

## The Right to Private Discrimination

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**Are people that are discriminated against thereby oppressed?** No: they are merely not benefited. You do not interfere with people by declining to offer them opportunities - whether these be opportunities to work for you or sleep with you. If you are not interfering with people you cannot be, oppressing them. But if you are legally obliged to offer others any such opportunities then *you* are being oppressed. To the extent that you cannot discriminate in the use of your property it ceases to be fully yours. Persecuting people because they belong to certain groups is certainly oppressive (to put it mildly), but the oppression lies in the positive interference and not in the discrimination as such.

**Are people that discriminate against certain groups merely prejudiced?** No: prejudice means judging before examination; people that discriminate invariably have knowledge of their tastes and discriminate on the basis of these. If you prefer beer to cider, or chess to tennis, this is not mere prejudice. Similarly, we all discriminate among people for a variety of purposes based on our tastes. We can be mistaken about those we reject, but it is foolish for them to think we are likely to see our error by being forced to associate with them. The best chance of winning the acceptance of those one wishes to associate with is to avoid imposing on them.

**Is discrimination by business, restaurants etc. different because they serve the public?** No: these are private concerns and should not be for anyone's use without the permission of the private owner. Who comes into your business, your home, or your bed is entirely 'your business'. Only the activities of the state and any businesses it controls are public. It is not a private matter when the state decides to discriminate against or in favour of certain groups. People are either oppressed or privileged to the extent that the state treats them unequally.

**Do employers that discriminate on the basis of sex, race, religion, etc. use criteria irrelevant to the job?** No: jobs do not have objective requirements beyond what the employer wants. A business is a means to whatever ends its owner chooses. Employers have no more reason to be solely profit-maximisers than consumers have to buy only the cheapest goods. An employer can quite rationally choose to employ certain groups as his primary business purpose. Only the employer can decide what his purposes in his business are and what sort of people he wishes to employ. If a private employer prefers devout Muslims, or homosexual men, or one-legged Eskimos, then these qualifications are thereby relevant to the job. Naturally, employers do not usually discriminate without strong reason when profits are at stake. So there is no reason to think that any groups will find themselves without any work just because, some will not employ them.

Businessmen are an oppressed minority in various ways including being oppressed by being legally obliged to employ certain groups. The people that employers would have preferred to employ are also oppressed by being denied the jobs that they would otherwise have had. And to legally oblige an employer to accept groups that require special facilities or concessions at the same rates of pay as other workers is to give these groups a positive privilege: they do not pay their way; everyone else is forced to subsidise them.

**Is there any justification for anti-discrimination legislation?** No: people should not be forcibly segregated, as they are under apartheid - but neither should they be forced to integrate. This is an example of swinging from one evil to a contrary evil. To the extent that it exists, compulsory association is at least as destructive of liberty and welfare as is compulsory segregation. Private discrimination is a civil liberty that does no harm and which we all want for ourselves; to deny it to others is completely illiberal. All anti-discrimination legislation should be repealed.

**Free Life**