

# On Public-identity Disempowerment\*

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## I. INTRODUCTION

Consider the following scenario.

*Messiah*. Al is a good man. He leads a fulfilling life. Those around him appreciate him and treat him with respect. Shortly before his death, he makes an unsettling discovery. Unbeknownst to him, those in his community believe he is a Messiah: someone chosen by God, with innate virtue, and deserving of unconditional respect. As it happens, Al really is a good man, worthy of respect. But if, counterfactually, his behaviour and personality were disagreeable, those around him would continue to be positively disposed towards him. They all interpret Al's behaviour through the lens of the 'Messiah-script', without seeing him for who he really is.

If I were Al, I would be troubled by the discovery. I would start questioning much of what I had found valuable in my life. Did my near and dear really know me? Did I ever have any influence on their perception of me? Did my partner love me because of me, or because they thought I was 'the chosen one'? And what about my friends and colleagues?

Even if Al led what looks like a good life, something important was missing from it: his agency made no difference to the attitudes and behaviour of those he interacted with. For them, he was virtuous by default, not by virtue of his conduct. To that extent, Al lacked the power to construct his outward—that is, 'public'—identity. His public identity was a function of the Messiah script, not of his behaviour and choices. He was *public-identity disempowered*.

I have presented this fictional scenario to introduce the concept of public-identity disempowerment. My aim in this article is to explain this concept and to demonstrate its relevance to the moral evaluation of real-world social interactions,

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not just fictional ones.<sup>1</sup> I show that public-identity disempowerment often lies behind prejudice, bullying, cultural exclusion, and stereotyping, and argue that it sheds light on morally significant features of these phenomena. I proceed as follows. In the first part of the article—Sections II and III—I set out a framework mapping the concept of public-identity disempowerment. I then focus on a particularly morally significant form of such disempowerment: ‘transparency-appraisal disempowerment’. This is the disempowerment suffered by those who lack the power to show themselves for the kinds of people they are.

In the second part of the article, I explore the axiological and normative dimensions of transparency-appraisal disempowerment. In Sections IV and V, I argue that transparency-appraisal disempowerment is *non-instrumentally bad* for its victims, because it prevents them from enjoying the good of socially effective practical agency. I then outline the considerations that bear on whether any instance of such disempowerment is not only bad, but also *wrong*. In Section VI, I consider the implications of my analysis for the practice of statistical discrimination. Section VII concludes.

## II. WHAT IS PUBLIC-IDENTITY DISEMPOWERMENT?

I begin by clarifying what I mean by identity. I then distinguish between different perspectives from which identity judgements can be made. Finally, I discuss the power to construct one’s public identity and the lack thereof.

### A. IDENTITY AND IDENTITY-DEFINING PROPERTIES

Asking about a person’s identity is equivalent to asking: who is this person? Answering involves attributing a certain set of identity-relevant properties to them. Such attributions presuppose a *categorization framework*: a system of properties deemed relevant for identity definition. Examples of such properties may include: white versus other ethnic background, religious versus nonreligious, friendly versus unfriendly, dangerous versus harmless, tall versus short, and so on.

Different categorization frameworks may contain different sets of properties or stipulate different satisfaction-conditions for the same property—that is, different specifications of what it takes for someone to exhibit that property. For example, prior to the invention of computers, the property ‘being a computer expert’ was not part of our categorization frameworks. Or consider how the satisfaction-conditions for exhibiting the property ‘being polite’ might vary across

<sup>1</sup>There is, of course, much literature on the relationship between power and identity (e.g., Fanon [1952] 2008; Fricker 2007; Langton 1993; MacKinnon 1987, ch. 16), including discussions of how dominant majorities sometimes impose particular identities on disadvantaged minorities (e.g., Crenshaw 1991, p. 1297; Laborde 2008, p. 10; Lawrence 2003; MacKinnon 1989, p. 140; Taylor 1994; cf. Jütten 2016). Instances of what I call public-identity disempowerment have therefore not gone unnoticed. My aim, however, is to develop a *comprehensive* framework capturing the phenomenon of public-identity disempowerment in its multifarious forms.

categorization frameworks, insofar as politeness norms differ across cultures. Given these differences, identity judgements are always framework-dependent. That is, offering an account of a person's identity involves classifying them in terms of the properties contained in a given categorization framework.

As far as those properties are concerned, it is useful to distinguish between appraisal properties and descriptive ones. *Appraisal properties* convey evaluations of an agent's character and actions. They are the building blocks of answers to the question: 'What *kind* of person are they?'. Examples of appraisal properties include: kindness, trustworthiness, violence, dangerousness, hypocrisy, loyalty, conscientiousness, and courage, to name but a few.

*Descriptive properties*, by contrast, lack evaluative content. Examples of descriptive properties include being of Malaysian or Italian descent, born in Canada or New Zealand, with dark or blonde hair, married or unmarried, a teacher or an engineer, and so forth.

The distinction between appraisal and descriptive properties matters insofar as the former, but not the latter, can *aptly* trigger reactive attitudes, such as praise, blame, resentment, admiration, indignation, contempt, shame, and so on.<sup>2</sup> Appraisal properties—unlike purely descriptive ones—mark the *quality of our agency as persons*. As we shall see, this gives them special significance in the process of identity-ascription.

## B. OBJECTIVE, SUBJECTIVE, AND PUBLIC IDENTITY

Offering an account of a person's identity, I have suggested, involves classifying them in terms of the properties contained in a given categorization framework. Such classification exercises may be carried out from multiple perspectives. Depending on the relevant perspective, we can distinguish between three types of identity: subjective, public (inter-subjective), and objective identity.<sup>3</sup> Subjective identity denotes one's own conception of who one is: the bundle of properties one attributes to oneself. Public identity refers to who one is perceived to be by a given group of individuals: a given public. Objective identity denotes the bundle of properties one actually possesses—'who one is'—relative to a sufficiently rich and nuanced categorization framework.<sup>4</sup> So, for example, it is possible for someone to consider himself very generous (subjective identity), while he is in fact rather stingy (objective identity), and is perceived as such by friends and family (public identity relative to the group of 'near and dear').

Note that the notion of objective identity does not presuppose an immutable self, detached from social processes. One's objective identity is undoubtedly

<sup>2</sup>Shoemaker 2013; Strawson 1962.

<sup>3</sup>Weigert 1986.

<sup>4</sup>If the categorization framework is not sufficiently rich and nuanced—e.g., certain important properties are missing from it—then one's identity under a correct application of that framework will not accurately reflect who one is. For instance, under a framework that lacked the property of integrity, the identity of a person who truly has integrity would be systematically mischaracterized.

the product of socialization and may evolve over time. All the notion of an objective identity implies is that, at any given time, and relative to a sufficiently nuanced categorization framework, there is a truth of the matter about which of the properties within that framework an agent possesses.

Similarly, in drawing the distinction between subjective, objective, and public identity, I am not implying that our self-conception is impervious to the way others think of us—which would be implausible.<sup>5</sup> My only contention is that this distinction is a useful analytical tool, and one implicit in our common-sense identity talk, such as when we say: ‘He is deluded about who he is’ or ‘Now she is revealing her true colours’, or ‘It’s so unfortunate, people think he is full of himself and distant, when in fact he is just extremely shy’, and so forth.

With this conceptual framework in place, we can now turn to analysing the relationship between our agency on the one hand, and our public identity on the other.

### C. PUBLIC-IDENTITY POWER AND DISEMPOWERMENT

As our intuitive reactions to Al’s predicament in *Messiah* suggest, we—as agents and social beings—have reason to value possessing some control over our public identity: over what others think of us. Call this ‘public-identity power’. Such control cannot and need not be unlimited. For instance, it is unclear whether we should lament the fact that someone lacks the power to *deceive* others about his identity. To be sure, possessing this power may be prudentially advantageous: suppose he is a criminal, yet he succeeds in making others believe that he is an honest professional. Be that as it may, his lacking this power doesn’t seem to raise any prima facie moral concern, at least against the backdrop of reasonably just circumstances. Similarly, we shouldn’t be worried if someone who is pathologically delusional about her identity does not succeed in constructing a public identity that matches her (delusional) subjective identity. No moral ‘alarm bells’ should go off if, say, I sincerely believe I am the US president, yet, no matter how hard I try, others continue to believe that I am a delusional academic.

While these forms of public-identity power may be of arguable significance, others matter a great deal, and their absence should trigger immediate moral concern. I call them ‘privacy public-identity power’ and ‘transparency public-identity power’.

*Privacy Public-identity Power.* The power to *keep* one’s *objective* identity (or aspects thereof) *private*.

*Transparency Public-identity Power.* The power *effectively* to *reveal* one’s *objective* identity (or aspects thereof).<sup>6</sup>

<sup>5</sup>For discussion of how individuals conform to the public identities ascribed to them, see, e.g., Fricker 2007, pp. 56–7; Taylor 1994, p. 25.

<sup>6</sup>Compare the notion of ‘agential identities’, defined as the ‘self-identities we make available to others’, where ‘self-identities’ are akin to what I call subjective identities; Dembroff and Saint-Croix 2019.

	Privacy	Transparency
Descriptive properties	The power to keep the descriptive aspects of one's objective identity private	The power effectively to reveal the descriptive aspects of one's objective identity
Appraisal properties	The power to keep the appraisal aspects of one's objective identity (i.e., the <i>kind of person</i> one is) private	The power effectively to reveal the appraisal aspects of one's objective identity (i.e., the <i>kind of person</i> one is)

Figure 1 Types of Public-identity Power

Combining these two categories with the distinction between descriptive and appraisal properties introduced earlier, we obtain a two-by-two matrix of types of public-identity power (Figure 1).

It seems plain that all four types of public-identity power matter, and that the corresponding forms of disempowerment should be cause for moral concern. Much could be said about each of them, but the strictures of a single article call for a narrower focus. In what follows, I will concentrate on one type of public-identity power only, namely that described in the bottom-right quadrant of our matrix. I call it ‘transparency-appraisal public-identity power’ (‘transparency-appraisal power’, for short). I have two main reasons for narrowing down the scope of my analysis in this way.

First, the phenomena occupying the left quadrants—top and bottom—have already been widely discussed in the literatures on privacy, self-presentation, and ‘opacity respect’.<sup>7</sup> Since I have little to add to those sophisticated discussions, I set privacy public-identity power to one side here.

Second, transparency-appraisal power is particularly significant to us as persons: as beings capable of responding to reasons. Possessing this power, I shall argue, is necessary for the fulfilment of our interest in what I call *socially effective practical agency*. Lacking this power results in distinctive harms (and wrongs), which are pervasive in social life, not always acknowledged, and worth discussing in their own right. This is not to deny that lacking the power to convey the descriptive aspects of our identity (top-right quadrant) also threatens our interests. However, these interests differ from the interest in socially effective practical agency, on which I wish to concentrate here.

From now on, my discussion will thus concern transparency-appraisal power. This can be more precisely defined as follows.

*Transparency-appraisal Power.* A has transparency-appraisal power, relative to a given public P, if and only if, were A to act non-deceptively and openly vis-à-vis P, then, *robustly*, P would form a reasonably accurate picture of the kind of person A is.

<sup>7</sup>See, e.g., Bruin 2010; Carter 2011; Nagel 1998; Velleman 2001.

Let me elaborate on this definition. I have spoken of transparency-appraisal power as the power *effectively to reveal* the appraisal properties of one's objective identity. But what does it mean to 'reveal' one's identity, and to do so 'effectively'? I *reveal* who I am when I act without hiding certain aspects of my identity (that is, I act openly) and without trying to deceive others about the type of person that I am (that is, I act non-deceptively).

In turn, I reveal my identity *effectively* only to the extent that others reasonably accurately perceive what I show them. If I am a generous person, but everyone perceives me as selfish, I may have the power to reveal my objective identity—that is, to do generous things—but my exercise of this power is, in one sense, ineffective. Others still do not see me as the kind of person that I am.

That said, possession of transparency-appraisal power does not require others to have a perfect picture of the kind of person one is. Such a perfect match would be too much to ask, given the complexities involved in social interaction. But transparency-appraisal power does require others' picture of the kind of person one is to be *reasonably* accurate: not too far from the truth. For present purposes, we need not settle on any specific 'reasonable accuracy' criterion, since the cases of transparency-appraisal *dismpowerment* I will discuss are such that the criterion isn't met, under any plausible specification of what counts as reasonable.

Finally, the fact that others *happen* to form an adequate picture of me does not suffice for me to possess transparency-appraisal *power*. After all, their 'getting me right' could be a fluke. This explains the qualifier 'robustly' in the definition offered above. If people's seeing me for who I am is a coincidence or a fluke, then it is not clear in what sense I possess transparency-appraisal *power*. Possessing this power requires that others' appraisals be responsive to my behaviour and character. Those appraisals, therefore, must be reasonably accurate *robustly* across the different types of behaviour and character I could (non-deceptively) display.

So defined, transparency-appraisal power can be more or less comprehensive, depending on how many appraisal aspects of one's identity one has the power accurately to convey to a given public; it can be more or less local or global, depending on the size of the public relative to which one possesses this power; and it can be shallower or deeper, depending on how central to one's identity the properties relative to which one possesses transparency-appraisal power are.

The negation of transparency-appraisal power is what I call *transparency-appraisal disempowerment*. This form of public-identity disempowerment affected Al from *Messiah*. His near and dear had an accurate—positive—image of the kind of person he was, but only because he happened to be a good man. If he had been a different kind of person—say, petty and irascible—and had not concealed his character flaws, others' appraisal of him would have remained identical. That appraisal, recall, was guided by the *Messiah* script, according to which, as 'the chosen one', Al's actions were virtuous by default. Relative to the

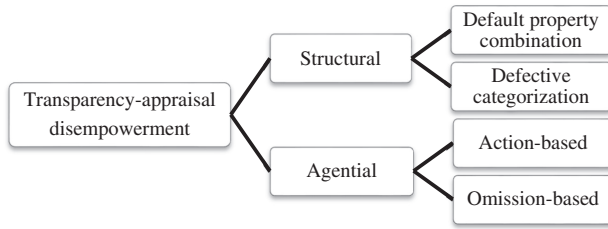


Figure 2 *Forms of Transparency-appraisal Disempowerment*

people around him (public ‘P’), Al’s transparency-appraisal disempowerment was comprehensive and deep.

### III. STRUCTURAL VERSUS AGENTIAL TRANSPARENCY-APPRAISAL DISEMPOWERMENT

In the real world, transparency-appraisal disempowerment comes in two main forms—*structural* and *agential*—each of which includes two subtypes (Figure 2).<sup>8</sup> In what follows, I describe these forms of disempowerment, and show that they lie behind a variety of familiar social phenomena.

#### A. STRUCTURAL DISEMPOWERMENT

Disempowerment is *structural* when its existence can be best explained by reference to the make-up of the background societal code, rather than by pointing to the actions or omissions of particular agents. By a ‘societal code’ I mean the categorization framework, norms, associations, metaphors, and expectations that form a society’s interpretive code for making sense of the world. The idea of a societal code, as I employ it here, is roughly equivalent to what William Sewell Jr calls a social ‘schema’.<sup>9</sup> In his words, a schema involves

not only the array of binary oppositions that make up a given society’s fundamental tools of thought, but also the various conventions, recipes, scenarios, principles of action, and habits of speech and gesture built up with these fundamental tools.<sup>10</sup>

Schemas, as Sally Haslanger points out, are the society-specific ‘common ground’ enabling individuals to decode one another’s behaviour.<sup>11</sup> A societal

<sup>8</sup>The point that power (or the lack thereof) may have both structural and agential origins is well recognized. For critical discussion, see Dowding 2008.

<sup>9</sup>Sewell 1992, pp. 7–8. Sewell, in turn, critically reformulates the notion of ‘rules’ in the work of Anthony Giddens.

<sup>10</sup>Ibid. See also the discussion of Sewell’s work offered by Sally Haslanger (2012, pp. 461–5), from which I have learnt.

<sup>11</sup>Haslanger 2012, ch. 17. Haslanger’s discussion of ‘common ground’ draws on Robert Stalnaker’s work. My analysis in this paragraph is indebted to Haslanger’s.



code, then, includes a categorization framework, but goes beyond that, also encompassing patterns of use of that framework, as well as norms, conventions, model scenarios, and so forth.

Structural disempowerment—namely, disempowerment traceable to features of the relevant societal code—comes in two variants. In both of them, societal codes provide background ‘scripts’ predetermining (or severely constraining) individuals’ thoughts and behaviour vis-à-vis certain classes of people, in a way analogous to how the Messiah-assumption framed people’s thoughts and attitudes towards AI in our opening scenario.<sup>12</sup>

The first, which I call *default property combination*, obtains when societal codes assume or exclude ‘by default’ the co-occurrence of certain properties, including appraisal properties. Consider how black men in the USA are often automatically marked as dangerous, independently of the actions they perform.<sup>13</sup> For example, by harmlessly jogging in a wealthy, white neighbourhood, a black man is exposed to the risk of being stopped by police and interrogated.<sup>14</sup> This is because a black man is assumed to be ‘not wealthy’ by default, and therefore up to no good when engaging in a typically middle-class activity in a wealthy area of town. In this sense, the black man is transparency-appraisal disempowered: he shows himself for the kind of person he is—say, law-abiding, professionally successful, and with middle-class habits—and yet he is perceived as someone altogether different.<sup>15</sup>

Similarly, several societal codes tend to exclude the co-occurrence of the properties ‘being a woman’, ‘being an effective leader’, and ‘being a good mother’. When this is so, it is unlikely, at times impossible, for a woman to establish herself as an effective leader and a good mother, even when she possesses the necessary skills and character traits. Here too, the public’s negative appraisal of her professional and private self is guided by a societal script, which rules out certain property combinations. She is thus transparency-appraisal disempowered. These familiar examples show how default property combination may lie behind what we ordinarily call stereotypes, generalizations, and prejudices.<sup>16</sup>

The second form of structural disempowerment, which I call *defective categorization*, occurs when a categorization framework—itself part of a societal code—is insufficiently rich and nuanced. Defective categorization can depend on the absence/presence of certain properties in the relevant framework, or on how the properties’ satisfaction-conditions are specified within that framework.<sup>17</sup>

<sup>12</sup>Haslanger (ibid., p. 462) uses the notion of a script to characterize the function of social schemas.

<sup>13</sup>E.g., Crenshaw 1991, p. 1253.

<sup>14</sup>*The Atlantic* 2015.

<sup>15</sup>See also Eidelson 2013, pp. 221–2; Krause 2013.

<sup>16</sup>Cf. Fricker 2007, sec. 2.1.

<sup>17</sup>On this type of disempowerment, cf. the notion of ‘hermeneutical injustice’ in Fricker (2007), ch. 7.



Consider a societal code like ours, where the categorization framework includes the property—in fact, the slur—‘being a slut’. This is a derogatory term applied to women perceived to have liberal sexual mores, automatically implying that these women are dirty, untrustworthy, and generally subpar. There are many things one could say about the ills associated with this slur (beginning with misogyny), but one is particularly relevant to transparency-appraisal disempowerment.

As shown in a sociological study, the term ‘slut’ has a consistently negative connotation, but no fixed specification.<sup>18</sup> Different people have different views about what it takes to qualify as ‘a slut’. For some, wearing revealing clothes counts; for others, being ‘a lot around boys’ counts; for others still, having multiple boyfriends is the key, and so forth. As sociologist Elizabeth Armstrong stated, commenting on research she conducted on a US college campus:

The term is so vague and slippery that no one knows what a slut was or no one knows what you have to do to be that ... It circulated around, though, so everyone could worry about it being attached to them.<sup>19</sup>

This slipperiness disempowers women in public-identity construction, insofar as they are vulnerable to being ascribed a negative appraisal property, without being in a position to even know what they need to do in order to avoid it. The ambiguous specification of the property’s satisfaction-conditions has a disempowering effect.

Alternatively, consider a categorization framework that lacks the property ‘transgender’. Under such a framework, those whose gender identities are not aligned with their biological sex lack the tools to convey their identity, including the appraisal aspects of it. If they openly showed themselves for the kinds of persons they are, they would likely fail: their behaviour would be routinely misinterpreted. Even today—that is, in a world in which the category has some recognition—transgender people are susceptible to transparency-appraisal disempowerment. Just to mention one example, in West Virginia, two transgender women were recently denied renewal of their drivers’ licences on the ground that they were *misrepresenting* their gender.<sup>20</sup> They were negatively appraised as being dishonest, when in fact they were just trying to show who they were.

## B. AGENTIAL DISEMPOWERMENT

Transparency-appraisal disempowerment is agential when it is best explained by reference to the behaviour of specific agents. This form of disempowerment again comes in two variants. The first is what I call *action-based disempowerment*. It occurs when particular agents actively impair someone’s public-identity construction.

<sup>18</sup>Armstrong et al. 2014.

<sup>19</sup>Reported in Khazan 2014.

<sup>20</sup>NYT Editorial Board 2015.

Consider, for instance, an employee bullied by her boss. The boss may spread false rumours about the employee's character, or may publicly emphasize negative aspects of her performance. In those circumstances, the employee's own actions are not the determinants of her public identity at the workplace. Objectively, she may be a good and conscientious colleague, but the boss's deliberate misconstrual of her behaviour creates the public image of a second-rate, untrustworthy worker.

The second type of agential transparency-appraisal disempowerment is what I call *omission-based* disempowerment. It occurs when individuals lack the ability to create a faithful public representation of themselves due to others' failure to provide them with the means of doing so. This type of disempowerment may accompany, for example, cultural exclusion. Consider refugees who, not knowing the local language and societal code, lack the means to integrate within their host societies. This may cause them to experience comprehensive transparency-appraisal disempowerment. For example, as discussed in the context of the 2015 European refugee crisis, some young male refugees may need advice on how to approach women in their host societies.<sup>21</sup> Actions that count as appropriate under one code may well qualify as rude or threatening under another. If access to the cultural knowledge and know-how necessary for integration is not made available, culturally unaware refugees will be unable successfully to show themselves for the kinds of people they are.

The typology I have just presented is meant to shed light on different real-world manifestations of transparency-appraisal disempowerment, and to provide a framework enabling us better to detect them. But once we detect transparency-appraisal disempowerment in a given context, should we immediately conclude that some bad—if not some wrong—has occurred?

#### IV. TRANSPARENCY-APPRAISAL DISEMPOWERMENT AND TREATING PEOPLE AS INDIVIDUALS

Manifestly, transparency-appraisal disempowerment can render its victims—such as racial minorities, women, bullied employees, and refugees—unfairly disadvantaged or socially subordinated. To that extent, it is *instrumentally bad* for them: it gives rise to bad consequences. Moreover, those consequences are often *wrong*: impermissible by the lights of familiar moral principles.

While these are important considerations, in what follows I want to examine whether transparency-appraisal disempowerment is morally problematic independently of its contingent consequences. An affirmative answer to this question would allow us to vindicate the normative significance of this phenomenon *as such*, and not only 'vicariously', by virtue of its harmful effects.

One natural suggestion is that transparency-appraisal disempowerment is troublesome because it violates the 'individuality principle': the idea that we should treat people as individuals.<sup>22</sup> According to this explanation, the public

<sup>21</sup>*The Economist* 2016.

<sup>22</sup>I thank an anonymous referee for inviting me to discuss this principle.

involved in transparency-appraisal disempowerment wrong their victims by failing to attend to their individuality. Instead of responding to them based on their actions and choices, they respond to them based on broad generalizations that apply to them qua members of certain groups: blacks, women, immigrants, and so forth.<sup>23</sup>

There are various interpretations of the individuality principle, but Benjamin Eidelson's is particularly instructive, and I focus on it in what follows.<sup>24</sup> On Eidelson's view, when we judge an agent Y, we treat her as an individual only if we give

reasonable weight to evidence of the ways Y has exercised her autonomy [—that is, to the actions and choices Y has made—], where this evidence is reasonably available and relevant to the determination at hand.<sup>25</sup>

This principle has much independent appeal and seems able to capture what makes us uneasy about prominent instances of transparency-appraisal disempowerment. For example, those who automatically perceive blacks as violent or women as poor leaders typically do so because they fail to look beyond these people's skin colour and gender, ignoring reasonably available evidence about their personal qualities.

But while the individuality principle correctly captures one way in which transparency-appraisal disempowerment may be problematic, it is ill-suited to explain what is troublesome about this form of disempowerment as such. Several instances of transparency-appraisal disempowerment are, in fact, not accompanied by violations of the individuality principle.

Consider cases of defective categorization. Here, publics do take evidence into account, but their *interpretation* of this evidence results in disempowerment due to deficiencies in the categorization frameworks they employ. As we have seen, without an appropriately rich and nuanced concept of 'transgender', the actions and behaviours of someone born a male but who presents herself as a woman (and vice versa) are likely to be misjudged. This, however, is not due to a failure to take individualized evidence into account.

Or else, consider the following instance of default property combination.<sup>26</sup> Sam is a young gay man, living in a conservative society. He does not come out, knowing that, were he to show himself for who he is, the public would

<sup>23</sup>Blum 2004, pp. 272–3; Lippert-Rasmussen 2011.

<sup>24</sup>Beeghly (2018) helpfully systematizes these various interpretations and offers critical discussions of all of them.

<sup>25</sup>Eidelson 2013, p. 216; 2016, pp. 144–5. Eidelson states two individually necessary and jointly sufficient conditions for treating persons as individuals. Here, I only include his first condition, since it is the most relevant to our discussion. The second condition reads: 'if X's judgments concern Y's choices, these judgments are not made in a way that disparages Y's capacity to make those choices as an autonomous agent'; Eidelson 2013, p. 216. Compare Lippert-Rasmussen's (2011, p. 54) interpretation of treating people as individuals.

<sup>26</sup>I thank Matilda Carter for suggesting an example along these lines.

automatically ascribe a series of negative appraisal properties to him. This is so demoralizing that Sam conceals his objective identity: he acts and looks like a straight guy. People's appraisal of Sam is positive and does indeed rely on the available evidence. To that extent, Sam is treated as an individual. Even so, Sam is transparency-appraisal disempowered and his predicament is intuitively lamentable. Were he to reveal his objective identity—that is, to act openly and non-deceptively—the public's appraisal of him would no longer be accurate.

Finally, consider action-based disempowerment of the type suffered by our bullied employee. The bully may well judge his victim in light of the evidence—he may find her a conscientious colleague—but, for whatever reason, wants to make her life hell. By the same token, those around the victim misjudge her, but not because they neglect relevant evidence. They do take evidence into account; it's just that the evidence is distorted by the bully's rumours. Here too, the individuality principle cannot account for what is problematic about transparency-appraisal disempowerment as such.

Even if, as we have seen, the individuality principle only offers a limited explanation of what is non-instrumentally troublesome about transparency-appraisal disempowerment, it is on the right track. Its core insight—that our status as *individual agents* is key to any such explanation—is correct. In what follows, I develop an alternative explanation, building on this important insight.

## V. TRANSPARENCY-APPRAISAL DISEMPOWERMENT AND SOCIALLY EFFECTIVE PRACTICAL AGENCY

Adult humans have practical agency. By this I mean that they are responsive to reasons and 'reflect on what to do and what attitudes to have'.<sup>27</sup> This is why their actions are suitable objects of appraisal, and *aptly* trigger various kinds of reactive attitudes.<sup>28</sup> Praise, blame, admiration, disdain, and so forth make sense only to the extent that they are directed at entities capable of reason-sensitive choice and who may thus be considered responsible for what they do.

I want to suggest that, given persons' nature as practical agents, it is good, including non-instrumentally good, for them to have this nature reflected into social reality. When this is so, they enjoy the good of *socially effective practical agency*.

*Socially Effective Practical Agency.* A enjoys socially effective practical agency, in social context S, if and only if, robustly, the appraisal properties ascribed to A in S roughly match the actions that A publicly authors.

The way possession of socially effective practical agency is typically good for us, and lack thereof bad, should be fairly transparent. If others' appraisals of us

<sup>27</sup> Shoemaker 2013, p. 104.

<sup>28</sup> Ibid.; Strawson 1962.

were not robustly responsive to our actions, our access to what John Rawls calls the ‘social bases of self-respect’ would be significantly compromised. As Rawls puts it, without self-respect ‘nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them’.<sup>29</sup> It is easy to see how lacking socially effective practical agency may lead one to develop these feelings. What is the point, one might ask, in working hard, in being kind to others, in being a good citizen, if all one gets in response is criticism and blame? Furthermore, to the extent that we form our picture of ourselves partly based on others’ appraisals, recurrent divergence between our actions and others’ reactions is likely to cause significant cognitive dissonance and anxiety.

These remarks support the broad claim that possessing socially effective practical agency is good for us, since it is a means to achieving self-respect and other agential goods. This claim is, however, too broad for our purposes. What we specifically need to show is that possession of socially effective practical agency is also *non-instrumentally good* for us. How can this be done?

First, let me note that, for structural reasons, the way non-instrumental goods are good cannot be easily articulated. One cannot say: ‘look, X is good because it leads to Y, which is itself good’. Instead, the best one can do is offer examples where the putative good is missing, its absence has no apparent harmful effects, and yet those involved seem to be worse off for it. Here are some such examples.

*Professional Recognition.* Marc is a biologist. His department proposes him for promotion. Based on research and other achievements, he is, in fact, deserving of promotion. The university committee promotes him. Years later, Marc discovers that he would have been promoted even if his record had been much weaker. This is because everyone assumed him to be ‘very good by default’, on account of the fact that his father is a world-renowned scientist.

*Romantic Love.* Frank is a young gentleman. He is honest, hard-working, and loyal. He confesses his love to Millie, to which she responds, paraphrasing Gwendolen in Oscar Wilde’s *The Importance of Being Earnest*: ‘... my ideal has always been to love some one of the name of Frank. There is something in that name that inspires absolute confidence’. She then goes on to explain that she could not love or admire someone with a different name.<sup>30</sup>

*Justice I.* Tom, a black man, is convicted of sexually assaulting a white woman. He had, in fact, assaulted the woman and evidence of the assault was available to the judge. Had Tom been innocent, however, he would have been convicted all the same due to racial prejudices, just like the character Tom Robinson in *To Kill a Mockingbird*.<sup>31</sup>

<sup>29</sup>Rawls 1999, p. 386.

<sup>30</sup>Pettit (2015, pp. 11–12) refers to *The Importance of Being Earnest* in his analysis of modally demanding goods. My discussion in what follows is indebted to Pettit’s.

<sup>31</sup>For a discussion of *To Kill a Mockingbird* in the context of epistemic injustice, see Fricker 2007, pp. 23–6.

*Justice II.* Billy is a ‘golden boy’: middle-class, athletic, white, good at school, polite and well-mannered. Inebriated after a school party, he rapes a young woman. Billy does not see himself as a rapist, though, and blames what has happened on ‘alcohol’ and the ‘party culture’ at his university.<sup>32</sup> Public opinion and the jury at his trial also refuse to conceptualize Billy as a rapist. He is eventually convicted, but his punishment is not even remotely as harsh as his deeds deserve.<sup>33</sup>

First, the protagonists in each scenario lack socially effective practical agency. The appraisal properties ascribed to Marc, Frank, Tom, and Billy do not robustly match the actions that they author. In the cases of Marc, Frank, and Tom, those properties match the relevant actions, but *not robustly* so. Marc is rightly seen as professionally accomplished, but had his work been mediocre, he would have been judged no differently. Frank deserves Millie’s affection, but had he been called Sam, Bob, or whatever, he would have lost it, while being exactly the same kind of person. Tom is indeed a criminal, but had he been innocent, he would have been judged guilty all the same. In the case of Billy, the picture the relevant public forms is actually inaccurate: he is seen as a ‘good boy who has made an excusable mistake’, while in fact he is a rapist.

Second, in each of the scenarios, the *actual consequences* of a lack of socially effective practical agency are either no worse than they ought to be, or even better, for their protagonists. Marc, Frank, and Tom are, respectively, rightly promoted, admired, and convicted. Billy, on the other hand, even prudentially benefits from the situation, getting away with committing a horrible deed without being as heavily sanctioned as he ought to be.

Third, and crucially for our purposes, something of value seems missing from Marc, Frank, Tom, and Billy’s lives. While Marc obtains a professional advantage, he lacks the richer good of *professional recognition*. Upon learning that his accomplishments make little difference to how others perceive him, he would have reason to be disappointed. Suppose a colleague said to him: ‘You deservedly got promoted, but I guess it’s no big surprise. The same would have happened even if your work had been mediocre. Nobody would have noticed. After all, you are so-and-so’s son’. If I were Marc, this revelation would cause me to reconsider the value of my well-earned promotion. Similarly, faced with Millie’s declaration, Frank should conclude that while he enjoys her affection, it is far from clear whether he enjoys her *love*, proper.<sup>34</sup> Tom is convicted, as he ought to be. But he would have been convicted even if innocent and, to that extent, he cannot properly be said to enjoy the good of *justice*. Finally, Billy is lucky to almost get away with it, and yet, in a world in which he does, he too

<sup>32</sup>Levin and Wong 2016.

<sup>33</sup>The image of the ‘golden boy’ is discussed by Kate Manne (2016; 2018, pp. 197–8) in connection with the events surrounding Brock Turner’s sexual assault of a young woman. The present scenario is inspired by Manne’s discussion.

<sup>34</sup>Pettit 2015, ch. 1.

does not enjoy the good of *justice*. He is prudentially better off, but morally worse off.<sup>35</sup>

In sum, there would be more *genuine value* in Marc's, Frank's, Tom's, and Billy's lives, if their agency made a difference to people's appraisals in the contexts under consideration. These scenarios show that having our agency determine others' appraisals of us is valuable not only instrumentally, but *constitutively*. It constitutes other core human goods, including professional recognition, justice, and love.<sup>36</sup> The article's opening scenario, *Messiah*, makes this point all the more vivid. Upon discovering his lack of socially effective practical agency, Al has reason to question the authenticity of the most important relationships and goods in his life: it is as if those goods had lost much of their value. Taken together, these considerations support my claim that socially effective practical agency is an important non-instrumental good for us.

An objector might worry that the cases I have presented fail to support this conclusion. For instance, the objector may share the judgement that, in *Justice I*, Tom is harmed, but insist that a lack of socially effective practical agency is explanatorily superfluous. Tom's being harmed can be accounted for by familiar considerations, such as procedural injustice and being subjected to demeaning treatment. In *Justice II*, by contrast, Billy's lack of socially effective practical agency seems to mostly benefit rather than harm him.<sup>37</sup> In sum, the worry is that a lack of socially effective practical agency may either be explanatorily redundant or account for such minute bads as to be virtually negligible.

I have a few things to say in response. First, let me consider the 'explanatory redundancy' charge. Even supposing that another explanation is available for the harm suffered by Tom in *Justice I*—a matter to which I shall return shortly—this alone wouldn't suffice to conclude that appeals to socially effective practical agency are explanatorily unnecessary. After all, the same thing can be bad for several reasons. It is perfectly coherent to argue that someone's situation is bad *both* because they're the victims of procedural injustice *and* because they lack socially effective practical agency. Someone unjustly convicted of murder based on racial prejudices would be a case in point. He would be the victim of procedural injustice, and this procedural injustice would be a manifestation of his broader lack of socially effective practical agency. Reference to socially effective practical agency would thus allow us to offer a richer explanation of what is bad about his situation.

<sup>35</sup>Cf. Tadros 2020.

<sup>36</sup>The goods in question are 'modally demanding goods' in Pettit's (2015) sense: their realization requires certain 'thinner' goods to be instantiated not only in the actual world, but robustly across possible worlds.

<sup>37</sup>I am grateful to an anonymous referee for raising this point.



Regarding *Justice I*, though, I am doubtful that an easy alternative explanation for the harm suffered by Tom is available. Tom's conviction is neither the product of obvious procedural injustice nor itself an instance of demeaning treatment: he is convicted in the presence of reliable evidence of criminal conduct. The trouble is that, *counterfactually*, he would have been convicted *even without* that evidence. In light of this, someone in Tom's position might well think: 'What's the point of behaving well, if I would be judged guilty all the same?'. A situation prompting this kind of thought is a bad one to be in. To capture this bad, we cannot rely on standard accounts of procedural injustice, which focus on what happens in the actual world; instead, we must refer to the 'modally robust good' of socially effective practical agency.<sup>38</sup>

Let me now turn to *Justice II*. Billy's situation, I agree, is not bad in all respects. Instrumentally, his lack of socially effective practical agency benefits him. But I want to insist that, in one important respect, his life is worse because of it: he, too, does not enjoy the good of justice. I offer two considerations in support of my insistence. First, if justice is an intrinsic good—as I and many others believe it is—then a failure to enjoy the good of justice continues to be bad even if it's accompanied by prudential advantages.

Second, even intuitively, getting away with wrongdoing can be shown to be bad for us. To see this, ask yourself what you would wish for your misbehaving teenage son, who disrupts lessons, hits classmates, and cheats on his homework.<sup>39</sup> Would you prefer that he got away with it, or would you rather the teacher displayed the right attitudes towards him, reprimanding him, and penalizing him appropriately (for example, with extra homework)? I think most parents who have the good of their children at heart would opt for the scenario in which justice is done. Part of the reason is surely instrumental: penalties disincentivize future bad behaviour. But part of the reason is intrinsic. I want my child to be treated as a responsible agent, even if this is sometimes unpleasant for him.

Another way to see this is to consider the following scenario. Suppose that, on your deathbed, you learn that you committed several wrongful deeds. Nobody, however, perceived those deeds as wrongful or reprimanded you for them. You thus never got a chance to make amends or have authentic mutual-accountability relationships with others. While acknowledging that this state of affairs made life easier for you, you will probably also feel that something of genuine value was

<sup>38</sup>Cf. Pettit 2015. As an alternative, one might offer a modally robust account of procedural justice, whereby a procedure which does not track the evidence in some relevant non-actual scenarios is unjust, even if it tracks the evidence in the actual world, as in Tom's case. I am sympathetic to this (arguably non-standard) suggestion, but reference to Tom's lack of socially effective practical agency would still be illuminating if we accepted it, since, as I have already noted, it is key to explaining why the procedure at hand is in fact unjust.

<sup>39</sup>Cf. Tadros 2020, pp. 232–3.

missing from your life. I certainly would. That ‘something’ is a form of socially effective practical agency.

In sum, a lack of socially effective practical agency is far from explanatorily redundant. It is necessary to make sense of the harm occurring in *Justice I*, and necessary to understand that, in fact, a harm also occurs in *Justice II*, albeit accompanied by prudential advantages.

#### A. THE NON-INSTRUMENTAL BAD OF TRANSPARENCY-APPRAISAL DISEMPOWERMENT

Socially effective practical agency, it should be noted, may be undermined in many circumstances, not all of which involve transparency-appraisal disempowerment. For example, if P’s appraisal robustly matches actions that A authors in private, A’s socially effective practical agency is undermined. This may be the case of citizens in East Germany vis-à-vis Stasi spies, who appraised them based on private behaviours. In this case, it is a lack of what I have called privacy public-identity power that hinders socially effective practical agency. That said, *by definition*, transparency-appraisal disempowerment is always accompanied by a shortfall in socially effective practical agency. If others’ appraisals of us do not robustly match behaviour that we author, then our acting openly and non-deceptively towards them will not robustly result in them forming an accurate picture of the kinds of people we are.

The fact that a lack of socially effective practical agency always accompanies transparency-appraisal disempowerment, in turn, explains what is non-instrumentally problematic about instances of such disempowerment, including those that the individuality principle was unable to account for.

To see this, recall the victim of bullying, judged negatively by her colleagues, but not due to their ignoring available evidence. Even if they, and the bully, do treat the victim as an individual, her transparency-appraisal disempowerment is regrettable, and not merely instrumentally so. Relative to her colleagues, the victim of bullying lacks socially effective practical agency; their appraisals of her do not match actions she authors, but the bully’s depiction of them.

Similarly, recall the example involving Sam, who does not come out as gay due to a justified fear of being unwarrantedly negatively appraised. While Sam is indeed treated as an individual—people appraise him based on evidence about his actions—he lacks socially effective practical agency. Others’ appraisals do not robustly match his actions: if Sam came out, those appraisals would become inaccurate. This is clearly bad for Sam, significantly hindering his agency.

Finally, remember disempowerment that follows from defective categorization frameworks. Here too, the situations of women who run the risk of being identified as ‘sluts’, and of transgender people whose behaviour may be systematically misinterpreted, are non-instrumentally bad, not because

these people ‘fail to be treated as individuals’, but because they lack socially effective practical agency.

I have argued that a focus on the abstract good of socially effective practical agency helps us capture what is problematic about transparency-appraisal disempowerment as such. Of course, how bad such disempowerment is, even independently of its consequences, will rest on many factors. It is certainly regrettable if a random passer-by negatively judges me in a way that is entirely unresponsive to my actions, but it is hardly a big deal. It is still bad, of course. Would I wish it upon myself or anyone else? No. Would I have reason to be disappointed, offended, or upset if I learnt about the passer-by’s judgement? Yes. Still, it is the kind of bad which, if occurring in isolation, should not be much cause for concern.

While some instances of transparency-appraisal disempowerment make so little difference to our lives that we should not be particularly concerned about them, others are non-instrumentally bad in much more significant ways. Examples such as *Professional Recognition*, *Messiah*, *Justice I and II*, as well as *Romantic Love* are cases in point, and so are some of the real-world scenarios discussed throughout the article. How (non-instrumentally) bad any particular instance of transparency-appraisal disempowerment is depends on many factors, including which social context we are focusing on, which publics are involved, and which appraisal properties are at stake.

## B. FROM BAD TO WRONG

I have argued that transparency-appraisal disempowerment is non-instrumentally bad, since it undermines the good of socially effective practical agency. Enjoying this, like any, good, is something we have an interest in. I now want to suggest that transparency-appraisal disempowerment is also prima facie wrong as such. By this I mean that, whenever we are faced with transparency-appraisal disempowerment, we should be concerned that some wrongdoing might be occurring. Upon investigation, we may then discover that such disempowerment is either morally unproblematic, or morally problematic in one respect, or all-things-considered wrong. Our answer will depend on whether, in the circumstances at hand, the interest in gaining transparency-appraisal power is weighty enough to place duties on others.

This account of the relationship between interests and duties has been famously defended by Joseph Raz.<sup>40</sup> Consider, for instance, the interest in access to nutrition. The weight of this interest can be assumed to place a bundle of duties on a variety of agents: including duties to enable individuals to access nutrition and to refrain from depriving them of access to nutrition. Whenever

<sup>40</sup>Raz 1986, ch. 7. Raz advances this idea in the context of a particular account of rights. For simplicity’s sake, I prefer to avoid the language of rights here.

someone lacks access to nutrition, our moral alarm bells should therefore go off.

To be sure, there may be circumstances in which securing someone's access to nutrition is strictly impossible or unreasonably costly. In that case, the person's interest will fail to generate duties: there will only be a moral reason to provide her with nutrition, outweighed by other considerations. Barring such circumstances, though, others' lack of access to nutrition will count as wrongful.

A similar line of reasoning applies to the interest in socially effective practical agency. This interest will often be weighty enough to place duties on others. The duties are again a wide and varied set. They include duties not to acquiesce in or reinforce societal codes that foreseeably perpetuate transparency-appraisal disempowerment, duties not to deliberately or negligently cause such disempowerment, and duties to remedy such disempowerment when doing so is possible at reasonable cost. Who exactly bears the relevant duties in any given instance depends on the specific features of the situation at hand. But, as in the case of malnutrition, whenever we are faced with transparency-appraisal disempowerment, our moral alarm bells should go off. We know that some agents' interest in socially effective practical agency has been undermined, to a greater or lesser extent. Provided attending to this interest is possible and not unreasonably costly, a setback in the power to effectively reveal the appraisal dimension of one's identity will count as wrongful.

Of course, just like the non-instrumental bad of transparency-appraisal disempowerment, the gravity of the relevant wrong will come in degrees, and vary from case to case. It will depend on how deep/shallow, local/global, narrow/comprehensive the victim's disempowerment is, and on the level of agential involvement of those who are responsible for the disempowerment in question. Holding all else equal, perpetrators of action-based disempowerment likely commit a graver wrong than perpetrators of omission-based disempowerment, to the extent that the agency of the former is more deeply involved in producing disempowerment than that of the latter. Similarly, depending on one's position within a broader social structure, one's degree of responsibility and blameworthiness for structural disempowerment will vary.

While I cannot offer a precise account of the conditions under which transparency-appraisal disempowerment is wrongful—this requires case-by-case evaluations—these reflections identify which parameters need to be taken into account in making contextual determinations about its wrongness.

## VI. STATISTICAL DISCRIMINATION

Before concluding, I wish to respond to an important objection: namely, that my analysis of transparency-appraisal disempowerment commits me to the

implausible view that statistical discrimination is *always* wrongful. Showing that this is not the case will help lend plausibility to my proposal.

Statistical discrimination is based not on irrational prejudice, but on statistical information about different groups of people. Of course, sometimes such information is skewed, but for present purposes, I assume it is accurate. Said information reflects the fact that individuals belonging to certain reference classes are more likely to bear certain (appraisal) properties. The properties in question vary widely, but the most discussed instances of statistical discrimination target properties with a negative valence, such as criminality and violence.

Some forms of statistical discrimination seem unproblematic. Take the case of car insurance, discussed by Kasper Lippert-Rasmussen.<sup>41</sup> Young male drivers have to pay higher insurance premiums, because they belong to a reference class that is statistically more likely to be involved in accidents. Of course, in a world different from ours—for example, in which we could track drivers' risk-attitudes at reasonable cost, without unduly invading their privacy—premiums should be set based on individual-specific evidence rather than evidence about broader reference classes. But in light of the technological and epistemic limitations characterizing our world, considerations of privacy and efficiency render statistical discrimination, in the domain of insurance premiums, justified.

Similarly, policies involving 'women-only spaces' are often introduced on the ground that men are likely to constitute a threat to women. Yet few object to such policies, even if they are based on statistical generalizations.<sup>42</sup> Here too, considerations of desirability and feasibility render finer-grained measures, for example where only 'safe' men are allowed into otherwise women-only spaces, unviable. Other forms of statistical discrimination, by contrast, make us uneasy and have been the object of considerable criticism. These include racial and religious profiling in the context of crime and terrorism prevention.<sup>43</sup>

As anticipated, an objector might worry that, from the perspective of transparency-appraisal disempowerment, car insurance, women-only spaces, and racial profiling are structurally indistinguishable and therefore morally troublesome in similar ways. This is because, in all cases of statistical discrimination, certain appraisal properties are ascribed to individuals in response to factors *other than* their conduct: for example, some drivers are deemed accident-prone because they are young males, some people are considered dangerous because they are black, Muslim, and so forth. A concern with transparency-appraisal disempowerment, so the worry goes, is bound to result in a global condemnation of statistical discrimination.

<sup>41</sup>Lippert-Rasmussen 2007.

<sup>42</sup>I thank an anonymous referee for suggesting this example. I am here setting aside heated debates about whether transgender women should be allowed to enter such spaces.

<sup>43</sup>For discussion, see Hosein 2018; Lever 2005; Risse and Zeckhauser 2004.

In what follows, I show that this worry is misplaced and that transparency-appraisal disempowerment can, in fact, help us distinguish between problematic and harmless instances of statistical discrimination. To do so, I begin by noting that the relation of transparency-appraisal disempowerment to statistical discrimination is exactly the reverse of what the objector supposes. Given the nature of statistical discrimination, we should actually expect it *not* to involve this kind of disempowerment. After all, to hold that, because an agent A possesses descriptive property D (say, belonging to a certain minority), A is more likely to possess negative appraisal property N (say, being dangerous) is not as yet to *ascribe* that property to A.<sup>44</sup> To confirm whether A possesses property N, we need to obtain further evidence of A's behaviour. Our final judgement and attitudes towards A will be responsive to A's actions, *not* to factors that have little to do with A's agency. If this is how statistical discrimination works, then A is not negatively appraised independently of her actions, hence she is not transparency-appraisal disempowered.

This is how statistical discrimination is *meant* to work in principle, and how it sometimes works in practice, such as in the case of insurance premiums and women-only spaces. Insurers do not approach younger drivers already labelling them as reckless. Instead, they propose a certain standardized insurance package based on broad statistical regularities, where it is understood that those regularities are just proxies which might well misfire. Similarly, while the rationale behind women-only spaces appeals to the way in which mixed spaces may disproportionately put women in danger, *men qua men* are not routinely approached by women, or society at large, as if they were dangerous criminals. Furthermore, the rationale for women-only spaces is strongest in those contexts—for example, prisons—where men have a proven track record of dangerous behaviour, and where more careful individualized evaluation would be infeasible as well as undesirable on privacy grounds.

Things look different, however, when we turn to racial profiling, at least *as it is frequently practised today*. Often, minorities targeted by this form of profiling are treated in a way that *assumes* their possession of negative property N, even if a much more respectful treatment would be both desirable and feasible. This, in turn, amounts to transparency-appraisal disempowerment, with the associated denial of socially effective practical agency.

Consider the following episode, narrated by the protagonist, a black jogger:

I had the misfortune of jogging early in the morning through my almost all-white neighborhood in [a] small city near Boston. There was no crime in progress; a cop just thought I looked suspicious, pointed a gun at me and forced me to the ground while peppering his orders with lots of curse words. He demanded ID and grilled me about 'what I was doing in the neighborhood'. Then he left me with a sarcastic 'have a nice day'.<sup>45</sup>

<sup>44</sup>I thank an anonymous reviewer for suggesting this.

<sup>45</sup>*The Atlantic* 2015.

The officer treats the jogger like a criminal by default. The officer eventually lets the jogger go. But the fact that the officer, at some point, stops treating the jogger like a criminal does not cancel out the fact that he *did treat him like a criminal* independently of his behaviour, when a different, respectful option was available. One can politely ask someone for ID, without pointing any guns. And one can say: ‘Sorry for the inconvenience’. In acting the way he does, the officer contributes to the particular form of disempowerment I called ‘default property combination’ and thereby undermines the jogger’s socially effective practical agency.<sup>46</sup>

Several reports from targets of racial profiling corroborate this conclusion. For instance, reflecting on his experience of racial profiling, a twenty-five-year-old man from Kentucky declared: ‘I don’t do drugs, I’m not a drug dealer, I work every day. I should only be judged by the content of my character’. A thirty-seven-year-old man, this time from New York, observes: ‘What’s infuriating is having another man treat you as a criminal based on nothing more than your appearance’.<sup>47</sup> And a participant in an inquiry launched by the Ontario Human Rights Commission on the human costs of racial profiling wondered, thinking about the future of her kids: ‘When you are a young person and people think you are bad, what is the point of behaving well anyway ...?’<sup>48</sup>

The list could continue, but these illustrative reports should suffice to convey the feelings of (at least some of) those who have been targets of racial profiling. These are precisely the feelings we would expect to find in people who lack socially effective practical agency. And to the extent that racial profiling involves a denial of socially effective practical agency, it is *at least pro tanto wrong*, irrespective of its supposed or real benefits for society’s overall safety.

If this is right, rather than condemning *all* forms of statistical discrimination, the notion of transparency-appraisal disempowerment contributes to explaining what is problematic about some of them. I am using the word ‘contributes’ for a reason, which is worth acknowledging explicitly. When discrimination is wrong, it is often wrong on several grounds: it may be demeaning, distributively unfair, or reinforce problematic social hierarchies.<sup>49</sup> These sources of wrongness are also likely to apply to instances of racial and religious profiling, especially since the targeted groups already tend to be socially disadvantaged. All I mean to suggest is that, from the perspective of transparency-appraisal disempowerment too, such forms of discrimination come out as distinctively problematic, in a way that car-insurance policies and women-only spaces do not.

<sup>46</sup>See also Eidelson 2013, pp. 221–2. This is a case in which, I think, a setback in socially effective practical agency overlaps with ‘not being treated as an individual’ in Eidelson’s (2013, 2016) framework.

<sup>47</sup>Reported by Messenger and Sullivan 2014.

<sup>48</sup>Ontario Human Rights Commission 2003.

<sup>49</sup>Eidelson 2013.



## VII. CONCLUSION

I have characterized an important and pervasive phenomenon—public-identity disempowerment—considered a particularly salient instance of it, and explained why it is non-instrumentally bad, and prima facie wrong. My aim in doing so has been to provide diagnostic and critical tools allowing for a more nuanced evaluation of social practices and relations. Having a label denoting this particular wrong may itself empower its victims and provide them with better resources with which to convey their predicament. Furthermore, showing that public-identity disempowerment, in its transparency-appraisal variant, often accompanies a wide variety of otherwise rather different social phenomena can help us better understand all of them. If I am right, those who suffer from negative stereotypes and those who profit from positive ones, those who are accused by default and those who can ‘get away with it’ are all candidate victims of the bad (and, possibly, wrong) of transparency-appraisal disempowerment. Although their situations are different, and—needless to say—the seriousness varies dramatically from case to case, their practical agency is prevented from being socially effective. To a greater or lesser degree, then, their lives are impoverished as human lives in the way Al’s in *Messiah* is.

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