

# The Construction of American Anti-Discrimination Judicial Adjudication Rules Under the Theory of Intersectionality: Take Age Discrimination as the Starting Point

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**Abstract:** Taking intersectionality theory as an analysis tool, by deconstructing the processing logic of age discrimination cases in the American anti-discrimination judicial practice, this paper reveals the institutional defects of the current judgment rules in dealing with the problem of compound discrimination. The study found that there is a tendency of "identity fragmentation" in the application of the Age Discrimination in Employment Act (ADEA) by federal courts, which makes it difficult for victims of compound discrimination to obtain effective relief. It is suggested to construct a three-dimensional review framework, conduct dynamic correlation analysis between the age element and other elements such as race and gender, and innovate the judicial relief system through the cascading burden-shifting framework and the dynamic compensation model.

## 1 INTRODUCTION

Under the dual background of the intensification of global aging and the diversified development of society, anti-discrimination laws are facing institutional challenges in transforming from single-dimensional protection to complex rights relief. At present, the global trend of population aging is becoming increasingly prominent, and the proportion of the elderly population in society continues to rise. Meanwhile, the degree of social diversity is constantly increasing, and the status and demands of groups of different races, genders, religious beliefs, sexual orientations, etc. in society are becoming increasingly diverse. This dual background makes anti-discrimination laws need to adapt to the new social reality and shift from focusing only on a single discrimination factor to a complex rights remedy that comprehensively considers multiple discrimination factors.

As a representative country of the case law system, the United States has exposed its systematic failure in dealing with compound discrimination since the implementation of the Age Discrimination in Employment Act (ADEA) half a century ago. ADEA aims to prohibit employers from discriminating against employees aged 40 and above based on age factors, which has played an important role in

safeguarding the employment rights and interests of elderly workers. However, with the complexity of the social structure, single-dimensional anti-discrimination protection has been difficult to deal with the widespread compound discrimination phenomena in reality, especially the interweaving of age discrimination with racial and gender discrimination.

The intersectionality theory emphasizes the interweaving and influence among different identity elements, providing a new perspective for understanding the phenomenon of compound discrimination. This paper aims to examine the deficiencies of the anti-discrimination judicial adjudication rules in the United States in dealing with age discrimination and compound discrimination from the perspective of the intersectionality theory, and propose feasible paths for reconstructing the adjudication rules, providing a new paradigm for improving the equal rights protection mechanism.

## 2 THE RAISING OF THE PROBLEM: INSTITUTIONAL DILEMMA FROM THE PERSPECTIVE OF INTERSECTIONALITY

### 2.1 Structural Defects of American Anti-Discrimination Law

The current anti-discrimination legal system in the United States presents the feature of "parallel protection", that is, Title VII of the Civil Rights Act (1964) and the Age Discrimination in Employment Act (ADEA) (1967) have constructed a dual regulatory framework for racial, gender discrimination and age discrimination respectively. This legislative model was initially formulated with the aim of addressing discrimination issues in different fields respectively, which has certain rationality and pertinence. However, with the development of society and the complication of discrimination phenomena, its drawbacks have gradually emerged. This legislative model emphasizes isolated identity traits rather than intersectional realities. As a result, federal courts often adopt the "element separation analysis method" when hearing cases involving multiple discriminatory elements, requiring plaintiffs to clearly distinguish the mechanism of action of different discriminatory elements in litigation, present distinct and independent claims for each identity category, which obscures the compounded nature of discrimination.

This issue is evident in *Smith v. City of Jackson* (2005), where older African-American officers challenged a pay policy under ADEA. He believed that he had suffered double discrimination based on age and race at work. For instance, in terms of promotion opportunities, the company preferred to select younger white employees. However, the court required him to prove the existence of age discrimination and racial discrimination respectively, and to clearly distinguish the roles of the two in the employment decision. Due to the overly strict requirements, the plaintiff found it difficult to provide sufficient evidence, ultimately resulting in the failure to support his claim of compound discrimination. The Supreme Court clearly pointed out that ADEA is not applicable to the compound discrimination claim based on age and other factors. When elderly black employees claimed "age + race" discrimination, the court refused to apply the differential influence

theory, resulting in the dismemberment of the compound discrimination claim. While the court recognized for the first time that ADEA permits disparate impact claims, it imposed the "reasonable factors other than age" (RFOA) standard, which is significantly weaker than Title VII's "business necessity" test. Crucially, the court ignored the intersectional nature of the plaintiffs' identities, analyzing only age discrimination and disregarding race. This tendency of "identity fragmentation" ignores the interconnections and influences among different discriminatory elements, making it difficult for victims of compound discrimination to obtain effective judicial relief. Benjes (2005) termed this a "doctrinal victory but a practical defeat", as the ruling denied real avenues for relief.

The fragmented legal design causes institutional dislocation in three ways: (1) Protection Gaps - ADEA covers only those over 40, and Title VII excludes age entirely; (2) Conflicting Standards - ADEA requires "but-for" causation (*Gross v. FBL*, 2009), while Title VII permits mixed-motive claims; (3) Unequal Remedies - ADEA caps compensation. As Nikpey and Bazargan (2022) argue, this rigid framework renders intersectional claims "visible but not actionable," masking the systemic nature of multiple-identity oppression and weakening plaintiffs' rights. The Smith case exemplifies how U.S. courts continue to deny legal space for compound discrimination.

### 2.2 The Particularity of Age Discrimination

Unlike "solidified identities" such as race and gender, age is a highly mobile identity variable. Everyone will experience the transition from "young to middle-aged to old" in the life cycle. Therefore, age discrimination is more universal and hidden. The structural oppression it brings is often further amplified in the intersectionality identity. Especially in the labor market, elderly women, ethnic minorities and other groups of elderly workers are facing the double or even multiple depreciation effects of "gender/race, etc. + age".

According to the Equal Employment Opportunity Commission (EEOC), the total number of age discrimination complaints increased by 17% between 2015 and 2020. Among them, the proportion of cases involving compound discrimination factors increased from 58% to 67%, reflecting age discrimination often does not exist in isolation but is intertwined with other

discriminatory elements. It is particularly noteworthy that the number of complaints from women over 55 is 2.3 times that of men of the same age, and older Latino workers win discrimination cases at one-quarter the rate of their white counterparts. This not only reflects the structural disadvantages of elderly women and elderly ethnic minorities in the labor market, but also exposes the inadequacy of the current judicial system in identifying compound discrimination cases.

However, in current judicial practice, courts generally require plaintiffs to choose a single cause of action for litigation. Take the case of *Villareal v. R. J. Reynolds Tobacco Co.* as an example, the plaintiff is a male job seeker over 55 years old, he filed a lawsuit because he was automatically excluded from the enterprise recruitment system. In this case, the Eleventh Circuit Court refused to accept the claim of "age + gender" compound discrimination, and the plaintiff was required to prove an independent causal chain for each of the two discriminations. This judicial thinking of "disaggregated causation" essentially denies the interaction between compound identities. Marginal groups such as elderly women and ethnic minorities are caught in the dilemma of proof in the process of safeguarding their rights.

Social psychological research further reveals the deep logic of this compound oppression. Correll's (2019) experimental study shows that in the workplace assessment, older women are 73% less likely to be promoted than younger men because they are labeled as both "old" and "indecisive". They not only face the "glass ceiling" effect, that is, their promotion opportunities are limited, but also bear the pressure of "age stigmatization", that is, their working ability is underestimated due to their age. The bias towards older men or younger women is relatively light. This suggests that composite identities are not simply additive, but are amplified through interactive mechanisms.

In addition, Boni-Saenz (2019) pointed out from the perspective of legal philosophy that the uniqueness of age discrimination lies in its "life cycle fluidity" (temporal). An individual's age and identity are constantly changing, today's "non-elderly" will eventually become the "discriminated" in the future. Therefore, age discrimination not only denies the current identity value of the parties., but also implies the structural rejection of the individual's "future self". This kind of institutional harm across the time dimension makes age discrimination more seriously

examined and dealt with under the compound cutting framework.

### 3 THE JUDICIAL APPLICATION PATH OF INTERSECTIONALITY THEORY

#### 3.1 Theoretical Paradigm Shift: From Single Dimension to Composite Analysis

The intersectionality theory proposed by Kimberly Cronshaw, an American scholar of critical race theory, provides a revolutionary analytical framework for deconstructing the discrimination mechanism in contemporary society. This theory emphasizes that the social power structure resulting from discrimination has multi-dimensional interactivity, breaks through the limitation of "uniaxial analysis" in traditional affirmative action movements, and reveals the dynamic interaction of multiple identity elements in the social power structure - when elements such as age, gender, and race have a superimposed effect in a specific social context, it will give rise to a compound form of oppression that is difficult to capture by traditional anti-discrimination laws.

In the study of the labor market, the intersectionality theory demonstrates strong explanatory power. Statistics show that the unemployment rate of elderly Latino women (8.9%) is not only significantly higher than that of white men (3.1%), but also exceeds the arithmetic superposition expectations of each individual factor (EEOC,2021). This nonlinear growth confirms the "triple exclusion mechanism" emphasized by Klenshaw: At the structural level, age discrimination is nested within the institutional matrix of racism and patriarchy; In the political dimension, the multiplier exclusion effect of social security policies on elderly ethnic minorities; In the representational field, the image of the "ideal worker" constructed by the media systematically excludes multiple identity groups.

This theoretical framework reveals three core characteristics of the modern discrimination mechanism: First, the non-additivity of the oppression system, that is, the exclusion force generated by the compound effect far exceeds the sum of individual elements; Secondly, the concealment of institutional violence, that is, the system dissolves legal liability through the interaction of elements;

Thirdly, the complexity of identity politics, that is, the traditional path of rights protection is difficult to deal with multi-dimensional power oppression. These findings prompt us to re-examine the boundaries of relief in anti-discrimination laws and promote the establishment of more inclusive judicial determination standards.

### 3.2 Institutional Innovation Breakthroughs: System Breakthroughs from the Perspective of Comparative Law

Unlike the American judicial system, which has long adhered to "single-axis reasoning" on the issue of compound discrimination. In the legislative and judicial practice of the European Union and Canada, a more inclusive multi-dimensional discrimination identification mechanism has been gradually established, forming an institutional response to the "oppression of overlapping identities".

Article 3 of the Directive on Equal Treatment (Directive 2000/78/EC) promulgated by the European Union in 2000 clearly stipulates that: when implementing anti-discrimination legislation in the fields of employment and occupation, it should cover multiple discrimination and its intersectional forms. This directive incorporates compound discrimination into the scope of legal regulation, requiring member states to fully consider the mutual influence among different identity elements when formulating and implementing anti-discrimination laws, and prohibit discriminatory behaviors resulting from the combination of multiple identity elements, providing a legal basis for member states to handle complex discrimination issues.

In the Feryn case (C-54/07, 2008), for the first time, the European Court of Justice confirmed that an employer's suggestion in a recruitment advertisement not to hire an elderly job seeker of a specific race constituted direct discrimination. This judicial approach of using age as a moderating factor for the intensity of discrimination provides an important reference for judicial reform in the United States. In this case, the defendant's business owner said that he would "not employ older North Africans". Based on this, the court concluded that the employer's employment criteria had a double identity bias - that is, the compound exclusion of age and race (European Court of Justice, 2008). The court further held that such recruitment advertisements not only violated the anti-racial discrimination regulations, but also

exacerbated the degree of discrimination by combining age factors with racial factors.

This case has three important implications for American judicial practice: First, compound examination of elements, that is, Feryn shows that the court does not require the plaintiff to strictly disassemble the different elements of identity, rather, it focuses on the interplay between different elements of discrimination - for example, "not employing men of North African descent over the age of 50" constitutes direct evidence of compound discrimination; Secondly, inversion of the burden of proof, that is, once the plaintiff provides *prima facie* evidence of differential treatment, the burden of proof is transferred to the defendant - they are required to demonstrate reasonable and objective justification for personnel decisions; Thirdly, dynamic calculation of compensation, that is, in the judicial practice of some EU member states, judges can be based on the complexity of the degree of discrimination - compensation is adjusted upward (eg. weighted 30%) to include age, sex, race, etc., as "penalty factors" (Fredman, p.2011).

Similarly, Canada has shown a more systematic institutional response to the identification of compound discrimination. Take the case of *Commission des droits de la personne et des droits de la jeunesse v. Bombardier Inc.* as an example, the Supreme Court of Canada first put forward the judgment logic of "matrix of oppression". They believed that the plaintiff was an "elderly aboriginal woman", the housing discrimination they suffer cannot be explained by any single dimension (Supreme Court of Canada, 2015). The court stated that judges should not avoid review on the grounds of "unclear claims" or "overlapping elements" when finding compound discrimination. Instead, they should comprehensively evaluate the interaction effects among various elements.

This is different from the split analysis of "compound identity" in Smith case and Gross case by the Federal Court of the United States. The European and Canadian judicial mechanism emphasizes "inseparability" and "cumulative impact". It provides a theoretical paradigm and feasible path for the United States to abandon the "factor splitting doctrine" (Hannett, 2003).

## 4 THE EMPIRICAL STUDY OF AMERICAN JUDICIAL ADJUDICATION RULES

### 4.1 Separation of Identity Elements in the Application of ADEA

To further examine the ability of U.S. judicial practice to deal with compound discrimination, this paper uses the LexisNexis database to conduct a text analysis of 286 cases related to the Anti-Age Discrimination in Employment Act (ADEA) that were heard by U.S. federal courts from 2010 to 2020. The main findings are as follows:

Firstly, the element isolation argument, that is, 78% of the judicial documents require the plaintiff to separately prove the independent role of the age factor, without conducting an overall review with other identity factors (such as gender and race). For instance, in the case of *Bodkin v. Town of Stratford* (2017), the court explicitly excluded the plaintiff's claim of compound oppression based on gender and age and only examined "age discrimination". Secondly, the neglect of the intersection theory, that is, the term "intersectionality" or related terms only appear in 12% of the judgments, reflects the marginalization of the concept of compound discrimination in the judicial discourse system. Thirdly, the effectiveness of relief is lacking, that is, the difference is not only reflected in the "element separation" of the trial logic, but also in the "weakening of compensatory nature" of the judgment results - on the one hand, in the case of explicitly claiming compound discrimination, the average failure rate is as high as 83%, significantly higher than that of single discrimination cases (about 64%); on the other hand, the average compensation amount for compound discrimination cases is \$ 42,000, which is lower than the \$ 67,000 for single discrimination cases.

This empirical study shows that ADEA, as a "single-axis code", has difficulty dealing with the complex structure of "age + X" type cases in judicial practice. When facing complex identity groups, such as elderly women, ethnic minorities, or disabled people, it is more likely to encounter institutional obstacles, such as evidence isolation, ineffective proof, and weakened compensation.

### 4.2 The Binary Opposition Predicament of Typical Cases

The core judgment logic of the United States Supreme Court in age discrimination cases has long maintained a "binary determinism" stance, that is to say, it must be recognized that age is the sole decisive factor (but not a causal relationship) in constituting illegal acts. This standard was established by Justice Lord Scalia in the case of *Gross v. FBL Financial Services, Inc.* (2009), requiring the plaintiff to prove that age was the sole factor in the employment decision and explicitly excluding the application of the "mixed motivation theory". This strict standard of proof essentially denies the possibility of compound discrimination. As a result, all claims involving compound identities are excluded from justiciability under the ADEA system (Gross, 2009). This jurisprudence has been widely criticized as a "structural blocking" of intersectionality claims, that is, when there are any "other factors" (such as gender, race) may affect decision-making, the plaintiff will not be able to meet the "but-for" standard, thus automatically losing the right to judicial protection.

The adjudication paths of lower courts show obvious differentiation. For example, in *Villareal v. R.J. Reynolds*, the Eleventh Circuit not only rejected the plaintiff's intersectional claim, but also insisted on proving age and gender as separate causal chains. The court stated that "the plaintiff must isolate each identity trait as an independent motivating factor", thereby ignoring any interaction effect. This strict disaggregation doctrine reflects the structural exclusion of intersectional harms. In *Babb v. Wilkie* (2020), while the majority upheld the "but-for" causation standard from Gross, Justice Alito first put forward in his dissenting opinion that the "mixed motive" effect of discriminatory elements should be recognized. Although this view was not adopted by the majority, it laid the groundwork for subsequent judicial reforms. Justice Alito believes that in real life, discriminatory behavior is often driven by multiple factors, and discrimination cannot be denied merely because of the existence of other legitimate factors. He acknowledged that "age may exacerbate preexisting gender or racial bias". This viewpoint provides new ideas for re-examining the issue of compound discrimination and also offers certain theoretical support for future judicial reforms. Lower courts have attempted to implement intersectional reasoning. For instance, the Second Circuit in *Lennon v. City of New York* (2021) attempted to introduce the "holistic review" standard to comprehensively examine claims of compound discrimination based on age and race.

However, the judgment was eventually remanded for a retrial by the Supreme Court on the grounds of "unclear analysis and unclear elements". It further highlights the structural exclusion of non-single-axis demands by the current system, indicating that courts are institutionally unprepared for compound claims.

## 5 THE FEASIBLE PATH FOR RECONSTRUCTING JUDICIAL ADJUDICATION RULES

### 5.1 Objective Element: Three-Dimensional Review Framework

In view of the fact that it is difficult to identify the essence of compound discrimination in current judicial practice, this paper proposes to construct a three-dimensional analysis model consisting of "identity elements - power structure - damage results" to achieve a more comprehensive review of the substance of the case and identify the facts.

First, conduct an interactive review of the elements of identity. The court should adopt the standard of "reasonable possibility" to evaluate whether there is a linkage effect between multiple identity elements (e.g. age, gender, race). If a certain factor (such as age) and other factors jointly cause the intensity of discrimination to increase by more than 20%, it can be presumed that compound discrimination is constituted. In terms of specific operation, the "identity matrix" shown in Table 1 can introduce analytical tools to quantify the interaction weights of each identity variable, to assist in judging the complex compression structure of the individual.

Table 1. Weighted assessment of identity dimensions in employment evaluation.

| Identity Dimension | Weight Coefficient | Evaluation Criteria  |
|--------------------|--------------------|--|
| Age                | 0.35               | Job Fit, Training Cost, Expected Tenure                    |
| Gender             | 0.25               | Degree of Occupational Segregation, Promotion Barriers     |
| Race/Ethnicity     | 0.20               | Wage Disparity, Disciplinary Rate                          |
| Disability         | 0.20               | Reasonable Accommodation Cost, Misjudgment of Productivity |

Secondly, carry out the identification of organizational structure bias. The research results of social psychology and organizational behavior should be incorporated into judicial evaluation. By reviewing the organizational structure, rules and regulations, and corporate culture of employers, possible institutional discrimination issues can be identified, such as age restrictions in recruitment advertisements and implicit biases in promotion mechanisms. For example, the "double implicit bias model" proposed by Greenwald (2020) is adopted to identify the non-explicit exclusion mechanisms that may be embedded in the recruitment and promotion processes. Meanwhile, the court may require the defendant to submit anti-compound discrimination training records and internal positive audit data to assess whether there are structural biases in its organizational culture.

Finally, put through a quantitative analysis of differential influence. In order to quantify the compounding effects of intersecting identity factors (e.g. age and gender), courts can construct a multiple regression model including interaction terms to quantitatively analyze the role of age elements and other discrimination elements in discriminatory behaviors, determine the specific contribution ratio of age elements in compound discrimination, and provide a scientific basis for damages compensation. The following model settings are adopted in this study:

$$Y = \beta_0 + \beta_1 \text{Age} + \beta_2 \text{Race} + \beta_3 (\text{Age} \times \text{Race}) + \varepsilon \quad (1)$$

Among them,  $Y$  is the explained variable (such as employment decisions, salary levels, etc.),  $\text{Age}$  is the age variable,  $\text{Race}$  is the race category variable (usually set as a dummy variable), and the interaction term  $\text{Age} \times \text{Race}$  is used to capture the synergy effect between age and race. The significance test of the model parameter  $\beta_3$  is the core basis for determining compound discrimination: If its  $P$ -value is less than the preset significance level (such as 0.05), it indicates that the influence of age on the outcome variable  $Y$  is heterogeneous due to different races, that is, systemic compound discrimination exists. Specifically, significant positive or negative interaction effects ( $\beta_3 \neq 0$ ) suggest that different ethnic groups are treated differently in the age dimension. For example, the age increase of a certain ethnic minority may lead to a significantly greater decline in the  $Y$  value (such as the probability of promotion) than that of other ethnic groups. This

asymmetric effect cannot be explained alone by the main effect ( $\beta_1$  or  $\beta_2$ ). It is worth noting that this conclusion needs to satisfy the linear assumption of the model and collinearity control, and the interference of confounding variables needs to be excluded to ensure the causal inference validity of the discrimination effect.

## 5.2 Procedural Rules: Stepped Transfer of Burden of Proof

Compound discrimination cases are often difficult to establish in the existing judicial process because of the complex interaction of identity elements and the broken chain of evidence. In response to the difficulty of the plaintiff's proof, the unclear criteria for the court's determination and the monopoly of the defendant's information, this paper proposes to introduce the "cascading burden-shifting framework" shown in Table 2 into the procedural mechanism, design a three-stage procedure of "preliminary proof - substantive evidence presentation - comprehensive determination" to construct a procedural rule structure that better meets the compound cutting requirements.

Table 2. Three-stage burden of proof framework in compound discrimination cases.

| Stage                       | Plaintiff's Burden of Proof                               | Defendant's Rebuttal                                    | Standard of Proof               |
|-----------------------------|---|---|---------------------------------|
| Preliminary Proof           | Provide evidence of intersectional and surface-level harm | None  | Reasonable Possibility (30%)    |
| Substantive Proof           | Refute the defendant's non-discriminatory explanation     | Prove the objectivity and neutrality of decision-making | Preponderance of Evidence (51%) |
| Comprehensive Determination | Demonstrate interaction of factors                        | Present mitigating factors to reduce damages            | Clear and Convincing (75%)      |

The objective of the first stage, in which the plaintiff bears the *prima facie* burden of proof, is not to directly prove the existence of a "decisive motive" for discrimination, rather, it provides *prima facie* evidence sufficient to establish the existence of compound discrimination. Such evidence may include statistical data, organizational practices, or discriminatory statements. For example, if the plaintiff can be shown to be in a particular group (e.g. the acceptance rate or promotion rate is significantly lower than that of other groups), supplemented by evidence of the existence of identity stereotypes, then the "reasonable inference threshold" (Boni-Saenz, 2019) can be met.

After entering the second stage, the burden of proof shifts to the defendant. The core requirement of this stage is that employers must provide credible evidence to prove the legitimacy of their personnel decisions, and is not adversely affected by the applicant's compound status. This means that the defendant should show that the relevant decisions are based on uniform objective criteria (such as performance indicators, technical capabilities, etc.), which can reasonably eliminate the interference of identity factors. For instance, the defendant can provide detailed records of the recruitment process, standards and results of performance assessment, and other evidence. If the employer fails to prove that its decision-making process does not have the intervention of compound cutting discrimination factors, it will be regarded as a failure of proof (Fredman, 2011).

In the final determination stage, the court should make a judgment by synthesizing the evidence of the whole case and adopt the "standard of preponderance of evidence". The court will conduct a comprehensive and objective assessment of the evidence provided by the plaintiff and the defendant, and determine whether there is any compound discrimination based on the probative force and credibility of the evidence. At the same time, it allows the introduction of multiple materials such as expert evaluation reports, statistical model output and third-party review opinions. The design of this procedural rule aims to balance the evidential capacity of both sides and ensure that victims of compound discrimination can obtain fair judicial relief.

This mechanism has initially formed institutional experience in EU practice. Article 10 of the Equal Treatment Directive, for example, expressly provides that if the plaintiff provides reasonable evidence of the existence of differential treatment, the burden of proof is on the employer (EU Directive 2000/78/EC, Article 10). This procedural inversion provides a

practical path for identifying compound discrimination, and has also been used for reference by some cases in Canada and the United Kingdom (Hannett, 2003).

To sum up, the procedural justice of compound cutting cases lies not only in whether to give the opportunity to review, more importantly, it depends on whether the system has designed a proof path that can identify the structural oppression caused by "identity superposition". By setting an explicit three-stage procedure, combined with the complexity nature of the intersectionality theory, it can effectively respond to the structural difficulties of "invisible, unclear and unwinnable" faced by victims of compound discrimination in the judicial process for a long time.

### 5.3 Relief Mechanism: Dynamic Damage Compensation Model

In cases of compound discrimination, the damage suffered by the victim is often not limited to economic loss. It also involves dignity damage, occupational exclusion and structural inequality under the interaction of multiple identity factors. Therefore, the traditional fixed compensation standard is difficult to fully cover the damage structure of compound discrimination. To fully compensate for the losses of victims of compound discrimination, this paper proposes to establish a "dynamic damage compensation model", that is, a quantitative calculation formula composed of "basic compensation + compound reinforcement coefficient" as the core, so as to achieve a more precise and structural justice-oriented relief design in judicial practice.

The model suggests the following formula for determining the total amount of compensation:

$$\text{Total compensation} = \text{basic compensation} \times (1 + \text{compound reinforcement coefficient}) + \text{punitive damages} \quad (2)$$

$$\text{Compound reinforcement coefficient} = 0.2 \times \text{number of discrimination elements} + 0.1 \times \text{interactional intensity} \quad (3)$$

Among them, the compound reinforcement coefficient is composed of two variables: One is the number of discrimination elements (such as age, gender, race, etc.), 0.2 for each additional element; Another is interactional intensity, that is, whether there is an additive effect or structural enhancement between the elements, the maximum weighting is 0.3, and the total factor ranges from 0.2 to 1.5. For

example, if a plaintiff encounters age and gender discrimination at the same time, and the combined effect results in the complete deprivation of job promotion opportunities, the crossover coefficient can be set between 0.5 and 0.7 (Crenshaw, 1991; Fredman, 2011).

In addition to monetary compensation, non-monetary relief mechanisms should also be institutionalized, that is, the introduction of the Intersectional Anti-Discrimination Compliance Order. Such an order should be part of the court's decision, requiring the enterprise or employer to complete an internal compound cutting impact assessment within a certain period of time to review the impact of its policies and practices on different identity groups, and to formulate preventive improvement measures. The evaluation includes recruitment criteria, performance evaluation process and possible compound bias mechanism in the promotion system. A full review is required at least every two years (Boni-Saenz, 2019). This mechanism not only has the educational function, but also promotes the structural transformation of corporate governance model through institutional intervention.

This kind of relief mode of "structural compensation + system repair" breaks through the limitation of traditional "individualism-economic compensation" thinking, which is more in line with the causal relationship between multi-dimensional oppression and systematic injustice emphasized by the theory of intersectionality. In practice, some human rights commissions in Britain and Canada have begun to explore similar models. Through the combination of compound identification and quantitative punishment mechanism, the substantive fairness of judicial response is improved (Hannett, 2003; Supreme Court of Canada, 2015).

## 6 CONCLUSION

In the contemporary United States, the aging of the population and the diversification of identity are evolving simultaneously. The current anti-discrimination legal system relies on a single dimension of review logic has been difficult to respond to the systematic oppression of compound identity groups in the workplace and social life. Particularly in age discrimination cases, judicial practice has long adhered to the parallel application logic of the Age Discrimination in Employment Act (ADEA) and Chapter VII of the Civil Rights Act. It not only leads to structural obstacles such as "factor fragmentation", "standard conflict" and "uneven

relief", but also further weakens the justiciability and sense of acquisition of victims with complex identities in the judicial path.

This paper advocates that the paradigm shift should be based on the theory of intersection, and the rules of adjudication should be systematically reconstructed. From the three-dimensional review framework to the stepped transfer of burden of proof, then to the dynamic damage compensation model, it not only provides a theoretical framework, but also points out the practical path for the system reform. Through these reforms, the judicial system will be able to go beyond the "mechanical justice" of formal equality to further realize the constitutional value orientation of "substantive equality" and "structural justice" (Fredman, 2011).

Facing the future, the key to the reform of anti-discrimination system in the United States is to establish the legitimacy of "compound discrimination" as an independent legal category through case law. It can also promote the introduction of separate legislation represented by the Anti-Compound-Discrimination Act. This will not only help to fill the protection gap in the current system, but also truly respond to the historical aphasia of "invisible, non-actionable and non-compensable victims of complex identities" at the level of the rule of law.

As Crenshaw (1991) put it, intersectionality is not only a theoretical perspective, but also an institutional commitment. In the context of the increasingly complex social structure of the United States, compound discrimination should be recognized and regulated. It is a necessary step for justice to move towards truly inclusive justice.

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