

This book defends an original and pluralist theory of when and why discrimination wrongs people. Sophia Moreau argues that although all cases of wrongful discrimination involve a failure to treat some people as the equals of others, these failures are importantly different. The first four chapters of the book explore different ways of failing to treat people as equals: through unfairly subordinating some to others, through violating someone's right to a particular deliberative freedom, and through denying some people access to a basic good. Chapter Five explains why these different wrongs can be seen as parts of a coherent theory of wrongful discrimination, and it presents some of the explanatory advantages of that this theory has over others. Chapter Six argues that the theory enables us to see indirect discrimination as wrongful for many of the same reasons as direct discrimination, and that both should be seen as forms of negligence. Finally Chapter Seven argues that the duty to treat others as equals is a duty held not just by the state, but also by each individual member of society.

discrimination, equality, subordination, discrimination law,
philosophy of law, justice, direct discrimination, indirect
discrimination, disparate treatment, disparate impact

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For Chris, Kathy, and Rebecca

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One of the best things about being an academic is that it gives you a chance to have conversations that stretch over many years, with people who live in many different places, about the things that you think matter most. The ideas in this book have grown out of such conversations—conversations with philosophers, legal academics, lawyers, judges, and also with people who have faced discrimination. I am grateful to everyone who has engaged with me in these ongoing conversations about equality rights and discrimination, and particularly to Rebecca Cook, John Gardner, Debbie Hellman, Tarun Khaitan, Niko Kolodny, Kasper Lippert-Rasmussen, Arthur Ripstein, Larry Sager, and Seana Shiffrin. I also want to thank Tim Scanlon, my Ph.D. supervisor at Harvard: although I did not write my dissertation on anything to do with equality, his teaching fundamentally shaped the way I approach philosophical problems like the ones discussed in this book.

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CP.P8 Several chapters of the book draw on previously published material. An earlier version of Chapter Two was published as Chapter Five in the *Oxford Studies in Political Philosophy*, Volume 5, 2019; and some of my critical comments on Khaitan's work in Chapter Three were previously published as part of a review of his book, entitled "Discrimination and the Freedom to Live a Good Life," *Law and Philosophy* 35(5) (2016), 511–527.

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I am also very grateful to Robert Davidson, *Guud Sans Glans*, a Haida artist from Canada’s Northwest coast, for allowing me to use his beautiful serigraph “I Am You and You Are Me” on the cover of this book. For a discussion of the symbols in this serigraph and the ways in which I think they relate to the arguments of the book, see the book’s Conclusion.

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This book is dedicated to three women who have, in very different ways, inspired my work. Chris Korsgaard was a role model for me when I was a graduate student; and when, some years later, I made a concerted effort to develop my own philosophical voice, it was Chris’s writing, confident and unabashedly directed toward a “you,” that helped to guide me. Chris was also the first person who suggested to me that philosophical analysis at its best is really the narrating of a story. I hope the stories in this book are worthy of her. Madam Justice Kathy Feldman from the Ontario Court of Appeal befriended me when I was just an undergraduate and has been a source of unconditional support ever since, meeting with me regularly to talk and to encourage me, regardless of what I was working on. And Rebecca Cook, my colleague here at the University of Toronto, has done more than almost anyone I know to create a

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