

The Trouble with Discrimination

Once upon a time, ‘discrimination’—which is so central to much of political correctness it is worth special consideration—was seen as a positive attribute, which enabled people to discriminate between good and bad. People of discernment actually tried to educate themselves to become ‘discriminating’, a by-word for having good judgement.

Now ‘discrimination’—an ill-defined, catch-all term—has become one of the most unforgivable sins, something that no respectable person would seek to justify under any circumstances. Anything that is portrayed as ‘discriminatory’ in any way is automatically deemed intolerable.

The fight against discrimination is one of the foundation stones of political correctness, underpinning and motivating much of it. Shami Chakrabarti, on becoming director of the left-wing pressure group Liberty, declared she believed in ‘zero tolerance of any form of discrimination’. The European Charter of Fundamental Rights promises to outlaw all discrimination, turning politically correct sloganeering into Europe-wide law upheld by a court in Luxembourg:

Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

There are noble intentions behind these declarations that few civilised people would disagree with, and making these declarations rewards the declarers by making them feel virtuous (as one government lawyer said to me). The fight against discrimination has righted many hideous

wrongs, such as denial of services to ethnic minorities and women's disenfranchisement. But having won the most obvious and justifiable battles, the intentions are often rendered meaningless by the flawed, often hypocritical and usually intolerant thinking behind them.

Political correctness constricts people's range of thought to such a degree that a rational public discussion on discrimination has become almost impossible, and it usually descends into learnt ritual denunciations of anyone going against the received text. Anyone who supports discrimination, either explicit or implicit, is vilified. After all, how could any decent person speak out in favour of discrimination?

Well, supporters of positive discrimination, for starters.

Discrimination is highly complex phenomenon that has both positive and negative aspects, and while its negative manifestations can be very damaging and should be fought against, some forms of discrimination are also essential for the operation of society. Many forms of discrimination are widely accepted and unquestioned simply because of the benefits that they bring. It would be very difficult to prevent roads becoming far more dangerous than they already are if licensing authorities were not allowed to indulge in age discrimination both in awarding driving licences in the first place, and then in determining who should be required to have re-testing on age grounds.

It is important to distinguish between two forms of discrimination, which we can call rational and irrational. Rational discrimination is the attribution to individuals of the known average characteristics of a group to which they belong. Young men pay higher rates for car insurance than young women and older men, because young men are, on average, more dangerous drivers than young women and older men. A young man who is a safe driver is thus discriminated against because of the characteristics of other people in his age and sex group.

THE TROUBLE WITH DISCRIMINATION

By contrast, irrational discrimination is just prejudice that is not based on evidence. Until very recently women were discouraged from being doctors on the grounds they did not make good doctors, even though they make just as good (and perhaps in some ways better) doctors than men. Not employing an otherwise perfectly qualified person as an accountant just because they are gay or black is simply irrational prejudicial discrimination.

Sometimes discrimination is a mixture of rational and irrational. The campaign among some feminists to ban all men from working with primary school children is partly based on the fact that men are more likely to sexually abuse children than women, and partly on prejudice against men.

Irrational, prejudicial discrimination is unjust, damaging both societies and individuals. However, rational discrimination is far more complex. Although it may be unfair on some individuals, rational discrimination is often not just accepted, but used as a basis of policy, because there are wider social benefits and any alternatives have even greater drawbacks.

Those who campaign against ageism are unlikely to campaign for the abolition of the age of consent on the grounds that it discriminates against children, making them unable to enjoy legal sex simply because of their age. Some 15 year olds are mature enough to enjoy healthy sexual relationships, but it is near impossible for the law to judge between those who are mature enough and those that aren't, so blanket age discrimination is used.

Those who declare that all forms of discrimination are intolerable are unlikely to campaign for 12-year-olds to be allowed to vote or buy cigarettes and alcohol. They are unlikely to demand that pension companies and health insurers should be banned from taking age into account, when setting premiums and annuities, an act that would make those industries financially unviable. They are

unlikely to campaign against free bus passes for those of pensionable age, a clear example of age discrimination. A poor 59-year-old man is far more deserving of a free bus pass than a 70-year-old millionaire, and yet is discriminated against because of his age.

Anti-discrimination campaigners may publicly declare that all discrimination on the grounds of sex should be outlawed, but they are unlikely to agree that all men should have the right to use women's toilets, that men should be allowed to go to women's gyms, or to demand overturning the right of women's clothes shops to refuse to employ men.

The European Charter of Fundamental Rights prohibits discrimination on the grounds of 'language', but insisting that nurses can speak English and don't need an interpreter when applying for a job in the NHS is pure linguistic discrimination which is accepted because the alternative would be very impractical and costly.

All countries practice discrimination on the grounds of national origin when it comes to immigration, because anything else is unworkable. All citizens of EU countries have the automatic right to live and work in the UK, but not citizens of American, Asian or African countries. US citizens can visit the UK without a visa, but Nigerian and Indian citizens cannot. The reason quite simply is that the proportion of Americans who don't return and then break immigration law is very low, while the proportion of Nigerians and Indians is high. The government tracks records of immigration law infringement by national origin, and slaps entry visas on those nations where infringement rates are high. A rich Indian businessman is required to get a visa even though he is less likely to become a burden on the state or break immigration laws than a poor American, who doesn't need a visa. The Indian is being discriminated against on the basis of national origin, unjustly affected by the high infringement rates of his co-nationals. It is blatant discrimination, but

THE TROUBLE WITH DISCRIMINATION

every country in the world employs such discrimination because no country has managed to find a workable non-discriminatory system.

Rational discrimination does create victims, and sometimes it can—and should—be avoided. In all cases a balance has to be made between the social divisiveness of accepting rational discrimination, and the drawbacks of avoiding it.

Men, on average, make better firefighters than women, because firefighting requires physical strength and men are stronger on average than women. But the old blanket ban on women becoming firefighters was a blunt and unnecessary form of rational discrimination, since it is easy as part of the assessment procedure to assess the relevant characteristic, strength, rather than the ultimately irrelevant one, gender.

In other instances, rational discrimination is almost impossible to avoid. One sixteen-year-old may be an innately safer driver than another eighteen-year-old, but is denied a provisional licence purely because of her age. Any driving licence system that doesn't use age discrimination would have to have some form of pre-testing for suitability to be allowed behind the wheel of a car, which would be costly, inefficient and ineffective compared to blanket age discrimination.

The pension and insurance industries are ubiquitous users of age and sexual discrimination, rationally calculated in their actuarial tables. Men pay smaller pension contributions than women for a given level of private pension, for the simple reason that, on average, they have shorter lives and so on average claim less. Old people pay more for private health insurance than young people, because on average they are likely to make more claims. This form of rational age and sex discrimination is accepted because it causes little social division.

However, pension and insurance companies would also be capable of using race to determine premiums, because

the actuarial information is available. Ethnic minorities in the UK have a much shorter life expectancy than whites, and so, according to actuarial tables, they should pay less for private pensions. In contrast, because they tend to live in higher crime neighbourhoods, they tend to be greater victims of car crime, and according to the cold arithmetic of the actuaries, they would be charged higher car insurance premiums to reflect that risk. However, although age and sex discrimination is accepted in the provision of financial services, race discrimination isn't because, although it could be justified by the actuaries, it is far more socially divisive. Asking someone their race to determine their cost of car insurance or pension contributions would be redolent of apartheid. (Although the PC may just accept an insurance firm using black people's shorter life expectancies to offer them lower pension contributions, it would set a terrible precedent.)

The various forms of rational discrimination that are widely accepted are not often called discrimination—although that is clearly what they are—because accepting that some discrimination is actually essential to the working of a society would undermine the public acceptance of 'zero tolerance of all forms of discrimination'. The war on discrimination would become meaningless if there were general public awareness that actually some forms of discrimination are needed.

Double Standards on Discrimination

There are widespread double standards on various forms of discrimination. In general, discrimination—even irrational, prejudicial discrimination—is either tolerated or promoted so long as it is against the powerful, while discrimination against those deemed vulnerable is deemed indefensible. 'Gender profiling' by police forces that targets men is perfectly acceptable, while 'racial profiling' which targets blacks is not (see chapter 7).

THE TROUBLE WITH DISCRIMINATION

Those who wage war on ‘all forms of discrimination’ often promote so-called ‘positive discrimination’, which is nonetheless discrimination which should thus supposedly be worthy of ‘zero tolerance’.

The difference in retirement age between men and women is irrational prejudicial discrimination, the continuation of which (at least until 2020) is only explicable because it is men (otherwise perceived to be privileged) who are discriminated against. It is inconceivable that if it were women who were discriminated against that it would not have ended by now, even though it would be slightly more justifiable because women actually live longer.

There are no longer any male-only colleges in Oxford and Cambridge, having come under great pressure to change. But women-only colleges, which are just as blatantly sexist, continue to justify their existence on the grounds that they benefit women—despite the fact that women greatly outperform men at all levels of the education system, up to and including the attainment of first-class university degrees.

Women in the UK get far more generous parental leave than men, a legalised form of sex discrimination that is not entirely justified by biology, as Scandinavian countries have shown. Women adopting babies have demanded the same maternity rights as women who have babies, arguing that babies who are adopted should not be discriminated against in terms of their rights to maternal care. But then there would be absolutely no grounds other than simple sex discrimination to deny men who adopt babies the same parental leave rights as women who adopt babies. If men who adopt babies are given the same rights as women who adopt babies, who are themselves given the same rights as women who give birth to babies, you end up in the absurd position that men who adopt babies have far better parental leave than men who father their own babies.

Discrimination on the grounds of religion is meant to be barred, but there are many charity groups that offer help

specifically on the basis of someone's religion, noticeably Jews or Muslims. In contrast, charities such as Christian Aid give most of their aid to non-Christians.

Discrimination on the grounds of race is supposed to be barred, unless it is for training schemes open only to ethnic minorities, or in admission to US universities, where whites—even those from poor, deprived backgrounds—are openly discriminated against purely on the basis of skin colour by being automatically awarded fewer points as part of the entry assessment.

The Black Police Association gets around the inherent racism of its membership criteria by saying that it is open to anyone who has experience of racism whatever their ethnic background—it has many north Africans who are virtually identical to British whites—but it is not open to Jews or Irish, despite the existence of anti-Semitism and anti-Irish prejudice. (In effect, the Black Police Association has a sign on its doors saying: 'no Jews or Irish'.)

The 'white Australia' immigration policy of the 1960s was internationally condemned until it was abandoned, but there have been no international protests in the last few years about India offering citizenship to any of the 20 million people of Indian ethnic origin not living in India (whether or not they have Indian parents, have ever been to India, practice any Indian religion or speak any Indian language), or about Ghana offering an automatic right of residency to any blacks who live in the West (whether or not their ancestors came from Ghana), but not any whites or Asians. The disparity in reactions to Australia's policy and India's and Ghana's is only explicable by political correctness.

There have been many public complaints about sports competitions (such as Wimbledon tennis) having higher value prizes for men rather than women. But the demands for gender-blindness in the prizes don't extend to the tournaments themselves, which are still divided between men's and women's competition. Logically, if the prize

doesn't discriminate between men and women, then the competition that leads to those prizes shouldn't either. But there is remarkably little demand for women to be allowed to enter men's competitions or visa versa (i.e. just let the best person win, whether man or woman) because few women would ever win anything at all. The demand for equal treatment only goes as far as it advantages what is deemed the less privileged sex. Those who insist on equal prizes, because anything else is discrimination, should explain why it is not discrimination for men to be denied an equal right to compete for the women's prize. If there really were zero tolerance of sex discrimination in sport—as opposed to selective discrimination—then women would win virtually nothing.

The existence of women's tournaments and the nearly equal prize money for them is already a form of positive discrimination that gives to women tennis players the chance to win money that would be unavailable to them if there really were no sex discrimination in tennis.

Although it may be good to create separate games for women, because then at least they have a chance at winning, it would be unthinkable to make the same case for creating a 'white only' world athletics championships. Only one white has ever run 100m in less than ten seconds, and no white has ever won the 100m sprint in the Olympics. It is just as pointless being a white 100m sprinter in colour-blind sporting competitions as it would be being a women 100m sprinter in gender-blind sporting competitions.

It is clear that discrimination itself is usually not the problem, but the effect that such discrimination has. The war on discrimination is often little more than a war on privilege (whether earned or unearned), but a war that dare not declare its name: if it were seen to be a war on privilege it would never be able to command the overwhelming public support that the war on discrimination has. People

THE RETREAT OF REASON

tend not to support attacks on privilege because they aspire to privilege, but they strongly support 'fair play'.