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# **A Conferralist Account of Individuality**

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in partial fulfillment of the requirements for the degree  
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## **I. Introduction**

The property “individual” gets thrown around in philosophical circles, yet philosophers rarely explain what the property “individual” means or how entities come to have this property. When we say “that an entity is an individual,” what are we saying? We could be saying that an entity is metaphysically distinct from other entities. Maybe we are saying that entity has political rights. Perhaps we are saying that the entity is unique or unusual. There seems to be a plethora of different properties that fall under the term “individual.” My goal is to provide some tools to identify some of these properties.

Sometimes an entity gains the property “individual” only because it has been recognized as an individual. In other words, an object does not have the property “individual” unless there is some subject that understands the object to be an “individual.” In cases where this is true, individuality is a conferred property. A subject confers the property “individual” onto the object. Here is a good example of a conferred property. In the dialogue *Euthyphro*, Socrates asks Euthyphro:

Is what is pious loved by the god because it is pious, or is it pious because it is loved by the gods?<sup>1</sup>

If what is pious is pious because the gods love it, then the gods confer piety. The property pious is conferred in virtue of the gods’ love. If the gods simply love objects because they are pious, then the gods do not give objects piety with their love—they simply love objects that already have the property pious. In the conferral case, the gods love is performative in that it creates piety.

Generally, an object has a conferred property in light of some attitude, action, or state of subjects.<sup>2</sup> I am attempting to show that in some cases subjects confer individuality

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<sup>1</sup> Plato 1578: 10a.

<sup>2</sup> Ásta Kristjana Sveinsdóttir, “The Social Construction of Human Kinds,” *Springer*. 28, no. 4 (2013): 4.

onto entities analogous to how the gods may confer piety. In these cases, individuality is inseparable from the attitudes and beliefs of some subject(s). Here is my methodology. First, I lay out a conferralist framework. I argue that some uses of the word “individual” are social identities. I say that there are three types of social kinds, which relate in different ways to human attitudes and beliefs. I argue that examples of the third kind of social kind are conferred properties. I say that social identities are examples of this third social kind. Therefore, when individuality refers to a social identity, individuality is a conferred property. Lastly, I focus on some of the social and political repercussions of thinking of individuality as a conferred property. Namely, that conferred properties are sometimes in need of justification.

Here’s an example that will make my project clearer. The Los Angeles Police Department came under scrutiny after a video surfaced of Rodney King being beaten by several LAPD police officers. An investigation into the LAPD exposed the police department as unquestionably racist, sexist, and bigoted. The 1991 report of this investigation, informally known as the Christopher Commission, revealed that officers often referred to black Americans as animals. Transcripts of communications between police officers also revealed that some LAPD police officers used the short hand N.H.I., “no humans involved,” to refer to crimes involving black citizens.<sup>3</sup>

Here is a clear example of police officers dehumanizing black Americans. However, when we use the “human” here we are not talking about a biological species. These officers did not deny some biological property about these individuals, they denied their rights and freedoms. I want to show that “human” can be thought of as a social identity that is distinct

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<sup>3</sup> Rachel Wells “Lessons from the LA riots: How a consent decree helped a troubled police department change,” *CNN* online, last modified May 1, 2017, <https://www.cnn.com/2017/04/28/us/lapd-change-since-la-riots/index.html>.

from the biological understanding of “human.” Being a “human” in this sense entails rights and freedoms. There are words other than “human” that can refer to the social identity I am trying to describe. These include, “person,” “citizen,” “individual,” etc. I want to focus on “individual” because it seems innocuous and uncontroversial in relation to words like “person” and “citizen.” In the case of the LAPD, the police officers did not trespass the rights and freedoms of individuals, rather, some people were never seen as individuals with rights and freedoms in the first place. The social identity “individual” was not conferred onto them.

## **II. A Conferralist Approach**

Ásta Kristjana Sveinsdóttir argues that gender and sex are conferred properties in her paper “The Metaphysics of Sex and Gender.” Conferred properties depend on human thoughts, attitudes, and preferences.<sup>4</sup> Not all properties are conferred, but some certainly are. For instance, being “cool” is a property that is conferred onto us. Being “cool” independently of human attitudes, thoughts, and preferences does not seem to be possible;<sup>5</sup> e.g. in high school one is “cool” only if the popular kids think you are cool. Some conferred properties are based on non-conferred properties. For instance, in baseball a “strike” is based on certain physical properties that are plausibly not conferred onto the ball, i.e. the trajectory of the ball. The umpire tracks these physical properties in order to judge whether or not the baseball’s trajectory counts as a “strike.”<sup>6</sup> While the physical properties of the baseball are not conferred onto the baseball, the judgement “strike” is. Ásta claims that there are five components of a conferred property:

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<sup>4</sup> Ásta Kristjana Sveinsdóttir, “The Metaphysics of Sex and Gender”, in *Feminist Metaphysics*, C. Witt ed., (Dordrecht: Springer, 2011): 59.

<sup>5</sup> *Ibid.*, 59.

<sup>6</sup> *Ibid.*, 59.

- (1) *Property*: What property is conferred e.g. being cool, being a strike.
- (2) *Who*: Who the subjects are, e.g. the popular kids, the baseball umpire.
- (3) *What*: What attitude, state, or action of the subject matters, e.g. the popular kids' approval, the umpire's judgment.
- (4) *When*: Under what conditions the conferral takes place, e.g. in the hallway after second period, the top of the 7th.
- (5) *Grounding Property*: What the subjects are attempting to track (consciously or not), if anything, e.g. wearing trendy clothes, the trajectory of the ball.<sup>7</sup>

When a property is conferred, this property comes with certain restrictions and enablements. For example, having the property “man” conferred onto a person (in a given social environment) enables this person to go for a run shirtless yet restricts this person from wearing a dress to a dinner party. Going back to the strike example, three strikes results in the restriction that the former batter is not allowed to stay on the field and try to hit the ball the pitcher throws.

Consider the trajectory of a baseball that does not pass through the strike zone, but is called a strike by the umpire anyway. In baseball when an umpire calls a ball a strike she or he confers the property “strike” onto the baseball, even if this conferral is based on a faulty perception. Let us say the next day a sports analyst clearly shows that the ball did not go through the strike zone. Because “strike” is a conferred property, it would be false for the sports analyst to claim that the ball was not a strike. During the game, the ball had the property “strike” and was treated as such. If it did not have the property “strike,” then the batter would not have struck out after the ball was called a strike. In fact, the ball having the property “strike” is likely the reason that the sports analyst is concerned with the topic in the first place. On the other hand, the sports analyst could say, “The ball should not have been called a strike.” This statement is plausibly true. Here the sports analyst is contesting the

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<sup>7</sup> Ibid., 59-60.

conferral of the property “strike,” rather than denying that the ball had a property that it clearly had.

There is an extra step of perception between grounding properties and conferred properties. The repercussion of this extra step is that the relationship between grounding properties and conferred properties is epistemic, so whether someone in fact has grounding properties is irrelevant. What matters is whether someone *seems* to have grounding properties.<sup>8</sup> John Searle, who gives a constitutionalist account of social construction, says that “*X* counts as *Y* in context *C*.”<sup>9</sup> In a conferralist account *X* may be false, but as long as *X* is perceived as true, the property *Y* can be attributed in context *C*. Thus, when the umpire perceives a baseball as having a certain trajectory, the umpire can attribute “strike” to the ball regardless if the ball in fact followed this trajectory.

An object has a conferred property in light of a subject conferring the property onto the object, not because the object necessarily has the grounding properties. The grounding properties can be understood as justification for the conferral. However, an unjustified or mistaken conferral is a conferral nonetheless.

Ásta believes that gender is a conferred property. A person is a man or a woman analogous to how a baseball is a strike. It is the recognition of someone as a man or a woman that makes a person as such. Being a man or a woman comes with a particular status in that there are privileges, burdens, enablements and restrictions that come along with these identities. However, gender and strikes pull apart from each other for a few different reasons. First, there are no official grounding properties for gender. There is no strike zone

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<sup>8</sup> Ibid., 15.

<sup>9</sup> John R. Searle, *Making the Social World: The Structure of Human Civilization*, (Oxford: Oxford University Press, 2010), 10.

for identifying men and women. Rather, the grounding properties for whether someone is a man or a woman can vary from person to person. Second, there is no definite voice of authority that confers someone's gender. With gender, unlike baseball, there is no designated umpire to call someone a man or a woman. Third, what it means to be a man or a woman is not set in stone the same way that a strike is. For example, the burdens and privileges that come with being a woman change depending on what context the property is given. For example, a woman that is a member of a complementarian church will have different enablements and restrictions than a woman that is part of an egalitarian church.

Because of all these variables, the conferral of gender is highly context specific. In different contexts gender tracks different properties such as, biological reproduction, societal organization, sexual engagement, presentation of the body, the preparation of food at family gatherings, etc.<sup>10</sup> A general way to figure out what and how something is being conferred is to follow Ásta's scheme:

- (1) *Property*: being of gender G, e.g., a woman, man, transgender
- (2) *Who*: the subject S in the particular context C
- (3) *What*: the perception of the subject S that the person have the grounding property P
- (4) *When*: in context C
- (5) *Grounding Property*: the grounding property P<sup>11</sup>

Because Ásta's conferralist account is so context specific, one could be a woman in one context and not be a woman in another. If a grounding property for being a woman in one context is "that the person self-identifies as a women" and in another context is "being female," we can see how a transgender person that self-identifies as a woman is seen as a woman in the first case and not in the second.

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<sup>10</sup> Ásta, "The Metaphysics of Sex and Gender," 60-61.

<sup>11</sup> *Ibid.*, 61.



Sometimes even in the same context there can be a conflict in the way that gender is grounded. Imagine a family barbeque in which two family members get into an argument. Sandy thinks that gender should track how the person self-identifies, while Karen thinks that gender should track one's sex. Let us say half the family agrees with Sandy and the other half agrees with Karen. If their transgender cousin Bob were to show up to this barbeque, what is conferred onto Bob would be a mess. Perhaps Bob would get some hybrid of the enablements and restrictions from Sandy's and Karen's conferrals respectively. Maybe Sandy's conferral will win out over Karen's conferral out or vice versa. Maybe both these conferrals defeat the other such that it is unclear what gender Bob is in the context of the family barbeque.

Another important distinction is that different conferred properties may share the same label. This occurs when the grounding properties, enablements and/or restrictions are different. For instance:

Case 1) Property "*P*" with grounding properties *A* and *B*, enablement *C*, and restrictions *D* and *E*.

Case 2) Property "*P*" with grounding with grounding property *Z*, enablement *Y*, and restrictions *X*, *W* and *V*.

So despite both of these properties having the name "*P*," the way these properties are identified and the enablements and restrictions they carry are different. Thus, case 1) and case 2) are describing different properties.

In a less formal example, it is likely that when Sandy and Karen use the label "man" they are actually referring to different properties. Even though the actual term used is the same, the meaning of the term differs. For example, Karen's conception of "man" might be based upon the stereotypes of the 1950s, while Sandy's conception of "man" is more fluid

and inclusive. This is because for Sandy, the property “man” carries with it certain enablements and restrictions that are different from those for Karen.

### III. Individuality

I want to show that individuality is a conferred property analogous to how gender is a conferred property. “Individual” is a slippery term. It can mean different things. Here are some different uses of the word “individual.”

- (1) The purely metaphysical individual is separate from other entities. A rock is an individual entity insofar as it is individuated from other entities. An individual rock is materially distinct from other entities.
- (2) A liberal individual has rights and freedoms in light of their individuality. Liberal political theory focuses on the liberties and freedoms of the individual person. Liberalism takes the individual to be its basis.
- (3) The label “individual” may refer to someone’s character. We may say that Theodore Roosevelt was a “real individual” because he worked hard and did not conform to the status quo.

This is, of course, not an exhaustive list but just a few examples. But we should be open to the idea that “individual” has many different meanings. Now the question becomes: what uses of the word “individual” refer to a conferred property?

In Kwame Anthony Appiah’s book, *The Ethics of Identity*, Appiah talks about the role individuality plays in our lives. Our individuality is personal in that it is unique to us and partially composed of our social identities.

Throughout our lives part of the material that we are responding to in shaping ourselves is not within us but outside us, out there in the social world. Most people shape their identities as partners of lovers who become spouses and fellow parents; these aspects of our identities, though in a sense social, are peculiar to who we are as individuals, and so represent a *personal* dimension of our identities. But we are all, as well, members of broader collectivities. To say that *collective* identities—that is, the collective dimensions of our individual identities—are responses to something outside our selves is to say that they are the products of histories, and our engagement with them invokes capacities that are not under our control. Yet they are

social not just because they involve others, but because they are constituted in part by socially transmitted conceptions of how a person of that identity properly behaves.<sup>12</sup>

In this excerpt, Appiah talks about how we piece together our individuality. We create our individuality out of social identities. The social identities that we have available to us are partially out of control. Thus, our unique individual self is partially out of our control. This account seems plausible. However, my concerns are slightly different. My main concern is not how we piece together our individuality, but how we decide what counts as an individual. If individuality is a jar, Appiah is concerned with what materials we fill the jar with and I am concerned with the making of the jar.

However, there is a key part of Appiah's discussion of individuality that I am going to borrow for my own purposes. Appiah thinks individuality comes only after social interaction, as the uniqueness of the self is a social product. Appiah says:

It follows that [what] the self whose choices liberalism celebrates is not a presocial thing—not some authentic inner essence independent of the human world into which we have grown—but rather the product of our interaction from our earliest years with others. As a result, individuality presupposes sociability, not just a grudging respect for the individuality of others.<sup>13</sup>

The types of individuality that I am concerned with are types of individuality that are not presocial but arise out of human interaction. Of course, not all uses of individuality presume sociability. While I think that cases (2) and (3) presuppose sociability, case (1) does not. An entity can be an individual rock regardless of human attitudes and beliefs. However, outside of human attitudes and beliefs, a person cannot be the political individual of liberalism, nor can Theodore Roosevelt be a real individual.

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<sup>12</sup> Ibid., 21.

<sup>13</sup> Kwame Anthony Appiah, *The Ethics of Identity*, (New Jersey: Princeton University Press, 2005), 110. 67.

I am honing down the scope of my paper to usages of the term “individual” that are inseparable from human sociability. However, I want to focus my scope even more and zero in on cases where “individual” refers to a social identity.

#### **IV. Social Identity**

There is a difference between individuality in the case of a rock and individuality in the case of liberalism, and Theodore Roosevelt. As we have established, individuality in the rock does not presuppose sociability in the way that the other cases do. Because individuality in the latter cases presupposes sociability, the latter cases might be examples of social identities.

For a property to be a social identity, it needs be a result of attitudes and beliefs, and affect attitudes and beliefs. Take the property “woman” for example. For someone to be a woman, people must have attitudes and beliefs about what a woman is and how a woman is to be treated. On the other hand, the property “having hydrogen atoms” is true or false for some object regardless of the attitudes and beliefs of people, so “having hydrogen atoms” is not a social identity.

According to Appiah, there are three necessary elements that every social identity has:

- (1) The social identity is linguistically recognizable.
- (2) People self-identify with the social identity.
- (3) People of a social identity *L* are treated as *Ls* are treated.

Let us take a closer look at Appiah’s understanding of social identities. Appiah writes, “[a social identity] requires the availability of terms in public discourse that are used to pick out the bearers of the identity by way of criteria of ascription, so that some people

are recognized as members of the group.”<sup>14</sup> This element has two main parts, which I will explain through an example. The social identity label “autistic” is a term that is recognized and available in many cultures today. The first part of the element is simple: a social identity cannot exist unless there is a way of talking about it. “Autism” certainly was not recognized 300 years ago; there was no word for it. Therefore, 300 years ago people could not label someone as “autistic.” The second part is a little more complicated. Consider the question: what does it mean to be autistic? In other words, what identification conditions need to be met to label someone as autistic? In the case of autism, the identifying conditions required for labeling someone as autistic have changed dramatically in the past 60 years subsequently playing a role in the increase in the amount of people diagnosed with autism.<sup>15</sup> Therefore, the first element has two important parts: (1) the availability of a term such that the term in question can be used as a label and (2) the identification conditions necessary for applying this label to someone. In Appiah’s words, “the availability of these terms in public discourse requires both that it be mutually known among most members of the society that the labels exist and that there be some degree of consensus on how to identify those to whom they should be applied.”<sup>16</sup> Note that Appiah does not think that the identification conditions need to be clear and precise. He writes:

For a social conception to exist, it is enough that there be a rough overlap in the classes picked out by the term ‘L,’ so there need be no precisely agreed boundaries, no determinate extension; nor is it necessary that the stereotypes or criteria of ascription be identical for all users of the term.”<sup>17</sup>

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<sup>14</sup> Ibid., 67.

<sup>15</sup> Marissa King, Peter Bearman, “Diagnostic Change and the Increased Prevalence of Autism,” *International Journal of Epidemiology*, Volume 38, Issue 5 (2009):1224–1234, accessed December 29, 2017, <https://doi.org/10.1093/ije/dyp261>.

<sup>16</sup> Appiah, *The Ethics of Identity*, 67.

<sup>17</sup> Ibid., 67.

The second element of a social identity according to Appiah is “the internalization of those labels as parts of the individual identities of at least some of those who bear the label. If the label in question is, once more, ‘*L*,’ we can call this identification as an *L*. Identification as an *L*... means thinking of yourself as an *L* in ways that make a difference.”<sup>18</sup> Element (2) is fairly modest. It only requires that some people identify as a label and that the label carries with it some potency. For example, self-identifying as a man is different than self-identifying as a person with brown eyes. Self-identifying as a man has element (2) in that the label “man” can directly affect how an individual sees himself. For instance, an individual who self-identifies as a man may believe that all men should never act “girly” in public, and thus never does anything that would mark him as “girly” in public like, wearing a frilly dress. On the other hand, self-identifying as a brown-eyed person (usually) makes no substantial claim on how you understand yourself or how you should act in the social world. Therefore, “man” has element (2) while “having brown eyes” does not.

The third element of a social identity is similar to the second. The element states that when you are labeled as a social identity *L*, others think of you as an *L* and treat you as an *L*. Appiah says, “A social identity is the existence of patterns of behavior toward *Ls*, such that *Ls* are sometimes treated as *Ls*. To treat someone as an *L* is to do something to her in part, at least, because she is an *L*.”<sup>19</sup> Going back to our previous example, a person may think that most men like tools, and consequently get a friend who is a man tools as a Christmas present. In contrast, knowing that a friend has brown eyes tells this person next to nothing about what to get their friend for Christmas. Thus, “man” is a social identity because it

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<sup>18</sup> Ibid., 68.

<sup>19</sup> Ibid., 68.

informs others how to treat a person, while “brown-eyed” is not a social identity because it fails to do the same.

I am going to make a slight modification to Appiah’s conditions because I think he misses some cases of social identities. My revised conditions are:

- (1) A social identity is linguistically recognizable.
- (2) People are identified with a social identity.
- (3) People of a social identity *L* are treated as *Ls* are treated.

The reason I modified element (2) is that some people may have a social identity attributed to them that they disagree with. Even if everyone that is labeled with a social identity disagrees with his or her label, it would still be a social identity. A transgender man may have the social identity “woman” in a certain context despite not self-identifying as a woman. A social identity should not require that some people self-identify with the label. Consider the label “non-Aryan” in Nazi Germany. Even if none of the people that were labeled “non-Aryan” self-identified as “non-Aryan,” it would still be a social identity as they were identified and treated as “non-Aryans.” Thus, my modification does not require some people to self-identify with a label for it to be a social identity. I am only going to require that a person be identified as the social identity in general. This identification could come from the self or it could come from another. The identification will work essentially the same way as Appiah’s self-identification in that it directly affects how the individual is seen and treated

I should also note that in my revised conditions, condition (2) and condition (3) are similar but still distinct. Condition (2) requires that a person be identified with a label in a way that will affect how they are seen and treated. Condition (3) maintains when a person is identified with a label, that person is treated in a certain way because of the label. These two conditions might be interconnected but what they describe is distinct.

Prima facie, “individual” has my three elements of a social identity. “Individual” is a linguistic term that has identification conditions. Being identified as an individual can have a substantial impact on how you are seen and treated. And if others understand you as an individual, they will treat you as such.

Take individuality in the case of a character trait. Theodore Roosevelt is identified as an individual because he meets the identification conditions of neither being defined nor constrained by the status quo. People view him as a “real individual” and thus treat him as such. And it is quite possible that Roosevelt self-identified as a “real individual.”

Understanding “real individual” as a social identity is not a far-fetched idea in the case of Theodore Roosevelt. In the way we have defined social identities, “individual” as a character trait is plausibly a social identity. This may lead to some atypical results by broadening the scope of social identities to include things like “famous,” “cool,” and “individual,” in addition to the typical ones like “woman” and “black.” My argument does not need to be committed to this view but it can accommodate it. I am only concerned with individuality as it refers to a social identity. If “individual” as a character trait is a social identity then my scope is a broader. If it is not, then my scope is narrower.

Individual in the liberal usage of the word is also a candidate for a social identity. The liberal individual meets the necessary conditions of a social identity. The term “individual” is recognizable. There are some sort of identification conditions that let us separate liberal individuals from other entities like rocks and sticks. People are identified as liberal individuals by themselves and others. Finally, liberal individuals are treated as liberal individuals. Being identified as a liberal individual makes an enormous difference in how you are treated. The liberal use “individual” is more convincingly a social identity than “individual” as a character trait. The issue with character traits is that it is unclear if being



“cool,” “famous,” etc. really has enough impact on how people treat you to be considered a social identity. Liberal individuality does not have this problem. In the same way that being a “woman” or being “black” can have a large impact on how people treat you, being an “individual” in a liberal society has a large impact on how people treat you.

The scope of this paper is individuality as it refers to a social identity. I have shown this scope is not empty by pointing to the liberal individual as a social identity. I am going to make a bold claim that I will attempt to defend below. An entity has social identity *L* only if *L* is a conferred property. My rationale is that in order for an entity to be treated as an *L* it must be recognized as an *L*. This recognition is not passive; it is performative. The recognition is the conferral. My evidence is that the enablements and restrictions of a social identity exist only if recognition has occurred. My motivation for this bold claim should be obvious—if individuality is a social identity, then individuality is a conferred property. To help ease my way into this argument I consider what kind of social kind a social identity is.

I should also note that “individual” might be a conferred property even if it is not a social identity. For example, “individual” as a character trait is likely a conferred property in the same way that “cool” is a conferred property, regardless of whether this usage of “individual” is a social identity or not. The goal of this paper is to locate some usages of “individual” that are conferred properties, but not necessarily all.

## **V. Social Kinds**

In his paper, “Three Kinds of Social Kinds,” Muhammad Ali Khalidi discusses 3 kinds of social kinds:

- (1) Social kinds whose existence does not depend on human beings having any beliefs or other propositional attitudes towards them (e.g. recession, racism).

- (2) Social kinds whose existence depends in part on specific attitudes that human beings have towards them, though attitudes need not be manifested towards their particular instances (e.g. money, war);
- (3) Social kinds whose existence and that of their instances depend in part on specific attitudes that human beings have towards them (e.g. permanent resident, prime minister).<sup>20</sup>

Let us unpack these social kinds. The first kind of social kind can occur without any human beliefs or attitudes about the kind. For instance, a recession could occur in some civilization without any person knowing what a recession is. This recession occurs because of beliefs, attitudes, and actions of humans but no human needs a conception of the kind “recession” for the recession to occur. The recession itself is still dependent on a society, so a recession could not occur unless there was a society for it to occur in. However, the recession is independent of human beliefs and attitudes about the kind “recession.”

The second kind of social kind occurs when attitudes about the social kind itself are required for some entity to instantiate the kind; however, no beliefs or attitudes about a token instantiating the kind are needed for the token to instantiate the kind. To steal an example from John Searle, imagine a one-dollar bill falls off the printing press and slips through a crack in the floor without anyone seeing it. Even though this particular piece of paper has never been the target of any beliefs or attitudes of any humans, this piece of paper is still money. This is because humans have beliefs and attitudes about what properties make an entity the kind “money” and this particular piece of paper has these properties, so it is money even though no one has beliefs or attitudes about the particular piece of paper. The second social kind requires beliefs and attitudes about the kind itself but not necessarily the token instantiating the kind.

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<sup>20</sup> Mohammad Ali Khalidi, “Three Kinds of Social Kinds,” *Philosophy and Phenomenological Research*, 90, no.1 (2013): 96.

The third kind of social kind occurs when there are attitudes and beliefs about the social kind itself and the tokens that are instantiating this kind. In other words, in order for an entity to instantiate an example of the third social kind there needs to be attitudes and beliefs about both the kind and the particular entity instantiating the kind. Khalidi gives the example of a permanent resident. People have attitudes and beliefs about the kind “permanent resident” such as permanent residents are not citizens of the United States and they legally live in the United States. Unlike the previous cases, there must be attitudes and beliefs about the entity itself for the kind “permanent resident” to be instantiated. Officials of the state must have beliefs about a particular person for that person to be a permanent resident. It is the judgement of an official with the background knowledge of the laws and conventions that make a person a permanent resident.

Properties that are of the third kind of social kind are conferred properties. The third social kind requires attitudes and beliefs about a token instantiating a kind in order for that kind to be instantiated. Take the property “cool.” In order to say that a person is cool we need to have beliefs and attitudes about the property “cool” and beliefs and attitudes about the person. The property “cool” instantiates in this person when we recognize them as cool. This fits very nicely with the conferralist account. Our beliefs about the kind “cool” set the grounding properties, enablements, and restrictions for “cool.” Based off our perception of a particular person we form beliefs about whether they have these grounding properties. From these beliefs, we confer the property “cool.” More generally, attitudes and beliefs about a social kind set the grounding properties, enablements, and restrictions for a social kind. People have a perception of an object and from these perceptions form beliefs about what properties this object has. If people believe an object to have the certain grounding properties of a social kind, then the object is recognized as this social kind.

So, when is individuality an example of the third social kind? Individuality is an example of the third social kind when “individual” refers to a social identity. I want to show that social identities are examples of the third social kind. Two claims must be true for this to be the case. First, a social identity needs to be dependent on thoughts and beliefs about the particular kind of social identity in question. Second, a person cannot have a social identity unless someone has thoughts and belief about that particular person. This first claim is satisfied by the first element of social identities, namely, (1) a social identity is linguistically recognizable. Recall that (1) includes identification conditions for a social identity. So, in order for *L* to be a social identity we need to have beliefs about how *Ls* are identified. Thus, we have to have beliefs about *Ls*. The second claim is satisfied by the second element of social identities, namely, (2) people are identified with a social identity. In order for a person to be identified as a social identity people must have beliefs about that person in relation to that identity. We need to have beliefs about the particular person that affirm the identification conditions of the social identity, for that person to be identified with the social identity. So, a social identity requires beliefs about the particular person instantiating that identity. Therefore, a social identity must be the third kind of social kind. In short, in order for an object to have a social identity *L* people must have beliefs about the kind *L* and the object instantiating the kind *L*; therefore, social identities are the third kind of social kind. For example, in order for someone to be a “woman” we need to have beliefs about what the identification conditions are for the kind “woman.” We also need to have beliefs about the particular person as to whether they meet these identification conditions. Therefore, for someone to be a “woman” we must have beliefs about the kind “woman” and about the particular person instantiating the kind.

Let us pause and take stock. I have made two important moves here. First, I argued that all the examples of the third kind of social kinds are conferred properties. Second, I argued that all social identities are examples of the third kind of social kind. In the previous section, I argued that there are usages of “individual” that refer to social identities. Therefore, if a usage of the term “individual” refers to a social identity, “individual” in this sense is a conferred property.

Ásta makes a useful distinction between two kinds of conferred properties help to identify some examples of individuality as a social identity. She distinguishes between communally conferred properties and institutionally conferred properties.

The key difference between institutional and communal properties is that an institutional property is conferred by someone or something in authority, whereas a communal property is conferred by people or entities who have non-authorized standing. The source of the authority can vary. In some cases, it has been conferred on the person in authority at an earlier date (think of judges and umpires); in others it is produced by means of individual or collective acceptance or consent at the time. Likewise, the source of the standing can vary. The conferred property amounts to a social status that is constituted by the constraints and enablements on the bearer’s behavior in the context.<sup>21</sup>

Communal properties are more localized than institutional properties. Communal properties are conferred in specific contexts (e.g. out at the bar last Friday, at my Grandmother’s house for dinner last Sunday, at the family barbeque with Sandy and Karen), and in these contexts there is no institutionally ordained authority. Someone may still have authority. Maybe Sandy has more authority than Karen does at the family barbeque because people like Sandy more, but this authority is not institutionally ordained so the conferral of Bob’s gender is a communally conferred property. On the other hand, a baseball umpire has institutional

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<sup>21</sup> Ásta Kristjana Sveinsdóttir, “Social Kinds,” *The Routledge Handbook of Collective Intentionality*, ed. by Kirk Ludwig and Marija Jankovic, *Routledge*, (2017) 5.

authority. Thus, the conferral of “strike” onto a baseball is an institutionally conferred property.

Suppose there is a man name Patrick that lives in a liberal society. Liberal societies respect the rights and freedoms of individuals. Patrick is an active member of the community and people have beliefs and attitudes about him and confer the social identity “individual” onto him. One day Patrick is struck and killed by a car and the driver of the car takes off without stopping. Now the people that witness Patrick’s death say that a crime has been committed because Patrick is an individual and his rights have been violated. Then the police show up and they officially say that a crime has been committed. In this case the police have institutional authority in a few conferrals. First, they identify Patrick as an “individual,” which enabled Patrick to the right to life. Then Patrick’s “individuality” is used a grounding property for the conferral of “crime” onto his death. The police have institutional authority in both of these conferrals. If the police did not recognize Patrick as an “individual” in the relevant way then Patrick’s death would not have officially been a crime, even if members of his community recognized Patrick as an “individual.” Here the members of Patrick’s community confer the property “individual” onto to Patrick and thus see this as a crime. However, “individual” and “crime” is only communally conferred by Patrick’s community and thus is not institutionally ordained to make the legal conferral of “crime.”

It may seem odd that Patrick does not have rights and freedoms when he unrecognized as a liberal individual. However, I think that this happens much more frequently than we might expect. In 1985, the Philadelphia police depart bombed a black neighborhood after a conflict with the MOVE group, which had a bad reputation with the police and community at large. Eleven people died, over 60 houses burned down, and out of

those dead, five were children. Eleven years later the City of Philadelphia and two leading city officials were found liable, although no city official was ever found criminally guilty.<sup>22</sup> In this case, there were people that were not recognized as liberal individuals. They did not have the rights and freedoms that are granted to the individual citizens of the United States. Because the state officials with bombs did not confer the social identity “liberal individual” onto the people in the house they were bombing or the others in the neighborhood, people were not institutionally treated as “individuals.” And unless these people are institutionally recognized as “individuals,” the institutional conferral of “crime” is unlikely to take place.

## **VI. Debunking Projects**

One way that we can account for the mistreatment of people is through debunking projects. Conferralism is an account of social construction. One tool that theories of social construction have is what Sally Haslanger calls “debunking projects.”

A debunking project typically attempts to show that a category or classification scheme that appears to track a group of individuals defined by a set of physical or metaphysical conditions is better understood as capturing a group that occupies a certain...social position.<sup>23</sup>

A typical debunking project shows that some category believed to be natural is actually social. Race is a good example of this case. Many racist ideologies are based on the assumption that race is a natural kind, when in fact it is a socially constructed one. Once a debunking project reveals a category as a constructed, it is no longer merely a product of nature; therefore, the category in question is in need of justification.<sup>24</sup>

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<sup>22</sup> New York Times, “Philadelphia Held Liable For Firebomb Fatal to 11,” 1996.

<sup>23</sup> Sally Haslanger, “Social Construction: The ‘Debunking’ Project” *Socializing Metaphysics*, ed. Fredrick Schmitt. Lanham, MD: Roman and Littlefield. (2003) 318.

<sup>24</sup> Ásta Kristjana Sveinsdóttir, “The Social Construction of Human Kinds,” 3.

Ásta widens the scope of debunking projects by describing them in terms of conferralism. First, she points out a case that Haslanger's description may have trouble dealing with. Not all debunking projects are concerned with debunking a kind that is widely agreed to be natural. Some debunking projects are concerned with a category that we already recognize as social yet perpetuate oppression by relying on erroneous justifications of the enablements and restrictions of this category. In this case, we are not concerned with showing that something is a social construct when we thought it was natural; rather, we are simply showing that there is something wrong with a particular case of social construction. Someone may believe that "woman" is a social kind but still maintain unjustified enablements and restrictions for the category "woman." For instance, a person may see the category "woman" as the socially constructed and yet believe that women should be restricted to the home and private life.

Ásta wants to provide an account of debunking projects that is sensitive to cases of unjustified social kinds. Ásta describes the goal of the debunking theorist as "to reveal which property is operative in a context."<sup>25</sup> Looking for the operative property is a more general way of describing debunking projects. If we think that a socially constructed property is operative when in reality another property is, it may turn out that the real operative property is in need of justification.

Before we can fully talk about the way debunking projects work, we need to understand how a property is salient in a context. Very simply, a social salient property is a grounding property for a conferred property. A socially salient property is a property that has a social meaning attached to it. There are properties that can have no social salience in a one context yet have social salience in another context. Having blue-eyes and blonde hair

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<sup>25</sup> Ibid., 3.



had no social salience at my grandmother's last weekend, but would have social salience if I were in Germany in the 1940s. Socially salient properties are grounding properties. The socially salient property is the ground on which the conferral of the operative property takes place.

Take this example. Having the property "dark skin" will not be socially salient in every context. However, there are cases where "dark skin" is a socially salient property. For instance, being a black person can be used to ground racist conferrals. Consider a black person that goes for a job interview and does not get the job because they are seen as threatening in virtue of having dark skin. "Dark skin" is a salient property in the job interview, but the operative property is "threatening."

Now that we understand the role of the social salient properties and the socially operative properties, we can give a conferralist description of debunking projects. A debunking project reveals two things. First, the conferred property, not the grounding (salient) property, is responsible for the enablements and restrictions in that context. Second, the membership in a kind, including its enablements and restrictions, needs to be justified in reference to the socially salient property. In other words, the conferred status that brings with it restrictions and enablements is in need of justification in reference to the grounding properties.<sup>26</sup> In the job interview example, there is no real connection between having dark skin and being threatening. Thus, the conferral of "threatening" on the ground of "dark skin" is not justified.

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<sup>26</sup> Ásta Kristjana Sveinsdóttir, "The Social Construction of Human Kinds," *Springer*. 28, no. 4 (2013): 15.

## VII. Debunking of Individuality

I am going to look an example to show how debunking arguments from a conferralist perspective are useful in identifying injustice. I am going to be focusing on a case where individuality in the liberal sense is the operative property. Take Martha Nussbaum's conception of the liberal individual.

What does it really mean, then, to make the individual the basic unit for political thought? It means, first of all, that liberalism responds sharply to the basic fact that each person has a course from birth to death that is not precisely the same as that of any other person; that each person is one and not more than one, that each feels pain in his or her own body, that the food given to A does not arrive in the stomach of B. The separateness of persons is a basic fact of human life; in stressing it, liberalism stresses something experientially true and fundamentally important. In stressing this fact, the liberal takes her stand squarely in the camp of this worldly experience and rejects forms of revisionary metaphysics (e.g., forms of Buddhism or Platonism) that would deny the reality of our separateness and our substantial embodied character.<sup>27</sup>

Here Nussbaum gives some grounding properties for the liberal individual. The liberal individual tracks personhood, persistence through time, pain, hunger, and separateness. Let us assume that these grounding properties are just. With this assumption Nussbaum's conception of "individual" will not fall victim to the second component of debunking projects. Her conception of what grounds the liberal individual is justified. However, she is not sensitive to the first component of debunking projects in that she thinks that the grounding properties for a liberal individual directly give people the rights of an individual, when in actuality the conferral of the social identity "individual" brings the rights with it. There are cases in which objects have all the grounding properties of a liberal individual yet the property "liberal individual" is not conferred onto them.

For example, some police do not recognize black Americans as liberal individuals. In these instances, black Americans do not have the privileges of being a liberal individual.

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<sup>27</sup> Martha Nussbaum, . *Sex and Social Justice* (New York: Oxford University Press, 1999), 59.

Some of these privileges may include not to be stopped or questioned in the first place, not to be treated violently, that their lives matter, etc. If an operative property is justified in light of its grounding properties and a person possesses these grounding properties, then not to confer the operative property is unjustified.

Nussbaum and I agree on how people should be treated, but we significantly disagree on a metaphysical level. Nussbaum thinks that if an object has the grounding properties for “individual,” then the object is an individual. In the conferralist account, just because an object has the grounding properties for a conferral does not mean that the conferral will take place. In cases where “liberal individual” is not conferred onto a person that possesses the grounding properties, an injustice has occurred. If an object has the grounding properties for “individual” and its individuality can be justified by its grounding properties, then to not confer the property “individual” in relevant contexts is unjustified. So in my conception of individuality, injustice occurs not because the rights of the individual are trespassed but because a person is not an individual when they should be.

Take this example. Two black men were arrested in a Starbucks in Philadelphia while they were waiting there to meet someone. Because these men had not ordered anything, they were asked to leave by the store manager. When they refused to leave, the store manager called the police. After the police questioned the men, they were arrested for trespassing. Consider this apology that Starbucks tweeted after the incident:

We apologize to the two individuals and our customers and are disappointed this led to an arrest. We take these matters seriously and clearly have more work to do when it comes to how we handle incidents in our store. We are reviewing our policies and will continue to engage with the community and the police department to try and ensure these types of situations never happen in any of our stores.<sup>28</sup>

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<sup>28</sup> Jenny Gathright, Emily Sullivan, “Starbucks, Police And Mayor Respond To Controversial Arrest Of 2 Black Men In Philly,” *NPR* online, last modified April 14, 2018, <https://www.npr.org/sections/thetwo->

In this apology, Starbucks confers the property “individual” onto these two men. The store wants to affirm what was not affirmed during the incident. The store wants to affirm the rights and freedoms that come with being an individual, which were not present during the incident at the store.

Now there is obviously some speculation that goes into using this as an example of an unjustified non-conferral. The Starbucks employee who called the police and the police officers themselves probably did not explicitly think, “These people are not individuals.” What we can say is that the Starbucks employee and at least some police officers denied these two men an identity that would allow them to sit in a Starbucks and wait to meet someone without ordering anything. Starbucks attempts to recognize this social identity in these men by calling them “individuals.” They could have used another word such as “persons,” “men,” etc., but that the social identity that they were trying to give to these men would be the same. Thus, Starbucks’ usage of “individual” in this context is an attempt to convey a property that was missing at the time of the incident. More specifically, Starbucks was trying to convey a social identity that has the enablement of being able to wait for a friend in a Starbucks without ordering anything and without having the police called on you if you refuse to leave.

While a liberal theorist would agree that these two individuals were treated unjustly, liberal theory is not sensitive to conferralist debunking projects in some ways because it mistakes the grounding properties for the operative properties. The repercussion of this is that liberal theories can be blind to problems with the grounding properties of “individual.” The terms “individual,” “person,” “human,” etc. can be used under a neutral guise to

maintain oppression or an imbalance of power. Liberal theories maintain that every individual matters. The conferralist account lets us look under the hood to see who actually counts as an individual.

### **VIII. Conclusion**

I have argued that “individual” is a conferred property, when it refers to a social identity. To do this I turn towards a kind of social kind that requires beliefs about the kind itself and the particular tokens instantiating this kind. I argue that all examples of this kind of social kind are conferred properties. Then I argue that all social identities are examples of this kind of social kind. Therefore, “individual” is a conferred property when it refers to a social identity. From here, I introduce debunking projects to locate unjust conferrals and non-conferrals.

My hope is that we are a little more suspicious of the term “individual.” The way we perceive individuality is sometimes in grave need of justification. Sometime the stakes are low. When I say that Theodore Roosevelt is a “real individual,” nobody is hurt as a result of my grounding properties being a little off. However, when it comes to what I need to perceive to confer the identity of the “individual person,” the stakes are higher. Where the stakes are higher, we need to be concerned with how the property “individual” is conferred, when it is conferred, and when it is not conferred.

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