some paragraphs above (“I believe that men and women …”) in order to show that acts can be disrespectful in Eidelson’s sense without being disrespectful in Alexander’s sense.

Having clarified the relation between Eidelson’s and Alexander’s accounts, I would like to make two comments on Eidelson’s account before I move on to
consider whether it is immune to the counterexample described in Section 3. First, the notion of “giving appropriate weight in one’s deliberations” plays a crucial role in his account. Unfortunately, Eidelson does not say much about what this amounts to. Is it possible to give appropriate weight by deliberating as if people have equal moral worth even though one believes they do not? Moreover, is the “appropriate weight” requirement satisfied when one gives the right overall weight to features of persons even though one fails to do so for the right reasons? Suppose I believe, falsely, women to have less moral worth than men. However, I also believe that the interests of morally deserving persons count for more than the interests of morally undeserving persons. Moreover, I believe, falsely, that women are more morally deserving than men to such a degree that, despite the fact that I think they have less moral worth than men, I end up giving their interests exactly the same weight as men’s interests. On a “right overall weight” interpretation I satisfy Eidelson’s requirement, but I do not do so on a “right overall weight for the right reasons” interpretation of disrespect. Perhaps the right response is to distinguish between degrees of disrespect and say that disrespect pertains to both equal weight and to right reasons, such that it is somewhat disrespectful to give equal overall weight to people’s interests for the wrong reasons, but still less disrespectful than giving unequal overall weight for the wrong reasons. My main point here, however, is not to canvass this suggestion, but to show that a central notion in Eidelson’s account is underspecified in a way that is quite consequential.

The second point I wish to make is this: In relation to people’s status as ends in themselves, Eidelson’s account includes both a non-comparative element—an agent in her deliberations should treat each individual person as an end in herself—and a comparative element—for any pair of persons, an agent should treat them as
ends in themselves to an equal degree. However, when it comes to the autonomy component, it only takes a non-comparative form. This strikes me as an error. Suppose I treat both Y and Z as autonomous individuals. I take into account the evidential values of their self-presentational behavior to at least the degree to which Eidelson thinks “giving appropriate weight” to their being autonomous individuals requires. However, I give even more weight to the evidential value of self-presentational behavior in the case of Z than I do in the case of Y. If I find the slightest evidence deriving from Z’s self-presentational behavior that, despite the fact that he belongs to a group that is strongly overrepresented in a certain category of crime, Z is law-abiding in every way, I immediately infer that Z is not engaged in any criminal conduct. However, it takes more evidence for me to infer something similar with regard to Y. I find it odd if someone persuaded by the Eidelsonian account of disrespect would not see this as a disrespectful differential treatment by me of Y. If I find the slightest evidence deriving from Z’s self-presentational behavior that, despite the fact that he belongs to a group that is strongly overrepresented in a certain category of crime, Z is law-abiding in every way, I immediately infer that Z is not engaged in any criminal conduct. However, it takes more evidence for me to infer something similar with regard to Y. I find it odd if someone persuaded by the Eidelsonian account of disrespect would not see this as a disrespectful differential treatment by me of Y.12 Fortunately, it is easy to give a comparative twist to 3), thus making it analogous to 2) in Eidelson’s account:

3*) In X’s deliberations behind his discriminatory act, X fails to give appropriate weight to the fact that Y is autonomous, but does not fail to do so in the case of Z, or fails to give equal weight to X and Z being autonomous.

This completes my presentation of Eidelson’s account of disrespect.

12 Perhaps he could argue that the agent who statistically discriminates against some but not against others manifests disrespect against the former on the “end in themselves” component, since autonomy is an aspect thereof. I doubt, however, that this is how he intended his account. Eidelson introduces autonomy as “a further value” that we have as persons in addition to being values in ourselves and equally so (Eidelson 2015, p. 79).
5. Is Eidelson’s account vulnerable to a similar objection?

Consider Eidelson’s account of disrespect in light of the counterexample offered against Alexander’s account in Section 3. Is Eidelson’s account also vulnerable to it? Surprisingly, it is; for although the issues pertaining to the interpretation of the notion of “giving appropriate weight in one’s deliberations” are resolved, the agent in both Egalitarian Belief and Inegalitarian Belief fails to an equal degree to give proper weight to the interests of animals, since both give much less weight to the interests of animals in their deliberations than they should, assuming, as I did, that animals and persons have the same moral status. Eidelson is aware of this. Accordingly, to accommodate my counterexample he introduces a notion of contempt:

[C]ontempt seems to involve a refusal to respect something—a kind of defiance of what you at some level realize its significance to be… it is too charitable to think of most textbook racists as simply holding false beliefs about the value or moral status of those whom they disfavor… it seems far more common that racists repudiate the equal personhood of those they disfavor than that they simply fail to grasp it. To take an extreme case, the genocidaries in Rwanda clearly did not mistake Tutsis for the evaluative equivalents of cockroaches… Rather, they chose to treat them as if they were (Eidelson 2015, p. 105).

Given the following three assumptions, the introduction of contempt helps Eidelson. First, greater disrespect results in being morally more wrong, ceteris paribus. Second, contemptuous disrespect is more disrespectful than non-contemptuous disrespect, ceteris paribus. And, third, Egalitarian Belief involves contemptuous disrespect,
whereas Inegalitarian Belief only involves non-contemptuous disrespect. Given these assumptions, it follows that the egalitarian experimenter’s act is more disrespectful and for that reason is more wrong, even if, as far as the part of Eidelson’s account of disrespect that I presented in Section 4 goes, both agents act disrespectfully by failing to give the interests of animals proper weight in their deliberations. Hence, provided that the three assumptions are correct, Eidelson’s account is immune to the counterexample, which, so he agrees, defeats Alexander’s account. Are they correct?

For present purposes, I grant Eidelson the first assumption. Disrespect comes in different degrees, and, given that disrespect is a wrong-making feature of actions, greater disrespect plausibly results in greater wrongness. The only concern I have is that embracing this assumption means that Eidelson has to explain why a similar line of reasoning is not available in relation to equal moral worth. If, say, our being rational and autonomous individuals is what our moral worth results from, then why does moral worth not also come in degrees, given that rationality and autonomy do?

The second assumption, i.e. that contemptuous disrespect is more disrespectful than non-contemptuous disrespect, seems problematic in a more direct way. For while contempt in an ordinary sense is more disrespectful than non-contemptuous disrespect, it is unclear that Eidelson’s contempt really is more disrespectful. As Eidelson points out, contempt does involve some recognition of—some respect for?—the moral status of the individual whom you hold in contempt: “[y]ou can only show contempt for something that you recognize, in a minimal way, to make a normative claim on you, which you then go on to willfully reject” (Eidelson 2015, p. 106). So, in one respect at least, contemptuous disrespect is better than non-contemptuous disrespect. It is better in that it involves some recognition of the moral status of the object of contempt, whereas non-contemptuous disrespect involves no
recognition of moral status whatsoever. The slaveholder who really believes that his
slaves are sub-human is, in one respect, worse than the slaveholder who believes that
his slaves are his own moral equals, but then goes on to “willfully reject” their human
equality.\textsuperscript{13}

One might respond that, while contempt involves a willful rejection of what
one recognizes at another level, it also involves more than that. For one thing,
contempt is usually taken to involve ill will or outright hostility towards the individual
whom one holds in contempt.\textsuperscript{14} Similarly, contempt in Eidelson’s sense is likely to be
understood to involve a greater flaw in the agent’s deliberations than does the case of
non-contemptuous disrespect. Unlike the non-contemptuous disrespectful person, the
contemptuous person is willing to entertain a contradiction in his deliberations;
something which, in the case at hand, involves a failure to give appropriate weight in
one’s deliberations to what one recognizes to be a feature of persons.

This defense of the second assumption takes me to the third assumption.
Suppose that contempt also involves ill will and flaws in deliberations. That might
render Assumption 2 more defensible. However, it undermines Assumption 3, since
hostility and differential flaws in deliberations are not part of my counterexample to
Alexander. I did not stipulate that the egalitarian experimenter who conducted painful
experiments on animals harbored any hostility towards his experimental objects.
Indeed, in a slightly schizoid way he might regret that his preference for
experimenting on animals forms his will. Moreover, non-contemptuous disrespect can

\textsuperscript{13} For a similar reason, it might be said that the inegalitarian experimenter’s act is in
one respect more wrong than the egalitarian experimenter’s.
\textsuperscript{14} This is not a feature of contempt in Eidelson’s sense, e.g., at some level X
recognizes that Y is an autonomous being and yet X goes on to willfully deny Y’s
status as an autonomous being by assisting Y in all sorts of ways that make sense only
if Y were not an autonomous being. In short, X willfully infantilizes Y. Typically we
experience the opposite of hostility towards those whom we infantilize.
also involve hostility. Accordingly, insofar as we want to test whether contemptuous
disrespect is worse than non-contemptuous disrespect, we should stipulate that
neither, or both, the inequalitarian nor the egalitarian experimenter have ill will toward
their experimental objects. A similar point applies to epistemic flaws. If the
experimenter in *Egalitarian Belief* is epistemically blameworthy for not fully
believing what, at some level, he knows to be the case, then we should similarly
stipulate that the experimenter in *Inegalitarian Belief* is equally epistemically
blameworthy, e.g., for failing to infer from available evidence that animals have the
same worth as persons.\(^{15}\)

In light of the arguments in the four paragraphs above, I conclude that
Eidelson is unable to defend the three assumptions needed for his contempt-based
supplement to enable his account of accommodating my counterexample. Suppose,
however, that I am wrong about this. It might not matter much, since Eidelson’s
account, even when suitably supplemented, is vulnerable to a revised version of my
counterexample. Consider the following two cases in which the agent engages in
painful experimentation on people:

*Contemptuous Experimenter:* Agent falsely believes that Y-people have a
higher moral status than Z-people and yet he only experiments on Y-people,
thus manifesting contempt toward Y-people.

*Non-contemptuous, Disrespectful Experimenter:* Agent falsely believes that Y-
people have a higher moral status than Z-people and accordingly only

---

\(^{15}\) Since contemptuous disrespect by definition involves epistemic blameworthiness,
whereas non-contemptuous disrespect may or may not involve epistemic blameworthiness, contemptuous disrespect is arguably worse than non-contemptuous
disrespect *per se*, even if individual cases of non-contemptuous disrespect might be as
bad as individual cases of contemptuous disrespect and where the two cases differ in
terms of no properties that are not definitional properties of either form of disrespect.
experiments on Z-people, thus not manifesting any kind of contempt for anyone’s value.

In both cases, the agent disrespects the individuals on whom he conducts his experiments in Eidelson’s sense, since in both cases the agent fails to give proper weight in his deliberations to the value of those persons she experiments on—Y-people in the first case and Z-people in the second case. Both cases, we can assume, involve the same amount of harmful consequences, e.g., harm to the experimental subjects. Only the former case involves contempt. Yet it is unclear that the former case is more wrongful than the latter.

Assuming that the preceding claim is correct, this implies that Eidelson’s amended disrespect-based account may need to be rethought in light of a counterexample very similar to the one he agrees defeats Alexander’s account. Perhaps there are ways this can be done. Perhaps contempt only boosts the disrespectfulness and, consequently, the wrongness of an action when the agent’s belief about the moral status of those for whom he displays contempt is correct.\(^\text{16}\) However, I do not see any reason why this should be so, given that we accept that mental states determine the wrongness of actions. Hence, in light of the arguments put forward in this section, I conclude that more work needs to be done for Eidelson’s disrespect-based account of the wrongness of discrimination to be satisfactory and for it to serve as a superior replacement of Alexander’s account.

6. Asymmetry in disrespect

\(^\text{16}\) Perhaps Eidelson uses “realize” as a success verb in the sentence quoted above, in which he explains the concept of contempt.
In this section I present an additional problem to which Eidelson’s account of disrespect gives rise and which Alexander’s account does not. This problem reflects Eidelson’s view that certain forms of statistical discrimination are intrinsically wrong, a view which Alexander (1992, p. 161) does not share—at least not in the form Eidelson gives it.

The problem I want to explore is this: Eidelson oscillates between a fact- and an evidence-relative account of disrespect. On the fact-relative account, X treats Y disrespectfully if X fails to give appropriate weight in X’s deliberations to features that Y actually has. On the evidence-relative account, X treats Y disrespectfully if X fails to give proper weight to evidence about features Y has.

The fact-relative account is especially salient in Eidelson’s account of the ends-in-themselves component and in his appeal to Darwall’s account of recognition respect. That is, I treat someone disrespectfully if I fail to give the weight to their interests that I should give them, given how they in fact are and not in light of the evidence I have regarding their status as ends in themselves.

The evidence-relative account is particularly salient in Eidelson’s examination of racial profiling and, more generally, in his critique of statistical discrimination. Here I treat someone disrespectfully by not giving the proper evidential weight to their self-presentational behavior, because in doing so I do not treat them in accordance with the evidence I have of their status as autonomous beings (Eidelson 2015, pp. 144-150). Eidelson does not think treating people on the basis of generalizations is *pro tanto* disrespectful, because, unavoidably, doing so will result

---

17 I borrow the terminology from (Parfit 2011, pp. 150-151). Parfit’s is tripartite, but for present purposes I can ignore Parfit’s third taxon, i.e., belief-relative.
in treating them based on the assumption that they are likely or more likely than others to have certain features that, in a number of cases, will turn out to be false.\textsuperscript{18}

However, this asymmetric treatment could be reversed. Take the ends-in-themselves component first. Suppose \( X \) gives greater weight to \( Y \)’s interests than \( Z \)’s. Suppose also that \( X \) has overwhelming evidence that \( Y \)’s moral status is more elevated than \( Z \)’s, in fact so much higher that in not giving even greater weight to \( Y \)’s interest it would seem that, by his own lights, \( X \) contemptuously repudiates the superior moral status of \( Y \). Yet suppose that, as a matter of fact, \( Z \) has a higher moral status than \( Y \) has. On Eidelson’s fact-relative account of disrespect, \( X \) discriminates against \( Z \), because in giving somewhat greater weight to \( Y \)’s interests than to \( Z \)’s, he is not giving the weight he should give to \( Z \)’s interests. However, it is also the case that, by his own lights, \( X \) fails to give appropriate weight to \( Y \)’s, not \( Z \)’s, interests. Hence, on an evidence-relative account of disrespect it is \( Y \), not \( Z \), towards whom \( X \) is disrespectful.

Take next the autonomy component. Suppose there is no self-presentational evidence that a certain person is autonomous, e.g., we have strong reason to believe she is brain-dead, but as a matter of fact she is fully conscious though paralyzed. I have every reason to think of her as a non-autonomous being. However, her mind and perceptual capacities are as well functioning as anyone’s. In not treating her as autonomous I do not disrespect her on Eidelson’s evidence-relative account of

\textsuperscript{18} One assumption underlying this view might be that it is extremely costly (either relative to the benefits to the target of the generalization or absolutely) or outright impossible not to treat people on the basis of generalizations; that no one has a moral claim to be treated in ways that are extremely costly or outright impossible; and that one does not treat people disrespectfully if one does not treat them in ways that they have no moral claim to be treated.
disrespect. Yet I do on a fact-relative view of the autonomy component in Eidelson’s disrespect account.\textsuperscript{19}

To treat the end-in-themselves and the autonomy components asymmetrically in relation to the fact- versus evidence-relative distinction strikes me as untenable, once we bring it to the surface. I do have an argument for why they should be treated symmetrically. Still, why should disrespect engage differently with different features of persons? Yet if we should treat the two components symmetrically, the question becomes how. Should we give fact-relative accounts of both components, or should we give evidence-relative accounts of both? Or should we, alternatively, say that there are two different forms of disrespect involved? I see problems whichever way we go.

Suppose we adopt a fact-relative treatment of both components. Barring a cosmic coincidence, this would render any instance of statistical discrimination disrespectful, and in a way that fits badly with Eidelson’s account. After all, he thinks that when we act on the basis of generalizations, we do not act disrespectfully in failing to take into account all facts about how someone is autonomous or has exercised her autonomy, provided evidence about these facts is not “reasonably available” (Eidelson 2015, pp. 144, 156-157). However, on the fact-relative account, we would. This suggests that we adopt the evidence-relative account instead.

If we do so, we run into another problem, this time in relation to the ends-in-themselves component. Consider the case I described four paragraphs ago. On the evidence-based account, X disrespects Y, even though X treats Y better than Z and Z

\textsuperscript{19} Similarly, there could be reverse cases, as it were, where, in fact, something constitutes evidence for exercise of the discriminatee’s autonomy, where in fact it reflects no exercise of autonomy on part of the discriminatee.
as a matter of fact has a more elevated moral status than Y. This does not seem right either, and in any case is not the way that Eidelson wants to go.\textsuperscript{20}

7. Conclusion

In view of the argument in the previous section, I conclude that there is an unresolved problem in the midst of Eidelson’s account of disrespect. Perhaps we are not entitled to conclude from it that the wrongness of discrimination cannot, in part at least, be accounted for in terms of disrespect, but at least we can conclude that his account is not satisfactory. Note that the schism between fact-relative and evidence-relative disrespect does not arise in the case of Alexander’s 1992 account, because Alexander does not believe that certain forms of statistical discrimination are intrinsically disrespectful and, thus, does not include a component in relation to which the evidence-relative account seems much more attractive.\textsuperscript{21} The wider upshot of this chapter is that we still do not have a satisfactory disrespect-based account of the wrongness of discrimination, and that attempting to extend its reach to statistical discrimination makes the task of providing one even more daunting.\textsuperscript{22} This, I take it, provides some vindication of Alexander’s present view of the wrongness of

\textsuperscript{20} These two objections mean that it is not a way out to simply go for a conjunctive account, where you say that both forms of disrespect matter.

\textsuperscript{21} The reason why the egalitarian experimenter’s act seems more disrespectful than that of the inegalitarian experimenter might be that we assess the two acts in terms of evidence-relative disrespect. If so, it is telling that Eidelson, as far as his official presentation of the ends-in-themselves component of his disrespect account is concerned, gives an account of fact-relative respect. Perhaps he overlooks this issue, because he thinks that cases where people have conclusive evidence for not ascribing equal moral worth to persons are extremely unlikely and, thus, fails to consider them.

\textsuperscript{22} A previous version of this chapter was presented at the Minerva Centre for Human Rights, The Hebrew University of Jerusalem, December 15, 2016. I am grateful to Andreas Albertsen, Larry Alexander, Richard Arneson, David Enoch, Deborah Hellman, Kristian Jensen, Lasse Nielsen, Tore Vincents Olsen, Viki Pedersen, Re’em Segev, Daniel Schwartz, Daniel Statman, Julie Suk, and Jens Damgaard Thaysen and to my commentator, Leora Dahan-Katz, on the occasion mentioned for helpful comments on an earlier draft.
discrimination, though on less grand grounds than those on the basis of which he himself holds it.

**Literature**

Alexander, L. (forthcoming). Is wrongful discrimination really wrong?


