

DUTIFULLY OPPRESSED: ESSAYS ON DUTIES TO, AND DUTIES OF, THE  
OPPRESSED

By

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A dissertation submitted to the  
Faculty of the Graduate School of the  
University of Colorado in partial fulfillment  
of the requirement for the degree of  
Doctor of Philosophy

Department of Philosophy

2024

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## Abstract

After a brief introductory chapter (Chapter I), I investigate the general question of whether our membership in social groups, as such, makes a difference for what we owe others and what others owe us, morally speaking in Chapter II. Those who answer this question in the affirmative are proponents of color consciousness whereas those who answer this question in the negative are proponents of colorblindness. In this chapter, I argue that we should presume the truth of colorblindness rather than the truth of color consciousness. This is because the moral costs of presuming the truth of colorblindness when, in fact, color consciousness is true are lower than the moral costs of presuming the truth of color consciousness when, in fact, colorblindness is true.

In Chapter III (“Reciprocity of the Oppressed”), I consider whether the value of reciprocity could help to explain why members of an oppressed group are specially obligated to one another. The value of reciprocity is often invoked to explain why citizens of a nation are obligated to one another to obey the laws of their nation. So it is worth asking if the value of reciprocity can explain why members of an oppressed group are obligated to one another to conform to particular norms. In this chapter, I conclude that the value of reciprocity cannot explain why members of an oppressed group have an imperfect duty to engage in certain kinds of sociopolitical activism for the sake of their other group members. In doing so, I hope to offer resistance to the increasingly popular notion that in order to be a “good gay” or a “good Black,” one must be progressive in their politics.

In Chapter IV (“Solidarity and the Duties of the Oppressed”), I consider whether the value of solidarity could help to explain why members of an oppressed group are specially obligated to one another. There are many contexts in which people reasonably believe that members of a group are specially obligated to one another so as to promote a valuable sort of group cohesion. For example, it is commonly thought that members of the same family or members of the same polity are specially obligated to one another so as to promote the valuable sort of group cohesion that is characteristic of these groups. So it is worth asking whether members of oppressed groups are specially obligated to one another so as to promote a valuable sort of group cohesion characteristic of their groups. I conclude, however, that the analogies between oppressed groups and families, and oppressed groups and polities, both fail.

After, in Chapter V (“‘You Should Have Known Better’: Epistemic Privilege and the Duties of the Oppressed”), I consider whether the value of epistemic privilege could help to explain why members of an oppressed group are specially obligated to one another. It seems that members of oppressed groups have intimate knowledge about the ways in which they are oppressed in society—knowledge that might position them well to help others in their groups overcome their respective oppressions. And it is worth asking whether those in oppressed groups who possess such knowledge have obligations to their other group members that flows from this knowledge. I conclude, however, that if such an argument succeeds, it would not generate obligations for members of oppressed groups to engage in specific activism

and it might generate obligations for members of oppressed groups to be less antagonistic toward their other group members who flout widespread ideological commitments in the group.

And finally, I conclude in Chapter VI.

## Acknowledgements

As it takes a village to raise a child, it takes a village to write a dissertation. It doesn't *literally* take a village of parents to raise a single child, but a parent having a village of willing caregivers in their orbit makes childrearing the pleasure it is meant to be. Such is the case with writing a dissertation, and *this* dissertation in particular. Were it not for my "village" filled with intellectual mentors, emotional supporters, and cheerleaders who helped me pick myself up whenever I was feeling down, I don't know that I would have been able to fully realize this project.

David Boonin is one of the best dissertation advisors a guy could ask for. He gave me the freedom to pursue my interests, expertly exposed the vulnerabilities of my arguments whenever they cropped up, and gave me some of the best feedback on my work that I likely will ever get. (Not to mention, he has always given me helpful professional advice whenever I have asked for it.) I will carry the lessons I've learned from him with me throughout my career.

Iskra Fileva has also been immensely valuable to have on my dissertation committee, and in my life. She has always encouraged me to engage in intellectual pursuits that matter *to me*, and she has always had wonderfully challenging things to say about all of my intellectual pursuits. I am so thankful to Iskra for everything she has done for me during my time at Boulder.

Another of my dissertation committee members, Mike Huemer, has been indispensable to my dissertation project in particular and to my philosophical

development in general. The incisiveness with which he argues has always been inspiring to me, and it's been an honor and pleasure to work with him and get to know him in the capacities that I have.

Chris Heathwood has also been a pleasure and joy to know during my time at Boulder. He has a gift for coming up with questions that expose the flaws of a philosophical position. And I am thankful that I have been given the opportunity to profit from this gift as I have been working on my dissertation.

I am also thankful to Ashwini Vasanthakumar for agreeing to be my external committee member when she had no obligation whatsoever to do so. When I first came across her work, I found it provocative, challenging, and rife with impeccable argumentation. It has been a pleasure to get to work with her on my dissertation in the capacities that I have.

And while my dissertation committee members are due acknowledgement and thanks for all they have done for me, they are not the only ones. This dissertation would not exist were it not for extensive conversations I've had with Andrew I. Cohen during my time as an MA student at Georgia State University. He was the first mentor of mine to tell me that my interest in the duties of the oppressed is worthwhile to pursue. And without his initial nudge of encouragement, I suspect I would not have garnered the confidence to see this project through to its end.

As I've written this dissertation, I've received invaluable and constructive feedback from: Brookes Brown, Christie Hartley, Jason D. Hill, Brian Talbot, Amos

Wollen and those who attended my presentations for the North American Society for Philosophy annual meeting in July 2022, the Center for Values and Social Policy at the University of Colorado Boulder in March 2023, the Minorities and Philosophy chapter at the University of Texas at Austin in November 2023, and the Conceptual Foundations of Conflict Project at the University of Southern California in February 2024. I also received support from the Institute for Humane Studies for chapters II (grant no. IHS016602) and IV (grant no. IHS017428) of this dissertation—I thank the lovely people at the IHS for the ways they have aided me in my intellectual pursuits.

I would also like to acknowledge the role that my friends have played in my journey to complete this dissertation. Eric Fox, Danae Lyons, Audrey Fahlberg, and more recently, Raja Halwani and Rebecca Tuvel have been some of my biggest cheerleaders and valuable sources of emotional support. Megan Kitts is a kindred philosophical spirit, with whom I disagree about very much, but who has enriched my worldview to an extent that words will not do justice. Her support and sage have been priceless. And Nathan Allen—my best friend and best interlocutor—has filled my life with conversations that are so rich that I can't help but be shaped by them. Thank you so much for everything, Nathan. I am so lucky to have the friends that I do.

And finally, I would like to thank my parents, Keyvan Kianpour and Lila Feisee, for all the support they have offered me during my graduate studies, even when they have had their own battles to fight. And my sister, Katia Kianpour, for

keeping me company on FaceTime as I worked tirelessly on my dissertation and other academic projects. And my cat, Hunter, who has been with me throughout my entire graduate school journey. It really does take a village.



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## CHAPTER I

### INTRODUCTION

I am gay, and because of this I often find myself caught between two worlds. On the one hand, there is the world that reviles me for my effeminacy but celebrates me for my idiosyncratic intellectual commitments. The people in this world admire me for sharing my views about the importance of limited government, the misfortune of casual sex fast becoming the norm in our society, the hope I have for markers of identity like sexual orientation to become a social afterthought—but it is clear that the people in this world would rather I share these views without showcasing my limp wrist. On the other hand, there is the world that castigates me for the values I hold near and dear to me but lauds me for being boisterous, flamboyant, and sassy. My preferred mode of communication is never questioned by people in this world, but the substance of what I communicate almost always is. What I communicate to people in this world is often perceived as a slight against those who live in it, a slight performed so that I may be accepted by the world of the straights. However, neither the world of the straights nor the world of the gays feels like home. Wherever I plant my flag, I will be made to feel as though a significant portion of what makes me, me, will be at best disregarded and at worst actively attacked by those around me.

My experience is not uncommon. In *Sellout: The Politics of Racial Betrayal*, Randall Kennedy writes, “with the possible exception of athletes, blacks who attain success in a multiracial setting will always sooner or later encounter whispered

insinuations or shouted allegations that their achievement is attributable, at least in part, to ‘selling out’” (2008, p. 7). Like myself and other gays,<sup>1</sup> Black people can find themselves caught between two worlds: one where they are embraced by the white sociopolitical majority but rejected by their Black brothers and sisters, and one where they are accepted with open arms by their Black brothers and sisters but seen as deficient by the white majority. Examples of Black people who find, or have found, themselves in such a predicament might include Candace Owens, Coleman Hughes, Thomas Sowell, Clarence Thomas, and Condoleeza Rice.<sup>2</sup> So, too, might transgender individuals find themselves in a comparable predicament. Consider, for instance, Blaire White—a transgender, conservative political commentator who passionately opposes the normalization of gender confirmation surgery for minors (Blaire White 2022). It is often thought by White’s transgender detractors that she airs the perspectives that she does because she wants approbation from cisgender people at the expense of transgender people (e.g., Samatha Lux 2023). At the same time, many cisgender people lambast White for being a “tranny.”

In all of these cases, there is a member of an oppressed group who is subject to punishing scrutiny both by their other group members and members of the dominant culture. Oppression, as I understand it, is “the condition in which an individual’s life chances are burdened substantially, in many or all domains of her life, and stably over her lifetime” because other agents are unjustly imposing these

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<sup>1</sup> For a critical account of the ascendancy of gay contrarian Peter Thiel, see Chafkin (2021).

<sup>2</sup> For an account of the ways in which Black people have been (arguably) unfairly critical of Thomas Sowell, see Riley (2021).

burdens (Vasanthakumar 2021, p. 146).<sup>3</sup> Thus, to be a member of an oppressed group is to be a member of a group the members of which are subject to oppression as I just spelled it out.<sup>4</sup> The LGBT+ community and the Black community would be examples of such groups.<sup>5</sup> By contrast, to be a member of the dominant culture, as I understand it, is to be a member of the group that is not oppressed on a basis that is relevant to our inquiry. In the context of discussing the Black community, white people would be members of the dominant culture; whereas in the context of discussing the LGBT+ community, those who are straight and cisgender would be members of the dominant culture.

The philosophical literature has rightfully paid much attention to the injustices enacted against members of oppressed groups by members of the dominant culture (e.g., Dworkin 1974, MacKinnon 1989, Altman 1993, Mills 1999, Richards 2005). However, it has remained oddly silent with respect to the injustices enacted against members of oppressed groups by their other group members. Some, like Jim Chen (1994, 1997) and myself (2022, 2023), have drawn attention to the problematic ways in which members of oppressed groups are expected by their other group members to fall into political lockstep with them. But by and large, those who

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<sup>3</sup> See also Silvermint (2013).

<sup>4</sup> At points in this dissertation, I will use the terms “oppressed group” and “marginalized group” roughly interchangeably.

<sup>5</sup> There are clearly other examples of such groups. For example, the community of women. Often, pro-life women are criticized by women who are not pro-life for selling out. Another example of such a group would be the deaf community. Deaf people who use cochlear implants are sometimes derided by other deaf people because they are thought to be sellouts for hearing culture (Marcus 2014). For the sake of brevity and simplicity, I focus mostly on the LGBT+ community and the Black community throughout this dissertation. My arguments, however, will be useful for inquiring into how far members of any oppressed group are obligated to their other group members.

have written about the responsibilities that members of oppressed groups have to their other group members have been quite congenial to the idea that these group members may expect each other to toe a particular political line for the sake of the others. Hannah Arendt (1994), for example, was critical of those whom she called “exceptional Jews”—Jewish people who presented themselves as “unlike other Jews” to gain acceptance from a culture permeated by anti-semitism (p. 56). Brando Simeo Starkey (2015) defends the position that it is important to brand Black people as “Uncle Toms” who threaten the vision of liberation agreed upon by most other Black people.<sup>6</sup> Richard Goldstein (2003) has claimed that right-leaning LGBT+ commentators such as Norah Vincent, Camille Paglia, and Andrew Sullivan are culpable for dampening prospects for queer liberation in society given that “the gay right has... appeal to straights who don’t share its ideology” (p. 53).<sup>7</sup>

Implicit in all of these views is the supposition that members of oppressed groups have moral responsibilities to their other group members, moral responsibilities that require them to lead their lives such that they benefit (or to at least not harm) their other group members in a particular way. This supposition, however, does not merely linger in the background of academic discussions about oppressed groups. It is pervasive in the public imaginary. On many occasions, I have

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<sup>6</sup> Derrick Bell (1990, p. 114) was critical of Black people who held and defended views that curry favor with the white majority much in the way that Arendt was critical of Jewish people who held and defended views that curry favor with the gentile majority.

<sup>7</sup> In *Right-Wing Women* (1983), Andrea Dworkin argues that women fall into the “trap” of subscribing to right-wing views so that they may ensure that they are provided with safety, shelter, and love by right-wing ideologues (p. 16). See also Dworkin (1979). This suggests that Dworkin thinks that women would not be right-wingers if they were not seduced by the prospects offered them by right-wingers. Women, on her view, would be better off if they did not subscribe to right-wing views.

been accused by well-meaning LGBT+ people of having a worldview that is incompatible with my gay identity, an incompatibility that must be resolved through the abnegation of my sincere convictions. It is for this reason that I am particularly motivated to do what I set out to do in this dissertation: to investigate the extent to which members of oppressed groups may be claimed to be morally responsible for their other group members.

In Chapter II (“Colorblindness, Vindicated”), I investigate the general question of whether our membership in social groups, as such, makes a difference for what we owe others and what others owe us, morally speaking. Those who answer this question in the affirmative are proponents of color consciousness whereas those who answer this question in the negative are proponents of colorblindness. In this chapter, I argue that we should presume the truth of colorblindness rather than the truth of color consciousness. This is because the moral costs of presuming the truth of colorblindness when, in fact, color consciousness is true are lower than the moral costs of presuming the truth of color consciousness when, in fact, colorblindness is true. In making this argument, I offer strong reason to think that if members of oppressed groups are specially obligated to one another, their group membership as such cannot explain why they are. Someone might think, however, that it is not one’s group membership as such that explains why they are specially obligated to their other group members. Rather, they might think that there is some value, independent of one’s group membership,

that explains why members of oppressed groups are specially obligated to one another.

In Chapter III (“Reciprocity of the Oppressed”), I consider whether the value of reciprocity could help to explain why members of an oppressed group are specially obligated to one another. The value of reciprocity is often invoked to explain why citizens of a nation are obligated to one another to obey the laws of their nation (e.g., Hart 1955, pp. 185–186, Rawls 1999, p. 96). So it is worth asking if the value of reciprocity can explain why members of an oppressed group are obligated to one another to conform to particular norms. In this chapter, I conclude that the value of reciprocity can, at most, explain why members of an oppressed group have imperfect duties to their other group members. Moreover, I conclude that the value of reciprocity cannot explain why members of an oppressed group have an imperfect duty to engage in certain kinds of sociopolitical activism for the sake of their other group members. In doing so, I hope to offer resistance to the increasingly popular notion that in order to be a “good gay” or a “good Black,” one must be progressive in their politics.<sup>8</sup>

In Chapter IV (“Solidarity and the Duties of the Oppressed”), I consider whether the value of solidarity could help to explain why members of an oppressed group are specially obligated to one another. There are many contexts in which people reasonably believe that members of a group are specially obligated to one another so as to promote a valuable sort of group cohesion. For example, it is commonly thought that members of the same family are specially obligated to one

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<sup>8</sup> Kwame Anthony Appiah (1996, pp. 99)

another so as to promote the valuable sort of group cohesion that is characteristic of families. It is also thought by some (e.g., Horton 2007) that members of the same polity are specially obligated to one another so as to promote the valuable sort of group cohesion that is characteristic of polities. So it is worth asking whether members of oppressed groups are specially obligated to one another so as to promote a valuable sort of group cohesion characteristic of their groups. I conclude, however, that analogies between (a) oppressed groups and families, and (b) oppressed groups and polities fail to establish that members of oppressed groups have special obligations to one another.

And finally, in Chapter V (“‘You Should Have Known Better’: Epistemic Privilege and the Duties of the Oppressed”), I consider whether the value of epistemic privilege could help to explain why members of an oppressed group are specially obligated to one another. It seems that members of oppressed groups have intimate knowledge about the ways in which they are oppressed in society—knowledge that might position them well to help others in their groups overcome their respective oppressions. And it is worth asking whether those in oppressed groups who possess such knowledge have obligations to their other group members that flows from this knowledge. If there is a group of people drowning in a body of water and one is able to make their way to shore, they—more so than anyone else—are in a position to help the other drowning victims, and so should take steps to do so (Vasanthakumar 2018). Perhaps members of an oppressed group are analogous to those drowning in the body of water, and particular members of an



oppressed group are analogous to the drowning victim who safely makes it to shore. If this is so, then perhaps members of an oppressed group should take steps to help others in their group who are “drowning.” I conclude, however, that if such an argument succeeds, it would generate obligations for members of oppressed groups to be less antagonistic toward their other group members who flout widespread ideological commitments in the group. Members of an oppressed group have intimate knowledge of the disaster that ensues when they do not have the social support of their other group members, and should conduct themselves in light of this knowledge so as not to alienate their group members who are likely to be denied social support on the basis of their controversial views.

By the end of this dissertation, I hope to convince my reader that members of oppressed groups are entitled to exercise far more liberty than they might be assumed to be entitled to. In particular, I hope to convince my reader that members of oppressed groups do not need to toe an ideological line for the sake of their other group members. But the essays comprising this dissertation are not only useful to the extent that they make this clear. They are also valuable because they will illuminate the problems that one might run into if they were to draw on the tools of analytic philosophy to claim that members of oppressed groups are specially obligated to one another. Some might take these problems to be evidence that members of oppressed groups are not specially obligated to one another in any way. Others might take these problems to be evidence that we should consult resources other than those provided to us by analytic philosophy to explain why members of

oppressed groups are specially obligated to one another. Others still might take these problems to be evidence that more work needs to be done to show how the tools of analytic philosophy can explain why members of oppressed groups are specially obligated to one another. Regardless, my forthcoming arguments will make an important contribution to the philosophical literature concerned with those in oppressed groups.

## CHAPTER II

### COLORBLINDNESS, VINDICATED

#### **The Roadmap to Colorblindness**

Colorblindness and color consciousness. People regularly pledge allegiance to one of these two views about egalitarian justice. Those on the side of color consciousness tend to favor policies that give preferential treatment to certain people on the basis of color, because doing so is taken to be necessary for enshrining the moral equality of persons of all different colors. Those on the side of colorblindness, by contrast, tend to *oppose* policies that give preferential treatment to certain people on the basis of color. In this chapter, I understand color more broadly than it is usually understood. Not only do I understand “Black” and “white” as colors, but also “gay” and “straight,” “woman” and “man.” Later, I will explain how and why I understand color as I do.

While ordinarily, the colorblind and the color conscious are concerned with policy such as when they debate the merits of affirmative action,<sup>9</sup> debates about colorblindness and color consciousness also play out on the level of individual morality. For example, Charles Mills (1997) offers arguments in defense of a moral duty that Black men are under to marry Black women and Anita L. Allen (2000) offers a defense of interracial marriage that is sensitive to the arguments Mills explores. Stephen Kershner (2018) and Robin Zheng (2016) represent opposing

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<sup>9</sup> Those who have criticized affirmative action policies along colorblind lines include Cohen (1995), Chen (1996), Pojman (1998), and Myers (2019). By contrast, those who have defended affirmative action policies along color conscious lines include Thomson (1973), Matsuda (1988), Gutmann (1996), and Kennedy (2013).

sides in the debate about whether it is permissible for white men to have a romantic preference or fetish, depending on what side of the debate you fall on, for Asian women. Brando Simeo Starkey (2015) and I (Kianpour 2022) represent opposing sides in the debate about whether those of the same color ever owe it to one another to suppress certain contentious political views. As people debate about whether my color bears on how my state should treat me, there are also debates taking place about whether my color bears on how I should treat others and how others should treat me. One of my aims in this chapter is to consult arguments concerning colorblindness and color consciousness at the level of policy to help determine whether colorblindness or color consciousness is true at the level of individual morality.

Another aim of mine is to clarify what distinguishes colorblindness from color consciousness both at the level of policy as well as at the level of individual morality. Proponents of colorblindness seem amenable to differential treatment on the basis of color in at least some cases, and proponents of color consciousness do not *always* think that differential treatment on the basis of color is justified. So one might wonder what distinguishes these views that are often treated by their respective proponents as diametrically opposed. I argue that instead of distinguishing colorblindness from color consciousness based on how these doctrines recommend we treat those of different colors, we should distinguish colorblindness from color consciousness based on what these doctrines tell us those of different colors are owed in virtue of their being different colors, morally speaking.

After making the case for distinguishing colorblindness from color consciousness in the way I think we should, I argue that we should presume the truth of colorblindness at the level of individual morality in the absence of compelling reasons to think that color consciousness is true. Furthermore, I argue that attempts to overturn the presumption in favor of colorblindness by those who favor color consciousness at the level of individual morality are unsuccessful. When all is said and done, I hope to have convinced you that colorblindness is true at the level of individual morality.

In Section I, I clarify what I mean when I use the term “color” throughout this chapter. Then, I consider different ways to distinguish colorblindness from color consciousness and argue that the best way to do so is by recognizing colorblindness as a doctrine that tells us color in and of itself *cannot* make a difference for what someone is owed and color consciousness as a doctrine that tells us color *can* make a difference for what someone is owed (Section II). After, in Section III, I argue that there exists a presumption in favor of colorblindness over color consciousness. In Section IV, I consider arguments that could be made by proponents of color consciousness to overturn the presumption in favor of colorblindness, and argue that they are unsuccessful. Finally, in Section V, I gesture to perhaps a surprising feature of my view—namely, that it is possible to subscribe to colorblindness as I understand it while also consistently showing support for stereotypically color conscious policies.

## I. On Color

I use the term “color” in this chapter in a particular way. People tend to use the term to designate someone’s racial identity—white and Black would be examples of colors people can be on the conventional understanding of color. I, however, use the term “color” to designate the multitudes of identity categories people fall into that are thought to privilege some and disadvantage others without proper justification.<sup>10</sup> Thus, man and woman would be examples of colors people can be on my understanding of color, as well as would straight and gay. White people are thought to be arbitrarily privileged because they are white and Black people are thought to be arbitrarily disadvantaged because they are Black, and this is thought to be the case for men and women, and straights and gays, respectively, as well.

Part of what it is to have a race, gender, or sexuality is to possess sets of characteristics which others in your society take to be evidence of your racial, gender, or sexual identity. People tend to ascribe a Black identity to those with heavily melanated skin and particular facial features; a woman’s identity to those who appear to possess particular secondary sex characteristics; and a gay identity to those who act and present themselves in ways stereotypical of gay people. As Kwame Anthony Appiah (1996) has observed, the standards used to sort people into

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<sup>10</sup> This is not to say that I believe these multitudes of identity categories are the same in every respect, or that they have been historically constructed in the same ways, or that people who subscribe to these identities are all vulnerable in the same ways. Rather, I am claiming that there is one important sense in which these identity categories are the same, and it is this similarity between them that helps us make sense of why calls for preferential treatment are often appropriate to make for people of color, women, and members of the LGBT+ community alike.

different identity categories are historically contingent, meaning that someone who is, for example, classified as white today may not have been a century ago (p. 77).

Another part of what it is to have a race, gender, or sexuality is to identify with the identity category that one is ascribed by others to greater or lesser extents. Someone who is Black is not just Black because others recognize them as such, but also because they intentionally shape their plans of life and conception of the good by reference to their ascription as a Black person. The same could be said for women as well as for gay people (Appiah 1996, p. 78).

The “color” in colorblind and color conscious, then, refers to ascribed identities with which people identify to greater or lesser extents and which are commonly thought to, by themselves, arbitrarily privilege certain people and disadvantage others. I understand color in this way because it seems to me that many of those who are color conscious when it comes to race, and on this basis support certain kinds of preferential treatment on the basis of race, likewise support certain kinds of preferential treatment on the basis of gender and sexuality.<sup>11</sup> Conversely, many of those who are colorblind when it comes to race, and on this basis oppose certain kinds of preferential treatment on the basis of race, likewise oppose certain kinds of preferential treatment on the basis of gender and sexuality.<sup>12</sup>

There seem to be three benefits to understanding color in the way that I do. First, my account of color does not require us to commit to potentially controversial

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<sup>11</sup> Judith Jarvis Thomson (1973), for example, defends preferential hiring for both Blacks and women for the same reasons.

<sup>12</sup> Peter C. Myers (2019), for example, defends colorblindness in this comprehensive way.

accounts of group ontology to differentiate groups of individuals on the basis of color.<sup>13</sup> Second, my account of color enables us to see important similarities between calls for preferential treatment on the basis of race, gender, and sexuality. And third, my account of color demarcates people on the basis of color in ways that accord with peoples' intuitions; we can successfully differentiate between Blacks and whites, women and men, and gays and straights by using my account of color. Now that we know how I understand color and why we should understand it this way, it will be useful to turn our attention to understanding what colorblindness and color consciousness are.

## **II. The Crucial Difference**

Academic debates about the merits of colorblindness and color consciousness suggest that these positions are distinct from, and oppositional to, each other. Whatever colorblindness and color consciousness, respectively, entail, we should expect, then, that neither position would reduce to the other and that the positions would be incompatible with one another. Beyond that, proponents of colorblindness and color consciousness, respectively, have historically supported disparate policy regimes, so we should expect that the colorblind position holds promise for vindicating the policy regimes that past proponents of colorblindness have supported and that color consciousness holds promise for vindicating the policy regimes that past proponents of color consciousness have supported. Proponents of

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<sup>13</sup> There is no settled way of carving out social groups in the philosophical literature. Examples of some competing views include Elster (1989), Miller (2001), Tuomela (2007), and Haslanger (2000).



colorblindness generally oppose policies that show preferential treatment toward individuals on the basis of color, and proponents of color consciousness generally support policies that show preferential treatment toward individuals on the basis of color. In what follows, I consider and evaluate different proposals for how to distinguish colorblindness from color consciousness.<sup>14</sup>

As a first pass, one might be tempted to differentiate colorblindness from color consciousness on the following grounds. Colorblindness tells us that we *must not* take the color of others into account when determining how to treat them because doing so is disrespectful, whereas color consciousness tells us that we always *must* take the color of others into account when determining how to treat them because failing to do so is disrespectful, or that we *may* take the color of others into account when determining how to treat them because doing so is consistent with treating them with respect. These ways of distinguishing colorblindness from color consciousness, however, are mistakes because understanding the doctrines in these ways renders them implausible.

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<sup>14</sup> There is one way to distinguish colorblindness from color consciousness that I do not consider in this chapter because it concerns questions that are not relevant to the present inquiry. One might claim that colorblindness tells us that social categories corresponding to color are not real or that we should swear off these categories (e.g., Hill 2009, Hill 2017, Gheaus 2023), whereas color consciousness tells us that social categories corresponding to color are real or that we should embrace these categories (e.g., Young 1990). Patrick S. Shin (2009) calls colorblindness of the kind just described *assimilationist* or *eliminativist* colorblindness (p. 1203). Colorblindness and color consciousness so construed, however, offer answers to metaphysical questions or questions about the ethics of recognizing certain social categories as metaphysically real, when I am more so concerned with questions about the relationship between our social identities and what we are owed, morally speaking.

Opponents of colorblindness tend to criticize the position because they take it to entail disregarding the significance of color wholesale.<sup>15</sup> But as Paul Sniderman and Edward Carmines (1999) write, “To say that a commitment to a color-blind politics is worth undertaking [...] is not to argue for a politics in which [color] is irrelevant, but in favor of one in which [color] is relevant so far as it is a gauge of need” (p. 138). Other proponents of colorblindness, such as Peter C. Myers, would similarly claim that color may be taken into account in certain cases such as in the Civil Rights Act of 1866 which states that “citizens, of every race and color’ shall have the same rights ‘as [are] enjoyed by *white* citizens”’—to rectify certain inequalities in treatment between those of different colors, color may be taken into account but only insofar as doing so is necessary for eliminating the need to take color into account in such a way in the future (2019, p. 30, added emphasis). So to claim that colorblindness tells us we must not take the color of others into account when determining how to treat them is implausible given that proponents of colorblindness do not defend such a view. Moreover, construing colorblindness in this way would force us to accept the conclusion that it would be wrong to take one’s color into account when “a physical suspect description” involving one’s color “has been given in the context of a specific crime,” which is implausible (Boonin 2011, p. 336). Surely, law enforcement officials are permitted to use the racial component of

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<sup>15</sup> Bonilla-Silva (2013) argues that what he calls “color-blind racism” is the product of white liberals hiding behind the language of equal opportunity and individualism to disregard *de facto* discrimination faced by people of color (p. 56). Gutmann (1996) recognizes colorblindness as an abstract principle of justice and that its fair application entails color consciousness in many societies under nonideal circumstances. She seems to understand colorblindness, as an abstract principle of justice, as being that principle which demands that we not discriminate against persons on the basis of race (or gender) (1996, p. 110).

a physical suspect description to decide whom to treat as a potential suspect in a crime. But if a commitment to colorblindness meant a commitment to *never* taking one's color into account when determining how to treat them, law enforcement officials would not be so permitted. Thus, understanding colorblindness in this way is a nonstarter.

Understanding color consciousness as a doctrine which tells us that we must always take the color of others into account when determining how to treat them is similarly implausible. Surely, even proponents of color consciousness would recognize that the referee of a soccer game is not obligated to take the color of a Black soccer player into account before red carding the player. Thus, understanding color consciousness in this way is a nonstarter and, furthermore, understanding what distinguishes colorblindness from color consciousness in the way just surveyed is likewise a nonstarter. Moreover, understanding color consciousness as a doctrine which, more mildly, tells us that we *may* always take the color of others into account when determining how to treat them is implausible for two reasons. First, such an understanding of color consciousness would render a conclusion that is similarly implausible in the soccer game case just described: it would be permissible for the referee of a soccer game to take the color of a Black soccer player into account before red carding the player, which is implausible. And second, it seems that those who are proponents of color consciousness view color consciousness as a *demand of justice*, as exemplified by thinkers like Amy Gutmann (1996) who believe that color

consciousness is necessary for fair equality of opportunity to obtain in liberal society (see, e.g., pp. 110–113).

Another way to distinguish colorblindness from color consciousness is by making reference to the value, or lack thereof, of individuality. Proponents of colorblindness might claim that we shouldn't take the color of others into account when determining how to treat them in those cases where we shouldn't because taking one's color into account in this way fails to treat them as individuals, which we are all entitled to be treated as.<sup>16</sup> In other words, when we take the color of others into account when determining how to treat them, we treat them as members of the groups to which they belong rather than as individuals with their own dignity.

By contrast, proponents of color consciousness might claim that we should take the color of others into account when determining how to treat them in those cases where we should even if doing so fails to treat persons as individuals. The difference between colorblindness and color consciousness, on this account of the difference, is essentially that proponents of colorblindness prioritize the value of individuality in all cases whereas proponents of color consciousness are ok with letting the value of individuality fall by the wayside, at least in some cases.

This understanding of the difference between colorblindness and color consciousness, however, is untenable. In "Respect, Individualism, and

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<sup>16</sup> Louis Pojman (1998) writes, "What is wrong about discrimination against Blacks is that it fails to treat Black people as individuals, judging them instead by their skin color not their merit. What is wrong about discrimination against women is that it fails to treat them as individuals, judging them by their gender, not their merit" (p. 110). For more on what it could mean to treat someone as an individual, consult Beeghly 2018.

Colorblindness” (2020), Benjamin Eidelson argues that treating persons as individuals sometimes *requires* that we take their color into account when determining how to treat them.<sup>17</sup> To treat persons as individuals, for Eidelson, is to treat them as autonomous, or to treat them as though they have their own wills (Eidelson 2020, p. 1637). Furthermore, to treat persons as though they have their own wills, we must regard them as beings with a certain kind of agency and partly self-authored lives that this agency has helped them attain (Eidelson 2020, p. 1635). And in a society where color has pervasive social significance, “it will often be impossible to understand who someone is... without taking account of the [color] ascription that has likely loomed large in her experience and presented her with one portfolio of options for self-definition as opposed to another” (Eidelson 2020, p. 1645). Thus, according to Eidelson, we might sometimes be required to take individuals’ colors into account when determining how to treat them *in order to treat them as individuals*. Eidelson writes that affirmative action policies would be justified, on his understanding, because “in a society characterized by racial bias, attending to race will often be necessary to treating a person respectfully as an individual—because race will mediate evidential connections between her record of choices or achievements and [...] ‘her own essential qualities’” (Eidelson 2020, p. 1607). And if the value of individuality can be appealed to to justify a color conscious ethos, then it should not serve as the value that can be used to distinguish

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<sup>17</sup> See also Eidelson 2015.

colorblindness from color consciousness, since both doctrines may concern themselves with the value of individuality.

So how should we distinguish colorblindness from color consciousness? In his earlier mentioned paper, Benjamin Eidelson briefly considers, and ultimately sets aside for his purposes, the possibility that colorblindness is merely the assertion that a person's color "is morally irrelevant, in the sense that it says nothing about what she deserves" (Eidelson 2020, p. 1631). This is the view of colorblindness I subscribe to.<sup>18</sup> And the corollary view of color consciousness would entail that a person's color is sometimes morally relevant, in the sense that it, in itself, sometimes makes a difference for what she deserves.

To say that a person's color does not make a difference for what she deserves or, as I will sometimes alternatively say in this paper, what she is owed, is not to say that the way we discharge identical obligations we have to others will look the same no matter their color, but rather it is to say that our obligations to others will not themselves change depending on their color. I do not, for example, have some set of obligations to women that I do not have to men because women are women and men are men. So conversely, to say that a person's color *does* make a difference for what she deserves or what she is owed is to say that there are at least some cases in which I do, for example, have some obligations to women that I do not have to men because women are women and men are men.

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<sup>18</sup> One might think of my understanding of colorblindness as a reaffirmation of methodological moral individualism: "how an individual may be treated is determined, not by considering his own group memberships, but by considering his own particular characteristics" (Rachels 1990, p. 173). My contention in this paper is that the color-related dimensions of one's identity are not characteristics relevant to how an individual may be treated.

Moreover, when I say that a person's color *in itself* does or does not make a difference for what one owes or is owed, I don't mean that someone's color, independent of whether someone is oppressed on the basis of color, does or does not make a difference for what one owes or is owed. Rather, I'm saying that someone's color, which often will make a difference for the extent to which that person is oppressed, does or does not make a difference for what one owes or is owed.

Distinguishing colorblindness from color consciousness on the grounds that the former tells us color cannot make a difference for what one is owed whereas the latter tells us color can make a difference for what one is owed, I think, is the proper way to understand these doctrines and to distinguish them from each other. First, understanding the doctrines in this way renders them irreducible to and incompatible with each other, which is what we should expect of these doctrines. And second, understanding colorblindness and color consciousness in this way is consistent with the rationales that proponents of each doctrine give in support of colorblind and color conscious policy regimes, respectively. To illustrate this point, I will explain how the way I understand colorblindness and color consciousness can help us make sense of colorblind opposition to affirmative action policies and color conscious support for them.

If we understand color consciousness as the view that one's color can make a difference for what one is owed, it is easy to make sense of why proponents of color consciousness would view affirmative action policies favorably. Supposing that those whom affirmative action policies are fashioned to benefit are, on the basis of color,

owed treatment that those whom affirmative action policies are not fashioned to benefit are not, a proponent of color consciousness as I understand it could claim that affirmative action policies are justified because they give individuals what they are due on the basis of their color.

A proponent of colorblindness might rationalize her opposition to affirmative action policies, by contrast, because such policies treat as owed to those of certain colors that which is not. There seem to be both deontological as well as consequentialist reasons for thinking that treating individuals as though they are owed something they are not, in fact, owed is a bad thing, consistent with concerns that proponents of colorblindness have expressed about affirmative action policies in the past.

Stephen L. Carter (1989, 1990) has observed that so-called “affirmative action babies,” or individuals who either would not have been or are thought not to have been afforded particular educational or job opportunities were it not for the role their color played in admissions or hiring, can feel like imposters at their universities or jobs. In “The Best Black, and Other Tales,” Carter candidly writes about his experiences as a Black academic who is often told by his colleagues that he is the best Black law professor they know:

“We know, because we are told over and over, that we are the best black people in our fields, whatever fields those may be. And in part, we are flattered, or we should be, because, after all, those who call us the best blacks consider it a compliment. At the same time, we long for more. We



yearn to be called what our achievements often deserve: simply the best—no qualifiers needed! In a race-conscious society, however, we sooner or later must accept that being viewed as the best blacks is a part of what has led us to where we are; and we must further accept that to some of our colleagues, we will never be anything else” (p. 7).

Treating people as though they are owed things on the basis of color, then, seems to have the potential to entrench certain divisions between individuals on the basis of color that some, like Carter, would hope to render obsolete. If this is true, then we seem to have a consequentialist reason, consistent with colorblindness as I understand it, to oppose affirmative action policies. But beyond that, it seems there is a deontological reason to oppose affirmative action policies consistent with colorblindness as I understand it. If, as Carter suggests, affirmative action policies make it harder for people to view the contributions made by those of different colors to their respective professions on a par (even when these contributions *should be* viewed as equally valuable), then we might have reason to oppose affirmative action policies because they threaten our ability to regard others as our equals, morally speaking, irrespective of their color.

To be clear, I am not arguing here that colorblind considerations against affirmative action policies are successful at vindicating opposition to such policies. Indeed, I suggest toward the end of this chapter that being colorblind as I understand it is consistent with support for policies that one wouldn't necessarily classify as colorblind. I am merely explaining how the way I understand

colorblindness lends itself nicely to the kinds of conclusions that proponents of colorblindness have expressed support for in the past. And if this is the case, we have even more reason than that which has already been given for favoring my interpretation of colorblindness and, moreover, my interpretation of color consciousness.

### **III. The Presumption of Colorblindness**

Now that we know what precisely colorblindness and color consciousness entail, we can turn our attention to determining which of these views of egalitarian justice is true. In this section, I argue that we should presume the truth of colorblindness in the absence of reason to believe that color consciousness is true. Then, in the following section, I consider reasons that proponents of color consciousness have offered in defense of the doctrine only to show that none of these reasons suffice for overturning the presumption in favor of colorblindness.

I believe that we should presume the truth of colorblindness because of the costs we would incur if we assumed the truth of color consciousness but colorblindness turned out to be true. To make this point, I ask my reader to entertain two cases. Suppose that in both cases, Denny is determining whether he specially owes Eve something on the basis of her color. But in the first version of the case, suppose that color consciousness is in fact true but Denny acts as though he owes Eve nothing on the basis of her color. And in the second version of the case, suppose that colorblindness is in fact true but that Denny acts as though Eve is

specially owed something on the basis of her color. I claim that presuming colorblindness when color consciousness is true risks significantly wronging only Eve, whereas presuming color consciousness when colorblindness is true risks significantly wronging both Eve *and* Denny. And insofar as Eve is representative of those who are thought to be owed things on the basis of color, and Denny is representative of those who are thought to owe certain others things on the basis of their colors, then presuming color consciousness when colorblindness is true would be morally hazardous to a higher degree than presuming colorblindness when color consciousness is true.

Let me explain by first explaining how presuming colorblindness when color consciousness is true risks significantly wronging only Eve. Suppose that color consciousness tells us that Denny specially owes Eve something on the basis of her color, but Denny believes that colorblindness is true and so does not do what color consciousness demands of him. Eve would be significantly wronged under these circumstances since she would not receive her due from Denny, and for other reasons I will detail below. But if Eve waives her entitlement to what she is owed by Denny, then she would not be wronged. And Denny might also claim to be wronged, though not significantly, if we knew that he would only act the way he does on the conditions that he acts as he does only because he believes colorblindness to be true and that he would not believe colorblindness to be true were it not for the fact that others deceived him into believing it is true. These others who deceive Denny into thinking colorblindness is true need not do so intentionally—or with the knowledge

that color consciousness is, in fact, true—for Denny to have been wronged by their actions. They might be blameless for having led Denny to believe a falsehood to be true, but they are nevertheless blameless for a wrong they have committed. But the wrong Denny suffers is relatively insignificant, given that he is deceived into believing something that leads him to relinquishing burdens that he otherwise would have taken on. If Denny was not deceived by others into believing that colorblindness is true, he would have taken on burdens to discharge whatever obligations color consciousness demands he discharge. But he was deceived by others into believing that colorblindness is true, so he did not take on burdens he otherwise would have taken on, which is a benefit to him. And since the act of deception benefited him, I claim it wronged him insignificantly.

At this point, one might try to argue that I am mistaken in claiming that this act of deception only wrongs Denny insignificantly, because Denny is deceived into doing something wrongful which is a significant, rather than an insignificant, wrong. If I am deceived into shooting a gun at someone because I think it will only shoot rubber bullets, but in fact the gun shoots actual bullets and kills the person I was deceived into shooting, I would surely be significantly wronged, or so my interlocutor would argue. But I maintain that being deceived into wronging someone can only significantly wrong the person in question to the extent that the wrong negatively affects the person who was deceived, by that person's own lights. Deceiving another into wronging someone makes the wrongdoer blameless for their wrongdoing, morally speaking. So if I am deceived into shooting someone, thinking

that the gun I am shooting is loaded with rubber bullets when it is in fact loaded with actual bullets, what explains how I have been significantly wronged is the fact that it would be distressing, by my own lights, to know I have potentially seriously wounded someone when I did not mean to and not the fact that I have been deceived into wronging *simpliciter*. By the same token, when Denny is deceived into thinking colorblindness is true when, in fact, color consciousness is, he is only significantly wronged if (a) he is negatively affected by the knowledge that he blamelessly wronged Eve, and (b) he obtains such knowledge. But if he believes colorblindness is true, then he does not know that color consciousness is true; and if he does not know that color consciousness is true, then he cannot be negatively affected by the knowledge that he blamelessly wronged Eve; and if he cannot be negatively affected by the knowledge that he blamelessly wronged Eve, then he cannot be significantly wronged for having been deceived into doing so.

Now, let me explain how presuming color consciousness when colorblindness is true risks significantly wronging both Eve *and* Denny. Suppose that colorblindness tells us that Denny does not specially owe Eve anything on the basis of her color, but Denny believes that color consciousness is true and so gives Eve what he believes is her due. In many circumstances, Eve would not be wronged by Denny's actions, but there are important circumstances in which she would be. If Eve believes colorblindness is true (as is in fact the case, unbeknownst to Denny), then Eve will be disrespected to the extent that Denny treats Eve as if she is owed something she is not. Adam Cureton (2016) argues that there are some

circumstances under which intending to further the good of another for that person's sake under the belief that doing so is morally optional is disrespectful to the person whose good one intends to further. Furthering the good of another for that person's sake under the belief that doing so is morally optional might be disrespectful for one of the following reasons.

First, free beneficence from others in this way threatens to generate asymmetrical moral obligations between benefactors and beneficiaries, wherein beneficiaries are obligated to be affable to or perform favors for their benefactors (Cureton 2016, p. 73). Second, this kind of beneficence generates attitudes of servility (undervaluing one's own moral rights) and arrogance (overvaluing one's own moral rights), which demonstrate a failure to appropriately value moral rights and is on this basis disrespectful (Cureton 2016, p. 82). And finally, this kind of beneficence threatens to encourage people—namely, those who are constant beneficiaries of beneficence—to view themselves as less valuable than others, which threatens moral equality and is on this basis disrespectful (Cureton 2016, p. 85). These are the additional kinds of wrongs I alluded to before that Eve is threatened to suffer when she is denied what she is due when Denny assumes colorblindness is true when color consciousness, in fact, is. But it is my contention that intending to further the good of another for that person's sake under the belief that doing so is morally *obligatory* (when, in fact, it is not) is disrespectful to the person whose good one intends to further for much the same reasons that it would be disrespectful to

further the good of another for that person's sake under the belief that doing so is morally permissible.

When Denny treats Eve as if he specially owes her something on the basis of her color, but Eve does not believe that she is owed anything on this basis and is in fact correct, then Eve might rightly feel "hemmed in by the gratitude" she feels she owes Denny since she does not believe he owes her any kindness when she "would rather keep to [herself] or pursue [her] other projects than be especially affable to [her] benefactors or perform favors in return" (Cureton 2016, p. 73). Moreover, Denny's beneficence toward Eve may generate attitudes of servility in Eve because she may value her right to refuse beneficence less than she should, and feel as though she must accept benefits from Denny even when she does not want to because Denny feels as though he must bequeath these benefits to her. And finally, Denny's beneficence toward Eve may encourage Eve to view herself as less valuable, perhaps even less capable, than Denny because she is treated as though she is owed something by him on a basis that Eve herself does not recognize as a locus of obligation to her. If we accept Cureton's arguments about the potential disrespectfulness of beneficence when the beneficence is thought to be optional, we should likewise accept my arguments about the potential disrespectfulness of beneficence when it is mistakenly thought to be obligatory, too.

We now have a sense for how it is that presuming color consciousness when colorblindness is in fact true risks significantly wronging Eve, but what of Denny? Denny is wronged if we know that he would act the way he does only because he

believes color consciousness is true and that he would not believe color consciousness is true were it not for the fact that others deceived him into believing it is true. You might think that this is the very wrong that Denny would suffer in the version of the case where he presumes that colorblindness is true when color consciousness is in fact true. But there's an important difference between this case, and the case where he presumes that color consciousness is true when colorblindness is in fact true. In the former case, the wrong of deception that Denny suffers leads to his relinquishing burdens he otherwise would have taken on which is a benefit to him, whereas the wrong of deception in the latter case leads Denny to taking on burdens he otherwise would not have taken on. Thus, the kind of deception Denny suffers under these specifications *significantly*, rather than *insignificantly*, wrongs him.

Presuming the truth of colorblindness when color consciousness is true runs the risk of significantly wronging Eve and those who are her analogues in the broader society. However, presuming the truth of color consciousness when colorblindness is true runs the risk of significantly wronging Eve *and Denny*, as well as those who are their analogues in the broader society. This, I claim, is the reason that we should presume the truth of colorblindness in the absence of reasons to think color consciousness is true: a commitment to colorblindness is less morally hazardous than a commitment to color consciousness. Granted, this is not a reason to think colorblindness is *true* and it is not a *decisive* reason to act as though it is true. Nevertheless, my argument importantly places the burden of proof on the



proponent of color consciousness to robustly justify the claim that what we owe and are owed changes depending on our color. Colorblindness should be recognized as the default position.

One might be tempted to argue that we have more reason to avoid the risk of significantly wronging only Eve than we have to avoid the risk of significantly wronging both Eve and Denny. This might be because risking a significant wrong against only Eve distributes the risk of significantly wronging individuals less equitably than the alternative of risking a significant wrong against both Eve and Denny. But I am inclined to think that such an argument is not at home with the general ethos of color conscious egalitarianism. The problem that proponents of color consciousness at the level of policy seem to be responding to by advocating for their preferred policies is one involving those of certain colors being inhibited from succeeding to the extent that those of other colors do, not one involving those of certain colors being “too successful” as compared to those of other colors. So as long as one is invested in the egalitarian project to the extent that it can avoid the force of leveling-down objections (as I suspect one should be), we should not look to this sort of explanation for why we should presume a position that risks wronging more people rather than less lest we also be willing to concede that color conscious policies should aim at preventing those of certain colors from becoming too successful rather than empowering those of other colors to become just as successful.<sup>19</sup>

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<sup>19</sup> For an overview of the leveling down objection, see Parfit 1997.

#### IV. Can Color Consciousness Prevail?

Even if there exists a presumption in favor of colorblindness over color consciousness, it may turn out that we have reasons to be color conscious in our dealings with others (i.e., we may treat them as though they are owed things on the basis of their color) strong enough to overturn the presumption in favor of colorblindness. There seem to be three arguments available to proponents of color consciousness that hold promise for overturning the presumption in favor of colorblindness: the *remedial*, *unjust enrichment*, and *diversity* arguments in defense of color consciousness. In what follows, I consider each argument in turn and demonstrate how they do not succeed at overturning the presumption in favor of colorblindness.

##### *The Remedial Argument*

Carol A. Horton (2005) traces the origins of a school of thought that she terms *anti-caste liberalism*. Anti-caste liberals, which included the likes of Charles Sumner and Thaddeus Stevens, maintained that the state must prohibit racial caste and discrimination, whether caused by public officials or private citizens, for equality to obtain between whites and Blacks in America (Horton 2005, p. 18, p. 33). Horton argues that the commitments of anti-caste liberals lend themselves nicely to justifications for race-conscious policies such as affirmative action. Affirmative action policies, according to Horton, are “intended to break up social patterns that are held to prevent racial minorities from having equal access to a full range of

public goods and individual opportunities” and “could reasonably be said to represent a modern-day extension of the anti-caste position” (2005, p. 34).

A proponent of color consciousness in our dealings with people on the level of individual morality might argue thus. Social patterns have emerged in our society that prevent individuals, on the basis of color, from having equal access to a full range of individual opportunities. Widespread preferences for white romantic partners, for instance, might prevent some people of color from finding romantic partners. And someone who is sympathetic to the line of thought Horton explores when it comes to public policy might claim that individuals’ duties to one another in the dating world may change depending on their color because their color may bear on how they should act so as to break up social patterns that are held to prevent persons of certain colors from finding romantic partners. For example, a white person, because they are white, might be claimed to have certain responsibilities (e.g., taking time to determine how large of a role their being white figures into the attraction their prospective partners have for them before dating them) when it comes to dating that those of other colors do not.

This remedial defense of color consciousness at the level of individual morality faces three important objections. The first begins with a reminder that there is an important distinction to be drawn between discriminatory acts that merely harm those who are discriminated against, and discriminatory acts that wrongfully harm those who are discriminated against. When Amy asks Barry out on a date, Barry declines, and Amy is harmed because of this, we do not think that

Barry owes Amy anything for having harmed her. This is because the harm Amy suffered was the result of Barry's legitimately exercising his rights. So the most that the remedial argument could do when it comes to vindicating color consciousness at the level of individual morality is to indict discriminatory social patterns that were not the result of individuals legitimately exercising their rights. But at that point, the people for whom obligations would be generated to remedy the harms, begotten by certain social patterns, suffered by individuals of certain colors would be the people who acted wrongfully to begin with—*not* all those who are of the same color as those who acted wrongfully.

Let's assume, however, that we have somehow overcome this objection: we have an argument for why we have duties to remedy even certain *non*-wrongful harms that befall those of certain colors because of the uptake of certain social norms. Even if we had such an argument, it would still not follow that what *individuals* are owed or owe changes on the basis of their color. When it comes to remedial justifications for color consciousness at the level of policy, the state has the power to make changes to discriminatory social patterns that remedy the harms begotten by these patterns. When it comes to remedial justifications for color consciousness at the level of individual morality however, very few individual's acting on their own will meaningfully contribute to undermining the existence of social patterns that arbitrarily disadvantage persons of certain colors. And if those who do not have the political power and status to meaningfully contribute to undermining the existence of social patterns that arbitrarily disadvantage persons

of certain colors cannot, on their own, meaningfully contribute to undermining these pernicious social patterns, then they cannot be claimed to be, as individuals, beholden to persons of certain colors because they are supposed to undermine these very patterns.<sup>20</sup>

My final objection to the remedial argument in defense of color consciousness is a practical, rather than an in principle, objection, but it is nonetheless an important reason to reject the argument, especially given that we should presume the truth of colorblindness. When treating a person of a certain color in a way that one believes is consistent with undermining discriminatory social patterns, it might be that a different discriminatory social pattern is reinforced. For example, one might think that Black women in particular are especially harmed by Western beauty norms, and so might think that they should treat Black women in ways that are consistent with a more expansive notion of beauty in society.<sup>21</sup> Supposing, however, that you praise more Black women for having big, thick, beautiful hair to compensate for the stigmatization many Black women often suffer for having such hair, you will also be left with the consequence that Black women lacking big, thick, beautiful hair are left without praise. So it is hard to know how one might act in ways that actually undermine the reinforcement of discriminatory social patterns in society, which causes a practical problem with regard to how one should act if they are committed to color consciousness at the level of individual morality. Thus, the remedial argument in defense of color

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<sup>20</sup> See Kianpour (2022), pp. 293–294 for a parallel argument.

<sup>21</sup> For further reading on the ways in which Black women have been harmed by Western standards of beauty, consult Chambers 2022, pp. 82–83.

consciousness fails to overturn the presumption in favor of colorblindness that I argued exists.

### *The Unjust Enrichment Argument*

The unjust enrichment argument in defense of color consciousness maintains that the differences between what people are owed on the basis of color can be explained by the fact that some are *unjustly enriched* on the basis of color. Amy Gutmann (1996), for example, writes that “those who have benefited from racial injustice”—namely, white people—are specially obligated to “help undo the wrongs that perpetuate racial injustice” (p. 174).<sup>22</sup> To the extent that people arbitrarily benefit from being a certain color because of the unjust treatment of those of a different color, we might think that those who are benefited in this way are under duties to, for example, divest themselves of these benefits. Many accept the principle which states that beneficiaries of injustice who are not themselves responsible for enjoying the benefits they do are under special obligations to those who were victims of the injustice they benefit from.<sup>23</sup>

Nevertheless, I want to point out a problem with the unjust enrichment principle before moving onto my concerns with how it does not vindicate color consciousness at the level of individual morality even if it could be saved.<sup>24</sup> Suppose there is a little old lady who loves people watching from her apartment window.

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<sup>22</sup> See also Mills (1998), p. 95.

<sup>23</sup> See, for example, Pasternak (2016), Butt (2007), and Haydar and Øverland (2014).

<sup>24</sup> Robert S. Taylor (2021) objects to the unjust enrichment principle on the grounds that it does not comport with European law and the American Uniform Commercial Code (p. 172).

Most days, the street under her apartment is vacant so she doesn't get to do much of what she loves most: people watching. One night, while the little old lady is asleep, a stabbing takes place on the street below. By the time the little old lady wakes up, there are police officers, news reporters, and the like littering her street. She makes her morning cup of tea and sits by the window, eager to watch the hustle and bustle beneath her. In other words, the little old lady benefited from an injustice—the injustice of the stabbing that made for her exciting morning of people watching. I suspect very few people would think that the little old lady, in virtue of having delighted in a morning of people watching that would not have been possible were it not for a stabbing which preceded it hours before, owes the stabbing victim anything. And if she does not, then the unjust enrichment principle is flawed, since it would tell us that the little old lady does, in fact, owe the stabbing victim something.<sup>25</sup>

But let's suppose you nevertheless find the unjust enrichment principle intuitively plausible. There is a practical problem with predicating a color conscious ethos on the unjust enrichment principle. Namely, it isn't clear to what extent individuals who are claimed to benefit from injustice suffered by those of certain colors in fact benefit from such injustice, and it is furthermore not clear what the extent of their obligations to those who have suffered injustice would be. Surely, not all white people benefit from injustice against Black people to the same degree; not all men benefit from injustice against women to the same degree; and not all

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<sup>25</sup> This case is similar to Louis Pojman's Michael Jordan case and David Boonin's stolen paintings case. See Pojman (1998), p. 102, and Boonin (2011), p. 31.

straight people benefit from injustice against gay people to the same degree. So in our dealings with others who belong to color groups whose members are thought to benefit from injustice against members of other color groups, we cannot be so sure to what extent, if at all, they have benefited from such injustice and thus it is not clear what demands we could make of them. In other words, what would generate obligations for those of certain colors, according to the unjust enrichment argument, would not be the color that they are, but the extent to which they, as individuals, have benefited from certain kinds of injustice. Thus, the unjust enrichment argument, like the remedial argument, fails to overturn the presumption in favor of colorblindness that I argued exists.

### *The Diversity Argument*

The last argument in defense of color consciousness I will consider is the diversity argument. This argument legitimates color consciousness at the level of individual morality because we are under obligations to promote the value of diversity with respect to color. The differential obligations we have to those of different colors, then, are legitimated by the fact that, by discharging these obligations, we promote the value of diversity with respect to color.

Patrick S. Shin (2009) offers two promising arguments that support the conclusion that diversity with respect to color in groups is *extrinsically, instrumentally valuable*. First, diversity with respect to color in groups might be a signal of a group's values, commitments, and priorities and valuable on this basis



(Shin 2009, p. 1196). While diversity of color would likely not be such a signal when it comes to determining the values of the group of all those on a subway at some given time, it likely would be such a signal when it comes to evaluating the health of the group of all those who are employed at a law firm. In the latter context, a lack of diversity with respect to color betrays something about the law firm's values, commitments, and priorities, whereas in the former context, a lack of diversity with respect to color need not betray any such thing about a random collection of individuals on a subway (Shin 2009, p. 1197).

But if this exhausts what makes diversity of color valuable, then it seems that we do not have a strong basis for arguing that we are under *obligations* to promote the value of diversity with respect to color. One's acting kindly might be claimed to be a signal of that individual's values, commitments, and priorities. And one's acting kindly might be valuable on that basis, much like diversity of color is thought to be valuable because it signals a group's values, commitments, and priorities. But one's acting kindly being valuable in this way does not generate obligations for us to act kindly. I am entitled to be an unpleasant and cold person no matter how valuable acting kindly is claimed to be. So understanding the value of diversity in this way holds little promise for vindicating color consciousness against the presumption in favor of colorblindness by appealing to the diversity argument.

The second sense in which Shin suggests that diversity of color is extrinsically, instrumentally valuable is that it "is a practical consequence of the good of the realization of certain conditions of justice, and so valuing [...] diversity

[of color] would simply be part of what constitutes a commitment to that conception of justice” (2009, p. 1201). We might think, for instance, that Congress should be diverse with respect to color because Congress, if fair equality of opportunity in fact obtained in the United States, would most likely be more diverse with respect to color than it is. But it is important to point out that many believe, even if fair equality of opportunity did obtain, that there would generally be value in the existence of organizations and associations that do not promote the value of diversity with respect to color.<sup>26</sup> For example, Blacks-only and women-only associations might very well have a place in a society where fair equality of opportunity obtains. Yet I suspect that very few would think that there is generally value in the existence of whites-only and men-only associations. So the question now becomes, what could explain the difference between, for example, Blacks-only and whites-only organizations such that the former kind of organization does not problematically threaten the value of diversity whereas the latter kind of organization does?

The obvious contender for what explains this difference is that those who comprise Blacks-only organizations (i.e., Black people) are, in virtue of being Black, subject to specific harms that make Blacks-only spaces valuable for them, whereas those who comprise whites-only organizations (i.e., white people) suffer no such harms and would thus not extract the same goods from a whites-only association that Blacks would from a Blacks-only association. But notice how this effectively holds the diversity argument hostage to the remedial argument: diversity of color is

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<sup>26</sup> See, for example, Young (1990), pp. 156–183.

generally the practical consequence of realizing certain conditions of justice except when homogeneity of color is a remedy to the continuing effects of past injustice. And if the diversity argument must make reference to our remedial obligations to those of certain colors in order to explain why a lack of diversity in some contexts is permissible, then it seems one must buy into the remedial argument to get the diversity argument off the ground. As I've pointed out earlier, however, the remedial argument in defense of color consciousness is vulnerable to devastating objections, and the diversity argument would inherit these same vulnerabilities to the extent that it relies on the remedial argument. In other words, I follow George Sher (1999) in claiming "that when we ask why the [diversity] argument focuses only on certain groups, we are invariably thrown back on the injustice or discrimination that their past members have suffered," and thus reject the argument (Sher 1999, p. 90). Color consciousness cannot prevail in the face of the reasons we have to presume the truth of colorblindness.

## **V. Colorblindness Down Here, Color Consciousness Up There**

In concluding, I would like to clarify what the relationship is between a commitment to colorblindness at the level of individual morality and a commitment to colorblindness at the level of policy. A commitment to colorblindness at the level of individual morality need not entail a commitment to colorblindness at the level of policy. This implication of my view, I suspect, will be appealing to those who are sympathetic to the color conscious project since they could subscribe to my view

about colorblindness at the level of individual morality while still supporting stereotypically color conscious policies.

When writing and enforcing policy, public officials are concerned not only with whether the policies in question would give people their due, but whether the policies in question are feasible to implement in terms of their costs. Consider, for instance, age of majority laws. Presumably, whatever the age of majority is in a particular jurisdiction, it is serving as a sufficiently reliable proxy for one's being competent enough to be seen as an adult in the eyes of the law. But surely, there will be some people who are not yet the age of majority who would be competent enough to be seen as an adult in the eyes of the law, and some people who are the age of majority but are not, in fact, competent enough to be seen as an adult in the eyes of the law. Nevertheless, public officials are often thought to be permitted to draw such seemingly arbitrary lines in the sand when it comes to age of majority laws because such a law could not be so narrowly tailored that it recognizes every person as an adult who possesses the competence necessary for recognition as an adult without being infeasible to implement.

So we may recognize that what people are owed does not change depending on what color they are while recognizing also that there may be cases in which the state may, and perhaps should, make reference to color to help determine how to give people what they are due insofar as color serves as a sufficiently reliable proxy to this end. To give a concrete example, consider the following rationale that a proponent of colorblindness might give in defense of affirmative action policies.

Affirmative action policies should be instituted to expand educational and job opportunities to those who would most benefit from these policies. We've run the numbers and found out that if we use color as one of the criteria that would qualify someone for affirmative action, this would allow us to expand educational and job opportunities to those who would most benefit from such opportunities. Thus, we should institute affirmative action policies, but in doing so, we need not cede that those who qualify for affirmative action are being given their due on the basis of their color because the reason they qualify for affirmative action has more to do with lines that public officials drew to ensure that the policy was efficacious rather than with public officials's specifically ensuring that every individual is given their due. If such a rationale strikes you, as it does me, as plausible, then proponents of colorblindness as I understand it can somewhat paradoxically show support for stereotypically color conscious policies. I do not mean to suggest that a proponent of colorblindness *must* support color conscious policies, but rather that they may, and that this might be an attractive feature of my view for those who find my arguments compelling but still find themselves partial to the color conscious line.

I think there has been a lot of unclarity with respect to what colorblindness and color consciousness are and how they differ from one another. But I hope to have cleared up some of that confusion in this chapter. Colorblindness is rightly understood as the doctrine which tells us that what people are owed never changes depending on their color, and color consciousness is rightly understood as the doctrine which tells us that what people are owed can change depending on their

color. Moreover, I hope to have shown you that there exists a presumption in favor of colorblindness and that arguments in defense of color consciousness do not succeed at overturning this presumption. And finally, I endeavored to show that my understanding of colorblindness can accommodate the political ends preferred by many proponents of color consciousness. Hopefully you agree with me and will welcome the prospects of a world in which we do not see color.

## CHAPTER III

### RECIPROCITY OF THE OPPRESSED

#### Introduction

When I first came out as gay, my family wasn't thrilled, to put it mildly.<sup>27</sup> This awakened in me a desperate need to seek out others who understand and accept who I am. So, as many LGBT+ people do, I began frequenting LGBT+ spaces established and run by LGBT+ persons: Pride events, gay clubs and bars, and the like. I, like many others in the community, have benefited from these spaces that “provide access to environments in which it's possible freely to express non-heterosexual sexuality” (Anderl 2021, p. 268).

For those who think obligations of reciprocity exist, it seems like my receipt of this benefit could plausibly undergird special obligations I may have to others in the LGBT+ community—perhaps, at the very least, an obligation not to hinder other LGBT+ persons' access to environments in which they can freely express their sexualities. Some might even claim I specifically have an obligation not to, for example, invite heterosexuals to LGBT+ spaces because doing so threatens the comfort of those for whom these spaces were intended and it would be *unfair* for me to benefit in the ways I have from these spaces while precluding others in my community from enjoying these benefits.

Do members of marginalized groups (e.g., the LGBT+ community, the Black community, etc.) have special obligations grounded in reciprocity to other group

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<sup>27</sup> This dissertation chapter is a version of an article forthcoming in *Social Theory and Practice*. Please cite that version of the article.

members? In this chapter, I investigate the limits of arguments that seek to vindicate an affirmative answer to this question. First, I argue that *if* reciprocity generates special obligations for members of a marginalized group, these obligations correspond to *imperfect* rather than *perfect* duties. That is to say, the reciprocal obligations that members of a marginalized group could be claimed to have to one another can be discharged in a plethora of ways that those sympathetic to RO may not appreciate.

Then, I clarify what the reciprocal obligations, corresponding to imperfect duties, of a marginalized group's members to one another actually look like—or rather, what they *don't* look like. Brando Simeo Starkey, for instance, has suggested that the value of reciprocity generates for Supreme Court Justice Clarence Thomas an obligation not to publicly oppose race-based affirmative action policies for the sake of other Black people. But I argue that the most plausible account of *reciprocity of the oppressed* (RO)—the term I've coined for the view that members of a particular marginalized group have special obligations to one another grounded in reciprocity—vindicating no such duty for Thomas. Indeed, marginalized group members are only reciprocally obligated to their other group members when their other group members intend to confer certain benefits on them, which arguably was not the case for Thomas. Moreover, I argue that Thomas's publicly opposing race-based affirmative action policies could be one way for him to honor reciprocal obligations he might be claimed to have. Thus, even if RO generates special obligations for members of certain marginalized groups to one another, these



obligations are far less narrowly-tailored than one partial to RO might have assumed.

The plan of this chapter is as follows. I will first motivate the plausibility of RO (Section I). Then, I will argue that RO can, at most, generate special obligations, corresponding to imperfect duties, for members of certain marginalized groups (Sections II–V). Prior to concluding, I will clarify what sorts of obligations reciprocity could generate for members of certain marginalized groups and, in doing so, show that RO can vindicate only modest conclusions about the duties that members of a marginalized group have to one another (Section VI). Ultimately, I hope to show that certain special obligations members of certain marginalized groups have to one another, if any such obligations exist, cannot be explained in terms of reciprocity.

### **I. Reciprocity of the Oppressed**

In order to motivate the plausibility of RO, I must first explain what reciprocity is and how it has been invoked by philosophers to justify the existence of certain moral obligations. Those who claim reciprocity is a moral obligation believe moral agents are obligated “to return good in proportion to the good we receive” such that we, like our benefactors who burdened themselves to our benefit, benefit our benefactors by burdening ourselves (Becker 2014, p. 3). Some believe reciprocity underlies the moral obligation citizens have to obey the law, or *political obligation*. Of political obligation, H.L.A. Hart says:

...when a number of persons conduct any joint enterprise according to rules and thus restrict their liberty, those who have submitted to these restrictions when required have a right to a similar submission from those who have benefited by their submission (1955, pp. 185–86).

In other words, a particular citizen is morally obligated to obey the law because other citizens obey the law and, in doing so, benefit her at some cost to themselves.<sup>28</sup> That is, she has a perfect duty grounded in reciprocity to obey the law. Good must be returned for good, so that citizen must obey the law. Otherwise, she would be a free-rider.<sup>29</sup>

Supposing appeals to reciprocity successfully justify perfect duties for citizens of a nation, it's easy to imagine why one might think appeals to reciprocity could successfully justify perfect duties for members of marginalized social groups. A marginalized social group, like a nation, is constituted by members united by a socially salient characteristic. For members of a nation, that characteristic is citizenship, whereas for members of a marginalized social group, it's the oppression those individuals face because of their perceived group membership. And if appeals to reciprocity succeed at generating perfect duties for those who are conationals, it's natural to think they may likewise succeed at generating perfect duties for those who relate to one another in a similar, but distinct, manner.

As of yet, no one has explicitly argued that the value of reciprocity *alone* grounds the special obligations of marginalized group members to each other.

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<sup>28</sup> In *Theory of Justice*, John Rawls conceives of the basis for political obligation similarly (1999, p. 96).

<sup>29</sup> For a discussion of free-riding and the principle of fairness, see Arneson (1982).

Nevertheless, it's worth investigating whether reciprocity could suffice for grounding such duties as well as what sorts of duties marginalized group members would have to their other group members *if* reciprocity could ground such duties. Insofar as members of marginalized groups feel the normative pull of certain (perceived) obligations to other group members,<sup>30</sup> there is value in examining the various candidates for these obligations' grounds. Moreover, people have made arguments which seem to draw on reciprocity to at least partially ground the special obligations of marginalized group members to each other, and it would be useful to know if reciprocity alone could produce a more parsimonious account of the grounding of these special obligations since reciprocity alone is thought, by many, to ground the special obligation citizens have to one another to obey the law.

In *In Defense of Uncle Tom: Why Blacks Must Police Racial Loyalty*, Brando Simeo Starkey argues that members of the Black community have a moral obligation to police racial loyalty in the community by enforcing proscriptive social norms. For Starkey, those in the Black community who benefit from the goods conferred on them by others in the community who act in solidarity with each other are under an obligation to, at minimum, refrain from thwarting others' access to those same goods lest they become liable to sanction from other community members. While Starkey doesn't himself put it this way, we might couch this obligation in terms of reciprocity since, for Starkey, a Black person who is benefited

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<sup>30</sup> Yechiel Klar has observed that members of what he calls "historically victimized groups" uniquely perceive that they are obligated to never "forsake" their other group members (2016).

by other Black people burdening themselves to her benefit must burden herself to their benefit in turn.

An example Starkey provides of a Black man who fails to discharge the aforementioned obligation—and who is liable, *because* he fails to discharge it, to sanction by others in the Black community who are obligated to police racial loyalty in the community—is Supreme Court Justice Clarence Thomas (2015, pp. 254–278). Thomas’s public condemnation of affirmative action policies aimed at benefiting Black people is viewed by Starkey as treacherous to the Black community because affirmative action “was instrumental to his [Thomas’s] success” professionally (2015, p. 262). In other words, Thomas benefited considerably from the solidary efforts of past Black activists by being afforded life-enhancing opportunities through affirmative action policies, and fails to appropriately reciprocate when he actively protests those very policies. In failing to do this, Thomas fails to discharge what might be said to be a reciprocal obligation, the beneficiaries of which would be other members of the Black community.

At this point, someone might think that something has gone awry in this argument for why Thomas has a reciprocal obligation to other members of the Black community. Rather than other members of the Black community generally speaking, it seems it is *those Black people who afforded Thomas life-enhancing opportunities through affirmative action policies* to whom Thomas is reciprocally obligated. After all, it is *they* who benefited him, and not other members of the Black community generally speaking. To respond to this concern, it will be

instructive to return once more to the role that reciprocity plays in arguments for political obligation.

Suppose that Becca leads a relatively secluded life: she only interacts with people in her general area, never ventures out of where she lives, she doesn't benefit much if at all from public goods given her secluded lifestyle, etc. Becca benefits from the people around her burdening themselves by obeying the law, so she burdens herself by obeying the law to confer benefits on those who benefited her. Now suppose that one day, everyone who Becca has ever interacted with where she lives drops dead; and suppose further that, on that same day, a group of people who lived elsewhere in Becca's country move to Becca's area and take the place of everyone who died. Presumably, proponents of political obligation would not say that Becca does not have an obligation to obey the law once these new people move in because they did not benefit her by obeying the law. Rather, proponents of political obligation would say that Becca has an obligation to obey the law once these new people move in, even if they personally have not benefited her by themselves obeying the law. This is because the obligation to obey the law is owed to one's compatriots *generally*. Put differently, the reciprocal obligation I have to obey the law that requires I pay my taxes is not, according to the orthodox proponent of political obligation, owed to only those people who obeyed the same law and whose taxes went to funding services that benefited me, but to my compatriots in general.

Similarly, a proponent of RO could say that while Thomas was benefited by a group of Black people who afforded him life-enhancing opportunities through

affirmative action policies, he has a reciprocal obligation to *others in the Black community* (perhaps, in addition to a reciprocal obligation with particular people who benefited him) to abstain from actively protesting those policies. If the reason that Becca is duty-bound to obey the law even when the people for whom she is obeying the law have not themselves benefited her by doing the same is that Becca and the people for whom she is obeying the law are citizens of the same nation, then it is plausible to think that Thomas is duty-bound to members of the Black community generally as Starkey suggests he is because Thomas and members of the Black community are members of the same marginalized group. One might be tempted to think that there is a relevant difference between being citizens of the same nation and being members of the same marginalized group. Namely, citizens of the same nation are all distinctively subject to laws administered and enforced by a central power, whereas members of the same marginalized group do not seem to be so distinctively subjected. But indeed, members of the same marginalized group are distinctively subject to norms administered and enforced by a central power—that is, the society in which they reside. Some of these norms are discriminatory, such as racist and homophobic norms. Others of these norms may be beneficial, such as norms that generate social scripts for members of marginalized groups that enable them to lead authentic lives.<sup>31</sup> So the possibility that Thomas has reciprocal obligations to Black people in general, despite these obligations being triggered by benefits conferred on him by *specific* Black people, is very much a live one.

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<sup>31</sup> See, for example, Appiah (1998, p. 98).

Consider now another argument for the existence of a special moral obligation that only Black people have to each other. Tommie Shelby considers, and ultimately rejects,<sup>32</sup> the following argument in defense of a collective Black identity:

A collective black identity is essential for an effective black solidarity whose aim is liberation from racial oppression; therefore, blacks who are committed to emancipatory group solidarity must embrace and preserve their distinctive black identity (2002, p. 233).

One might think that getting Black people to cultivate a common conception of who they are will “strengthen the bonds of sympathy and loyalty” among them in ways that will enable them to effectively resist the evils of anti-Black racism (Shelby 2005, p. 233). There are many in the Black community who “embrace and preserve their distinctive [B]lack identity.” By shouldering this burden, these individuals arguably benefit others in the Black community by drawing them together and making collective action against racism easier. Just as those who believe citizens of a nation are obligated to obey the law because of the benefits conferred on them by other citizens obeying the law, proponents of a collective Black identity might argue that members of the Black community are obligated to embrace and preserve their distinctive Black identity for the sake of the Black community because of the benefits conferred on them by other Black people doing so. And again, even if only *specific* Black people conferred benefits on someone, the reciprocal return that that someone would owe could be in part owed to the Black community in general per my argumentation regarding the Clarence Thomas case above.

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<sup>32</sup> The reasons I give for rejecting this argument are distinct from the ones Shelby gives.

The arguments just surveyed share several important features. First, they're reciprocity-based arguments which are aimed at showing that members of a particular marginalized group (i.e., the Black community) have special obligations to each other. Call this *the reciprocity condition* for RO. If the account of reciprocity on which RO is based is itself a defective account, the account of RO in question would fail to satisfy the reciprocity condition for RO.

And second, these obligations correspond to *perfect* rather than *imperfect* duties. Sometimes, our obligations correspond to imperfect duties. That is, these obligations are derivative of prescriptions of general ends rather than moral prohibitions on specific acts (Guyer 1998). I may, for example, owe a debt of gratitude to a friend of mine for watching my cat when I go out of town, and choose to pay off that debt by taking her out for drinks one night. In this case, I could alternatively offer to watch her dog the next time she goes out of town instead of taking her out for drinks, and still plausibly pay off my debt to her once I make good on my offer. By contrast, the obligation Clarence Thomas has to not weaken Black solidarity (according to Starkey, that is) requires *specifically* that he abstain from publicly opposing affirmative action. In other words, Thomas has a perfect duty not to publicly oppose affirmative action.<sup>33</sup> Similarly, some defenders of political obligation believe the only way one can discharge one's reciprocal obligation to other

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<sup>33</sup> One might instead prefer to conceive of the distinction between perfect and imperfect duties by understanding perfect duties as those you are always under an obligation to honor whereas imperfect duties are those that you are only sometimes under an obligation to honor. My foregoing arguments will go through regardless of whether you conceive of the distinction between perfect and imperfect duties this way, or the way that I conceive of it in the body of the text.



citizens generated by their obedience to the law, is by obeying the law oneself—nothing else. Call this the *perfect-duty condition* for RO.

It might be, however, that an account of RO that fails to satisfy the perfect-duty condition for RO would nevertheless generate strong moral reasons for members of marginalized groups to conduct themselves in certain ways. Imperfect duties, though less demanding than perfect duties, still make (sometimes considerable) demands on us. And if this is so, then perhaps RO can generate special obligations for members of a marginalized group that would significantly constrain how they could permissibly lead their lives, even if not by way of perfect duties. After I make the case that any version of RO would only generate special obligations for marginalized group members that correspond to imperfect duties (Sections II–V), I will explain why it is that I think these imperfect duties would not make considerable demands on members of marginalized groups in Section VI. Ultimately, we will be left to conclude that *if* reciprocity grounds the special obligations that members of a marginalized group are widely thought to have to one another, the obligations it would generate would not forbid these group members from engaging in activism that is thought by their other group members to thwart the interests of these other group members.

## **II. Sustaining Practices and RO**

I'll begin my examination of different iterations of RO by criticizing accounts of reciprocity that take the value of reciprocity to be grounded in something separate

and apart from fairness. In *Reciprocity*, Lawrence Becker writes, “reciprocal exchanges are typically meant to sustain a particular practice or institution rather than productive social life per se” (2014, p. 112). One way to read this is that reciprocity obligates us to sustain certain practices *rather than* to, say, treat our benefactors fairly.<sup>34</sup> A proponent of RO partial to the view that reciprocity is aimed at sustaining certain practices may, for example, claim that members of the Black community have obligations to each other only insofar as honoring these obligations serves the end of sustaining practices that effectively resist anti-Black racism.

Such an account of RO, however, wouldn’t satisfy the reciprocity condition for RO. If we claim that reciprocity obligates us only to sustain certain practices, there may be some circumstances in which an individual may be obligated to take on unreasonably demanding burdens to accrue to others the comparatively minute benefits associated with sustaining the practices in question. Consider the following case. To access clean drinking water, people in a village have devised a scheme where everyone takes turns traveling five miles to the closest well and transporting water back to the village for everyone to use. One villager, however, has no legs and would be burdened about ten times as much as any other villager by making the trek to the well and back. If reciprocity’s only grounding was in sustaining certain practices, the legless villager would be morally obligated to burden himself as much as he does when he has to make the trek despite having to burden himself far more than any other person participating in the scheme. And any account of reciprocity

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<sup>34</sup> This is how Christie Hartley and Brookes Brown seem to read Becker. See Hartley (2014, pp. 414–15) and Brown (2020, pp. 387–88).

which so obligates individuals is untenable. Indeed, there seem to be some constraints on the extent to which someone who is reciprocally obligated may be expected to burden themselves to the benefit of another, and an account which fails to spell out these constraints is seriously impoverished. I will discuss this in greater detail in Sections IV and V.

*Even if* we assumed that such an account of reciprocity satisfies the reciprocity condition for RO, it would nonetheless fail to satisfy the perfect-duty condition for RO. Consider again the reciprocity-based argument in defense of an obligation for Black people to embrace and preserve a distinctive Black identity. The practice being sustained by an individual Black person's choosing to embrace and preserve a distinctive Black identity is that practice which facilitates the goods associated with Black people embracing and preserving a distinctive Black identity. Not every Black person needs to embrace and preserve a distinctive Black identity for the goods associated with Black solidarity to materialize in the Black community—rather, *enough* Black people must do this. Suppose Andre is a Black man who was adopted and raised by non-Black parents, and for this reason doesn't feel a particular affinity to that which is often associated with a distinctive Black identity. If Andre himself didn't embrace and preserve a distinctive Black identity, but nonetheless encouraged other Black people to embrace and preserve it themselves, it seems Andre would be sustaining the practice in question without himself engaging in that practice. The account of reciprocity in question, thus,

wouldn't satisfy the perfect-duty condition for RO even if we assumed it satisfies the reciprocity condition.

Thus, it won't do to say that obligations of reciprocity are generated only in cases where certain practices are being sustained; there must be some other value that explains when reciprocal obligations are generated and what form reciprocal exchanges should take. I suspect any plausible account of reciprocity will recognize that the value of reciprocity is at least partially grounded in fairness.<sup>35</sup> That is, reciprocal exchanges are at least in part aimed at treating one's benefactor fairly. When someone fails to return good for good in a fitting and proportional manner, she seems to be doing something *unfair* insofar as she's benefited by someone who shoulders burdens to benefit her without herself shouldering comparable burdens to benefit her benefactor. One might call this a form of free-riding. Let's now turn to an account of reciprocity which takes concerns of fairness seriously and see how well it fares as a candidate for underpinning RO.

### III. The Participation Principle and RO

George Klosko argues that the basis for political obligation is the more general obligation people have to contribute their fair share to collective action necessary to maintain nonexcludable public goods (1987).<sup>36</sup> That is, you're obligated to obey the law because others are benefitting you by themselves obeying the law, and the appropriate way to return good for good in this case is by yourself obeying the law.

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<sup>35</sup> This is hinted at also by Brookes Brown. Brown (2020, p. 387).

<sup>36</sup> Aaron James (2012, pp. 131–248) also defends a version of the participation principle.

Implicit in this account of political obligation is the *participation principle* (PP), which states that those who have significantly benefited from those who participate in a jointly-conducted, burdensome activity are obligated to benefit their benefactors by participating *in that same activity*.<sup>37</sup> Fairness, in other words, demands that reciprocal returns take the form of that action taken to confer a benefit on a beneficiary. If PP is true, there would be strong grounds for thinking that there exists a plausible account of RO. Consider the argument that was laid out earlier in defense of Black people embracing a distinctive Black identity. The proponent of that argument could, by making an appeal to PP, insist that those in the Black community who benefit from those who burden themselves by embracing a distinctive Black identity are obligated to embrace a distinctive Black identity themselves, because those who embrace a distinctive Black identity produce a significant benefit (e.g., goods associated with Black solidarity) at some cost to themselves for others in the Black community.

However, PP is vulnerable to powerful criticisms. Jiafeng Zhu argues that fairness-based arguments for political obligation fall prey to an important objection—namely, that there’s a justificatory gap between an agent having duties of fairness to discharge and having a specific duty to obey the law (2015).<sup>38</sup> Zhu’s arguments also reveal that there’s a justificatory gap between a marginalized agent having duties of reciprocity to discharge and having, for example, a specific duty not

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<sup>37</sup> Brookes Brown calls this “The Principle of Participation” (2020, p. 385).

<sup>38</sup> See also Zhu (2017).

to publicly oppose affirmative action policies as Starkey claims Clarence Thomas has.

Consider the following case Zhu constructs to challenge PP:

In a community where John lives, there is a cooperative scheme to clean communal walkways every Saturday afternoon. The scheme replaces the original voluntary cleaning team, which has difficulty attracting enough neighbors. By contrast, the scheme runs effectively as it covers the vast majority of neighbors and distributes the workload fairly to them. While John benefits from tidy communal walkways (he jogs quite often) as much as his neighbors, he is not a participant of the scheme as he explicitly refuses to join the scheme (2015, pp. 294–95).

If we assume not only that John refuses to join the scheme but also that he does *nothing* to benefit those who have benefited him by providing him with clean communal walkways, then, indeed, it seems John is acting unfairly. After all, he's benefiting from others who have burdened themselves to benefit him without himself shouldering corresponding burdens to benefit his benefactors. Let's assume, however, that John refuses to join the scheme, but decides to benefit those who have benefited him by putting out baked goods for the walkway cleaners to enjoy on the days they clean. Assume further that "the time and costs John invests" to make and put out these baked goods "are as burdensome as each [walkway cleaner's] workload" and that the walkway cleaners enjoy John's baked goods about as much as John enjoys jogging on the communal walkways when he does (Zhu 2015, p. 295).

In such a case, it appears that John's reciprocal return to the walkway cleaners is *fair* despite his failure to engage in the same act from which he draws benefits.<sup>39</sup>

The crucial upshot of this insight for our purposes is that members of, for example, the Black community needn't discharge their reciprocal obligations by benefiting their benefactors in exactly the manner their benefactors benefited them. A Black woman, Shayla, may benefit from others in her community embracing and preserving a distinctive Black identity, but Shayla may, instead of herself embracing and preserving a distinctive Black identity, choose to benefit others in her community by, say, educating people about the ways in which Black people have been and still are oppressed. Supposing the costs to Shayla of so acting are roughly equal to the costs to those who burden themselves with embracing and preserving a distinctive Black identity, and Shayla benefits others in her community roughly as much as they benefit her, it appears that Shayla's reciprocal return to others in her community is fair and thus a legitimate means through which to discharge her reciprocal obligation. In a similar vein, even if Clarence Thomas is under an obligation of reciprocity to members of the Black community, he doesn't necessarily fail to discharge this obligation by publicly opposing affirmative action policies.

A critic of my argument as it applies to the case of Clarence Thomas may claim that there's an important difference between what John does in the case Zhu presents us with and what Thomas does in his case. John doesn't actively try to

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<sup>39</sup> Zhu's argument merely commits us to the claim that reciprocity alone cannot serve as the basis for political obligation (2015, p. 290). Even if it did commit us to the claim that some are in certain circumstances permitted to disobey the law, this doesn't necessarily lead to unacceptable implications. See Zhu (2017) and Brown (2020).

undermine the cooperative scheme responsible for conferring benefits on him whereas Thomas does. If John were to publicly criticize his neighborhood's walkway tidying initiative, refuse to help clean the walkways, and still jog frequently on the walkways, he would *surely* fail to discharge his reciprocal obligations to the walkway cleaners *even if he brought baked goods for the walkway cleaners to enjoy on the days they cleaned*. Or so a proponent of RO would argue. This modified version of the John case lends itself to a modification of PP such that it now states that a reciprocal return is fair and thereby a legitimate means through which to discharge a reciprocal obligation only when the person making the return does so by appropriately burdening herself to benefit others in a cooperative scheme and doesn't act so as to undermine the scheme itself.<sup>40</sup>

Suppose, however, we specify the modified version of the John case even further. It turns out that the head of the walkway tidying initiative in John's neighborhood, though extremely gifted at organizing cleaning days, is a shameless racist. Let's call her Karen. People of color in John's neighborhood have told John that Karen slyly gets the walkway cleaners to pay special attention to the parts of the walkway in front of white residents' homes and to neglect the parts of the walkway in front of Black residents' homes, and John has even seen this for himself. Would any reasonable person maintain that, in order to permissibly jog on the walkways in his neighborhood, John mustn't publicly criticize the head of the

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<sup>40</sup> Garrett Cullity (1995) argues cooperative schemes which are judged by participants to be immoral can nevertheless generate obligations of reciprocity. Supposing Cullity is right, even if Clarence Thomas judges race-based affirmative action policies to be immoral, he may nonetheless have a reciprocal obligation to other Black people to abstain from publicly opposing it.



walkway tidying initiative from which he benefits? Let's even stipulate that if Karen is removed from her organizing position because of her racist tendencies, there would be no other person in John's neighborhood who would be willing to step up to the plate and take over the walkway tidying initiative, so the initiative would be disbanded. Must John bite his tongue? I think not. When an individual benefits from a cooperative scheme that makes important goods available to her that may not have otherwise been, but the individual believes upon reflection that the scheme itself is either partially or entirely immoral, that individual may publicly criticize the scheme to the extent that it's immoral while paying off her reciprocal debt to the others who have contributed to the scheme morally.<sup>41</sup>

In Clarence Thomas's case, two of the important goods made available to him through affirmative action policies were educational opportunity and increased racial equity. And while affirmative action policies are indeed one mechanism through which these goods might be realized for members of the Black community, there are other mechanisms that exist as well. For example, Thomas might instead sponsor private scholarships that give priority to exceptional Black students, or donate educational resources to inner city schools. For a proponent of RO to maintain that Thomas runs roughshod over a reciprocal obligation to others in his community by publicly opposing affirmative action, he must show not only that Thomas potentially stifles the enactment of affirmative action policies but that

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<sup>41</sup> Avia Pasternak (2017) argues that people are under no reciprocal obligation to contribute to immoral schemes from which they draw benefits. Candice Delmas (2018) argues that fairness obligates those who benefit from immoral social schemes, to refuse participating in these schemes and to work to radically reform them (pp. 108–135).

Thomas doesn't contribute to expanding educational opportunities for Black people in any way that burdens him about as much as activists who push for affirmative action policies are burdened by their activism. Thus, an account of reciprocity that endorses PP cannot ground RO because it doesn't satisfy the reciprocity condition, and even once PP has been modified (so much so that it bears little resemblance to the original principle) in an attempt to satisfy the condition, it fails to satisfy the perfect-duty condition for RO.

#### **IV. The Commensurate Return Principle and RO**

A proponent of RO might subscribe to an account of reciprocity that endorses, in lieu of the participation principle, *the commensurate return principle* (CR). Jason Brennan defends such an account.<sup>42</sup> CR holds that “When people benefit from a jointly conducted burdensome activity that advances the common good, they are obligated to contribute commensurately to that good” (Brown 2020, p. 389). For Brennan, advancing the common good is tantamount to promoting the interests of most people without harming others' interests, or if the interests of others are harmed they aren't harmed exploitatively (Brennan 2012, pp. 112–134). Thus, those who promote the interests of most people without harming others' interests exploitatively discharge their reciprocal obligations, regardless of which interests are promoted or how. Since he understands reciprocal returns in this way, Brennan argues that even if Michelangelo “never voted, never participated in politics, never

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<sup>42</sup> Loren Lomasky, Geoffrey Brennan, and David Schmidtz also defend accounts of reciprocity that endorse the commensurate return principle. See Lomasky and Brennan (2000, p. 66) and Schmidtz (2006, pp. 90–93).

volunteered, and by clerical error, never paid taxes,” Michelangelo would have nevertheless contributed commensurately to the common good of his society because he “has done far more for the common good in virtue of focusing on his particular excellences than he would have through politics” (2012, p. 53).

For the moment, let’s assume that this account of reciprocal obligation satisfies the reciprocity condition for RO. Somebody who wishes to co-opt Brennan’s account of reciprocity to ground RO may claim thus. Members of, for example, the Black community are under an obligation to benefit most other Black people without harming other Black people exploitatively. Thus, to discharge her reciprocal obligation to others in her community, a Black woman may benefit others in her community in a plethora of ways. Regardless of whether she’s benefited by others embracing and preserving a distinctive Black identity, or she’s benefited by affirmative action policies that were brought into existence in part by the efforts of Black activists, this woman is at liberty to discharge her reciprocal obligation as she pleases so long as she benefits most Black people without harming them exploitatively. Perhaps she regularly donates money to Black activist groups. Or maybe she owns a business that sells products made specifically with the particular needs of Black people in mind, and gives priority to hiring Black workers. This same sort of thing would also be true of Clarence Thomas: there are a plethora of ways, under an account of RO predicated on CR, that Thomas could go about benefiting most other Black people without harming other Black people exploitatively—he need not do this by stifling his public opposition to race-based affirmative action

policies. At this point, it should be evident that this account of reciprocity fails to satisfy the perfect-duty condition for RO.

This account, however, also fails to satisfy the reciprocity condition for RO. An account of reciprocity predicated on CR assumes that a beneficiary must benefit her benefactor at least as much as her benefactor benefited her in order to discharge her reciprocal obligation to her benefactor, but this assumption is clearly false (Brown 2020, p. 392). It seems that, absent some formal agreement to the contrary, a working-class man may pay off his reciprocal debt to his billionaire friend who bought him a car by, say, taking the friend out for an expensive dinner; he need not repay his debt to his friend in the form of something that is as valuable or more valuable than the car he was given. And if this is so, then the assumption on which CR is based is flawed, as is CR, as is an account of RO predicated on CR. For an account of reciprocal obligation to be plausible, it seems that the obligations the account generates must be something other than obligations to benefit one's benefactor at least as much as one's benefactor benefited one.

## **V. The Qualified Equal Return Principle and RO**

Perhaps, then, an account of reciprocity which endorses *the qualified equal return principle* (QER) will fare better than accounts which endorse PP or CR. QER states that "A return is sufficient to satisfy a beneficiary's duty of reciprocity when she works to benefit her benefactor at least as much as the original benefit until such point as doing more would set back her interests more than the burden the

benefactor took on to her benefit” (Brown 2020, p. 394). Henceforth, I’ll use the terms *benefit\** and *burden\** to designate, respectively, a benefit that is bequeathed or a burden that is taken on consistent with an account of reciprocity which endorses QER.<sup>43</sup> Thus, a working-class man may pay off his reciprocal debt to a wealthy friend of his who bought him a car by treating his wealthy friend to an expensive dinner, assuming that this burdened\* the working class man and is a benefit\* to his wealthy friend. Brookes Brown defends QER and argues that an account of reciprocity endorsing it generates civic obligations for members of liberal society, without necessarily generating an obligation for particular individuals to specifically obey the law. In what follows, I explain Brown’s reasoning, adapt her view to accommodate an account of RO, and argue that this account doesn’t satisfy the perfect-duty condition for RO.

Brown argues that the size of the group to which an individual has a reciprocal obligation makes a difference for how that obligation may be discharged. This is because diversity among members of a group makes it nearly impossible for an individual group member to benefit every other member of her group in the way that QER demands. Thus, to discharge her reciprocal obligation to members of a diverse group, an individual must “do something that can reasonably be expected to benefit all compliant co-nationals” (Brown 2020, pp. 398–99). To do something like this, an individual cannot merely contribute to goods that are presumptively

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<sup>43</sup> Sometimes, I’ll use *benefit\** and *burden\** as nouns (e.g., Anna took on a burden\* [i.e., Anna took on a burden that was as burdensome to her as it was to the benefactor she’s making a reciprocal return to]) and sometimes, I’ll use them as verbs (e.g., Anna burdened\* herself [i.e., Anna burdened herself up until the point that her benefactor burdened themselves up to, to benefit her]).

beneficial to all such as public health, a clean environment, and physical safety; they must contribute to these goods in such a way that a community's plan for realizing these goods is advanced (Brown 2020, p. 400). In other words, an individual buying an electric car for environmentalist reasons doesn't stand to benefit all conationals, but that same individual donating her time to a non-governmental organization aimed at effecting environmentalist policy does. In the latter case, the individual participates in joint action which can reasonably be expected to meaningfully benefit her conationals, whereas in the former case she doesn't.<sup>44</sup>

While Brown believes she's under a duty of reciprocity to benefit\* her conationals by burdening\* herself with participation in joint action that produces public goods, she doesn't believe this necessarily obliges her to obey the law. Obeying the law is merely one among several ways an individual might participate in joint action that produces public goods. Since very few if any laws require full compliance to produce the goods they're aimed at,<sup>45</sup> a proponent of Brown's account of reciprocity may argue thus. In cases where an individual's compliance with the law burdens that individual more than others burdened themselves to her benefit, and where that individual participates elsewhere in joint action that produces public goods, that individual isn't obligated to obey the law. Think of, for example, a poor, single mother who doesn't pay her taxes because doing so would be exceptionally burdensome to her and instead dedicates her Saturday mornings to

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<sup>44</sup> Brown cites the work of Michael Bratman (2014) on shared agency to make this move. See Brown (2020, p. 400).

<sup>45</sup> See Brown (2020, pp. 408–410).

participating in a community service program. In this case, reciprocity wouldn't obligate this mother to obey the law demanding she pay her taxes.

How does RO fare if it's modeled after Brown's account of reciprocity? Let's focus once more on what form the obligations grounded by RO take in the context of the Black community. A Black person is under an obligation to burden\* herself to benefit\* other Black people who burdened themselves to benefit her. However, given that members of the Black community are diverse, the benefits which generate, and are eligible for discharging, obligations of reciprocity are those benefits which flow from goods that can reasonably be expected to benefit all Black people. A list of such goods would surely include on it those goods Brown suggests benefit all members of liberal society: public health, a clean environment, and physical safety. Call these *generalized public goods*. If public health, a clean environment, and physical safety benefit all members of liberal society, then they must by definition also benefit all members of the Black community located within that society, too.

Perhaps, however, a case could be made for including some goods that can reasonably be expected to distinctively benefit Black people, such as the goods of community and solidarity with other Black people. These goods would be parallel to the kinds of goods I suggest LGBT+ people confer on other LGBT+ at the outset of this chapter. Call these *community-specific goods*.<sup>46</sup> Depending on what goods qualify as goods that can reasonably be expected to benefit all members of the Black

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<sup>46</sup> The values of community and solidarity seem to have the structure of a public good. In particular, many LGBT+ individuals benefit from solidarity, but they would be best off if others supplied this solidarity and they did not have to; without reciprocity, no one supplies the solidarity in equilibrium. I thank an advisory board member at *Social Theory and Practice* for pointing this out to me.

community, a particular member of the Black community is obligated to burden\* herself by participating in joint action organized around the realization of those goods to the extent that she has been benefited\* by them.

George Klosko argues that the reason generalized public goods can reasonably be expected to benefit all members of liberal society is that these goods are *indispensable* to these members's leading satisfactory lives (1992, pp. 39–40, 1998, pp. 61–62). That is, without assurance that public health, a clean environment, and physical safety are guaranteed to members of liberal society, these members would be incapable of leading satisfactory lives. Now, is it possible for, say, Black people to lead satisfactory lives without *community-specific* goods, such as the good of Black solidarity or the good of accessing Blacks-only spaces to be in community with other Black people? The answer clearly seems to be yes.

There are many Black people who lead satisfactory lives without being in community with other Black people. Think, for example, of Black children adopted by white families who grow up in predominantly white neighborhoods. I can also imagine that there are some Black people for whom being in community with other Black people *in a certain way* would actually *stifle* their ability to lead satisfactory lives. I'm not thinking here of Black people who have internalized anti-Black racism (though certainly, such people exist), but rather I'm thinking of Black people who are, personality-wise, hyper individualistic. Surely, there are some hyper individualistic Black people who find the expectations and responsibilities that



come with being a member of any large community antithetical to their flourishing as an individual.<sup>47</sup>

It appears community-specific goods aren't indispensable to members of the Black community leading satisfactory lives, and so cannot be reasonably expected to benefit all Black people. And if these goods cannot be reasonably expected to benefit all Black people in the way generalized public goods can, then Black people would only be under a reciprocal obligation to fairly participate in joint action organized around the realization of generalized public goods for Black people. On this account of goods which can reasonably be expected to benefit all Black people, Black people would be under no obligation to burden themselves to benefit other Black people by bringing about community-specific goods, and it is precisely these goods that one would expect an account of RO to generate obligations with respect to.

*Contra* Klosko, Jonathan Wolff argues that so long as the value of a good outweighs the costs associated with bringing it about, and the burdens and benefits associated with bringing this good about are distributed fairly, such a good may be classed as one that can reasonably be expected to benefit all and thereby generate reciprocal obligations (1995). Let's assume this suggestion suffers no devastating objections.<sup>48</sup> Thus, on Wolff's account, the enjoyment of certain community-specific goods, made possible through burdens shouldered by Black people, would suffice for

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<sup>47</sup> For what it's worth, I'm a gay man who bears this sort of relationship to the LGBT+ community.

<sup>48</sup> Klosko convincingly responds to Wolff's charge. See Klosko (1998, pp. 62–65).

generating obligations for Black people to bring about the goods one would expect an account of RO to.

Even on an account of goods that can reasonably be expected to benefit all Black people inspired by Wolff, the account of reciprocity predicated on QER would only generate special obligations, corresponding to *imperfect* duties, to other Black people. Consider once more the arguments in defense of embracing and preserving a distinctive Black identity, and against Clarence Thomas's public opposition to affirmative action. Suppose that the goods facilitated by these purported obligations are the goods of Black solidarity and increased racial equity, respectively. An account of RO endorsing QER wouldn't satisfy the perfect-duty condition for RO since it's possible for a Black person who benefited from Black solidarity and increased racial equity to discharge her reciprocal obligation to others in the Black community by shouldering the burden of participating in *different* joint actions organized around bringing about goods which could reasonably be expected to benefit all Black people. Instead of embracing and preserving a distinctive Black identity, a Black person may discharge her reciprocal obligation to others in her community by, for example, donating money to a Black activism organization, assuming that she burdens\* herself to generate this benefit\*. Similarly, Clarence Thomas may discharge his reciprocal obligation to others in a different way, assuming that this different way is a burden\* to him and benefits\* others in the Black community.

## VI. Imperfect Duties and RO

So far, I've argued that any account of reciprocity on which RO could be based would fail to generate special obligations, corresponding to perfect duties, that members of a marginalized group have to one another. The account of RO predicated on QER, however, holds promise for generating special obligations, corresponding to *imperfect* duties, that members of a marginalized group have to one another, given that such an account, unlike those predicated on PP and CR, satisfies the reciprocity condition for RO. Someone might wonder if the fact that RO could generate imperfect duties for marginalized group members suffices for making an interesting contribution to the literature on the duties of the marginalized (see, e.g., Starkey 2015, Vasanthakumar 2018, Schraub 2020, Kianpour 2022). Imperfect duties, after all, can make significant demands on us. I might have considerable latitude in deciding how I discharge my imperfect duty to give to charity, but the fact that I am obligated to give to charity in some way places some constraints on how I may lead a moral life. Similarly, one might maintain that a marginalized group member having considerable latitude in deciding how they discharge their imperfect duty to make a reciprocal return to their other group members would place some constraints on how the marginalized group member in question may lead a moral life.

While I think this is true, I want to make clear that there are significant limits on the moral constraints these imperfect duties place on the lives of marginalized group members. Recall Starkey's argument about Clarence Thomas. I

want to call into question the suggestion that marginalized group members like Thomas can be obligated, under RO, to engage in or to abstain from engaging in certain kinds of activism. There are two reasons for this. First, the obligations that RO generates for members of marginalized groups derive from their group memberships—the fact that they are marginalized grounds why they have additional obligations that their non-marginalized counterparts do not. We should expect, then, that there would be a very good justification for why these individuals, already burdened by their marginalized status, should be burdened even more by the demands of morality.<sup>49</sup> And second, it is important for *everyone*, but *especially* marginalized group members, to be able to engage in their preferred modes of sociopolitical activism within reason.<sup>50</sup> When members of marginalized groups are empowered to speak their minds about cultural issues and policies that affect them, even when their other group members regard their views as suspect, we are given important information about how to treat members of marginalized groups equitably *by their own lights* (Kianpour 2023, p. 1). Thus, to claim that marginalized group members like Thomas are obligated, under RO, to engage in or to abstain from engaging in certain kinds of activism calls out for strong justification.

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<sup>49</sup> Thanks to an anonymous reviewer at *Social Theory and Practice* for suggesting that I make this explicit.

<sup>50</sup> Obviously, someone whose preferred mode of political activism includes calling on people to enact violence against innocent others would not be entitled to engage in their preferred mode of political activism. But it is important for both opponents and proponents of, say, reparations to Black people to be able to have their cases heard in the court of public opinion.

I do not think, however, that such a strong justification exists. This is for three reasons. The first has to do with the fact that any plausible account of reciprocity will take seriously the role that the intention of benefactors plays in generating reciprocal obligations for their beneficiaries. If my day is made because I see you laugh at a joke your friend told you as I walk past you on the street, I certainly do not owe you a reciprocal return. This is because you did not *intend* to benefit me by laughing. To the extent that members of marginalized groups, qua group members, intend to benefit those members of their groups who share a particular sociopolitical vision with them, it would be inappropriate to claim that those members who do not share that vision are reciprocally obligated to the Black community since the members of the Black community who produced the relevant benefits did not intend for *every* member of the Black community to enjoy these benefits. Clarence Thomas may have benefited from the sociopolitical activism of Black people who preceded him by being afforded professional opportunities via race-based affirmative action, but if these opportunities were intended to benefit Black people who would appreciate race-based affirmative action policies by continuing to support them, then Thomas would not be reciprocally obligated to the Black community. I think it is reasonable to suppose that many, though likely not all, marginalized group members participate in joint action aimed at benefiting their other group members, *intending* to benefit those who would make use of the benefits in more or less specific ways.

The second reason I don't think a strong justification exists for believing that RO obliges marginalized group members to engage in or abstain from engaging in certain kinds of activism has to do with what counts as a benefit to marginalized group members. Proponents of political obligation often subscribe to a hybrid theory of welfare wherein good X counts as a benefit to person Y if X is, objectively speaking, good for Y *and* Y takes X to be good for Y (e.g., Brown 2020, p. 390, Klosko 1998, p. 62, Raz 1982, p. 292). The obligation that individuals have to obey the law, then, derives from the conferment of certain goods on those individuals that are in fact good for them and that they take to be good for them. If a proponent of RO were to, like proponents of political obligation, subscribe to a hybrid theory of welfare, we would be left with the following implication. Clarence Thomas does not take the existence of race-based affirmative action policies to be good *at all*, let alone good *for him*. And since he does not take these policies to be good for him, the conferment of the "benefits" by Black activists who were instrumental in "benefiting" Thomas via affirmative action would not actually be benefits. Even if Clarence Thomas took affirmative action to be good for him, he might nevertheless be justified in believing that race-based affirmative action policies, particularly as enacted by public institutions, are unjust; and if he is, then he would at least be blameless for publicly opposing affirmative action policies, if not praiseworthy. At the heart of reciprocity is the dictum to return good for good—*not* good for bad (Kianpour 2022, p. 289). So Thomas, and marginalized group members who are relevantly similar to him in that they do not take the "benefits" conferred on them by their other group members

to be genuine benefits, would not be obligated to make a reciprocal return to others in the Black community.

The third and final reason that I don't think a strong justification exists for believing that RO obliges marginalized group members to engage in or abstain from engaging in certain kinds of activism is this. It seems to me that Clarence Thomas can discharge the reciprocal obligations he might be thought to have to other Black people *by publicly opposing race-based affirmative action policies*. By doing this, Thomas arguably advances the activism of like-minded Black people, such as Thomas Sowell,<sup>51</sup> who intended to benefit him through their activism, which is plausibly a way for Thomas to make good on his reciprocal obligation to the Black community. We know that the Black community is not a monolith,<sup>52</sup> nor is any marginalized group for that matter, so it makes sense that different subsets of the Black community would have different reciprocal obligations under RO depending on who has intended to benefit them, who has benefited them, and how they have been benefited. Moreover, by publicly opposing race-based affirmative action policies, Thomas likewise publicly resists the notion that there is a proper mode of being Black that Black people are constrained by (Appiah 1996, p. 103, Appiah 2006, p. 110). Resisting the notion that there is a proper mode of being Black by, say, calling for the disenfranchisement of Blacks is clearly not a good thing—doing this is unequivocally wrong, though, regardless of whether one is Black. Thus, I recognize that it is not a good thing when marginalized group members resist

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<sup>51</sup> See, for example, Sowell (2004).

<sup>52</sup> See Appiah (1996, p. 88).

expectations placed on them by engaging in unjust activism that it would be wrong for anyone, regardless of their social group membership, to engage in. But I maintain that it is a good thing when marginalized group members resist expectations placed on them by engaging in activism with merits that are subject to reasonable disagreement. People reasonably disagree about whether public opposition to affirmative action is acceptable. So Black people who resist the notion that there is a proper mode of being Black by publicly opposing affirmative action policy do something good, in my view. In doing so, they lead lives congruent with their conceptions of the good, assure others like them that it is possible to lead lives congruent with their conceptions of the good, and provide other members of their groups with perspectives that may be valuable for them to consider (Kianpour 2022, pp. 299–302).

Insofar as it is good when members of marginalized groups act in ways that resist stereotypical expectations that are placed on them as members of their groups in the way just described, it is good for Thomas to resist stereotypical expectations regarding his politics that are placed on him as a Black man. And if this is a good thing, we might think that Thomas makes a reciprocal return by publicly opposing affirmative action policies to the extent that he takes on burdens to do so (which he does, by putting up with the many people who vitriolically brand him as a race traitor and “Uncle Tom”) and that he intends to benefit other Black people through resisting the notion that there is a proper mode of being Black that Black people are constrained by.



At this point, one might be content to accept my analysis of the imperfect duties springing out of RO as it applies to Clarence Thomas, but nevertheless maintain that there might be *other* cases in which a marginalized group member would be obligated under RO to abstain from engaging in certain kinds of activism. This might be because Clarence Thomas's opposition to affirmative action policies could be intended by Thomas as a means by which to benefit the Black community, whereas there are some instances of political activism where the activist does not intend to benefit the marginalized group they belong to.<sup>53</sup> For instance, consider Clarence Thomas's fictional counterpart: Terrence Clomas. Clomas is a Black public figure who actively supports segregating public institutions on the basis of race because he thinks integration has prevented white people, whom he thinks are morally superior, from reaching their full potential. All the while, Clomas has robustly benefited from the integration of public institutions, made possible in large part because of the political activism of Blacks who preceded him, since he would not hold the position he does were it not for the fact that these institutions were integrated. Surely, one might argue, Terrence Clomas runs afoul of his reciprocal obligation to the Black community even if Clarence Thomas does not.

To be clear, I believe that Clomas acts wrongly by publicly supporting the segregation of public institutions. However, I think it is mistaken to locate the source of this wrong in the fact that Clomas fails to discharge a reciprocal obligation he has to other Black people. Clomas acts wrongly because he is supporting a policy

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<sup>53</sup> Thanks to an anonymous reviewer at *Social Theory and Practice* who inspired me to address this objection.

that most everybody can agree is unjust, and it would be wrong to support such a policy regardless of the social group one belongs to. And perhaps, the fact that he is supporting such a policy whilst having benefited from the policy's just counterpart makes his support for the policy *worse*. That is, Clomas might warrant moral criticism that someone else who supports the same policy but did not benefit from integration in the way Clomas did might not. But this is a very different claim from the claim that Terrence Clomas would act wrongly in virtue of failing to make a reciprocal return to the Black community but that Clarence Thomas would not act wrongly even if he, too, fails to make a reciprocal return to the Black community. So I attribute the difference in intuition that people might have about the cases of Clarence Thomas and Terrence Clomas to the fact that it is clear Clomas is doing something unequivocally unjust, whereas there is much more reasonable disagreement regarding the moral status of Thomas's actions.

My discussion of the Clarence Thomas case throughout this chapter is instructive for purposes beyond the Clarence Thomas case. Often, we hear of marginalized group members who engage in activism that is uncharacteristic for members of their groups, only to be subject to punishing scrutiny. Think of, for example, the sort of flack that conservative pundits who are LGBT+, like Norah Vincent and Andrew Sullivan, get from other members of their communities for being sellouts (e.g., Goldstein 2003, p. 53). To the extent that these individuals are claimed to merit criticism because they fail to make a reciprocal return to their respective communities when they fail to engage in the "right" kind of activism,

those who claim this are mistaken. This is because, for one, a marginalized group member's heterodox activism, in the sense I described earlier, should itself qualify as a reciprocal return to their community. Also, a marginalized group member engaging in heterodox activism might very well be justified in abstaining from engaging in the activism others are calling on them to because they might reasonably believe that such activism does not stand to benefit their other group members. We are left to conclude that even if RO generates special obligations, corresponding to imperfect duties, for members of a marginalized group, these obligations would not include an obligation to toe a particular sociopolitical line through one's activism. In other words, the duties that would be generated for marginalized group members under RO would be fairly modest.

## **Conclusion**

Reciprocity is ill-equipped to generate certain kinds of obligations for members of certain marginalized social groups, even if it is thought to generate parallel obligations in other contexts. Of the four existing accounts of reciprocity that were surveyed in this chapter, only one can support any version of RO and none of them can support a version of RO that generates special obligations, corresponding to perfect duties, for members of a marginalized group to one another. And the lone account that can support a version of RO that generates special obligations, corresponding to imperfect duties, for members of a marginalized group to one another cannot support the conclusion that members of marginalized groups are

obliged by reciprocity to engage in or to abstain from engaging in certain kinds of activism. For those, like me, who sometimes wonder whether their membership in a marginalized group obligates them to engage in or abstain from engaging in certain kinds of activism, this finding is significant. Of course, there may be a different value to which one might try to appeal to defend the conclusion that marginalized group members are specially obligated to one another in a robust way. But it is significant to know that reciprocity, a value that is frequently drawn on to assert that members of groups have special obligations to each other, cannot justify this conclusion. If I've not fully convinced my reader that reciprocity of the oppressed is unable to generate robust obligations for members of certain marginalized groups, I hope to have at least pointed to places where more work needs to be done to soundly defend an account of reciprocity of the oppressed.

## CHAPTER IV

### SOLIDARITY AND THE DUTIES OF THE OPPRESSED

#### I. Introduction

Some people's life chances are burdened substantially and stably over their lifetimes in many or all domains of their lives in virtue of the groups to which they belong (Silvermint 2013, p. 406, Vasanthakumar 2021, p. 144). Black people, LGBT+ people, and women are examples of such people, at least in the United States.<sup>54</sup> Let's call these groups, *oppressed groups*. It's not uncommon to think that members of oppressed groups should look out for others in their groups, over and above how they should look out for others generally. Consider the following cases:

1. *High-Cost Solidarity*: Shawn, a Black man, wants to marry Tiffany, a white woman. When Shawn tells his (Black) family members that he is going to propose to Tiffany, they reprimand him. Shawn's family members think that Shawn should marry a Black woman because it is important for Black folk to stick together.<sup>55</sup>
2. *Low-Cost Solidarity*: Ariel, a woman, witnesses a male coworker (whom she has a good rapport with), Greg, talking over another female coworker (whom she only knows in passing), Betty, in an important meeting. Ariel plans to go about her day, but her other female colleagues make her feel as though she

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<sup>54</sup> There are, of course, other oppressed groups. I will just be focusing on these three for the purposes of this chapter.

<sup>55</sup> This case is inspired by discussions in the Black community about whether Blacks are under a duty to marry other Blacks. See, for example, Mills (1997) and Allen (2000).

should console Betty because it is important for women to offer each other emotional support when they are mistreated by men.<sup>56</sup>

3. *No-Cost\* Solidarity*: Andrew, a gay man, publishes a criticism of political activism that those in the LGBT+ community have generally engaged in. Other members of the LGBT+ community claim that Andrew should have simply *not* acted as he did, because it is important for members of the LGBT+ community to show a united front when it comes engaging in sociopolitical activism.<sup>57</sup>

Shawn, Ariel, and Andrew are all members of oppressed groups. What's more is that Shawn, Ariel, and Andrew wish to conduct their affairs in ways to which their other group members are averse. Part of what explains this aversion is that Shawn, Ariel, and Andrew wish to conduct their affairs in ways that ostensibly threaten their respective groups' *cohesion*.

To claim that someone has a *solidary* obligation, or an obligation grounded in considerations of solidarity, is to say that someone has an obligation to promote a valuable sort of cohesion that obtains (or should obtain) among members of a group to which they belong.<sup>58</sup> Shawn, Ariel, and Andrew are thought by their other group

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<sup>56</sup> This case is inspired by *Structural Injustice*, a case employed by Ashwini Vasanthakumar in her discussion of victims' duties to respond to oppression (2018, pp. 467–468).

<sup>57</sup> This case is inspired by the real-life case of Andrew Sullivan, a center-right political commentator. See, for example, his interview with Chris Johnson of *Washington Blade* to gain insight into the ways Sullivan's detractors have treated him for engaging in his preferred mode of activism (Johnson 2021).

<sup>58</sup> I assume that solidary obligations, like most every other kind of obligation, are *pro tanto* obligations. That is to say, claiming that someone has a solidary obligation to their other group members does not mean that they must honor such obligations in every scenario no matter the costs; nevertheless, there is a presumption in favor of them honoring such obligations.

members to have solidary obligations to them. Are these other group members justified in thinking this?

In this chapter, I will answer the question just presented in the negative. First, I will motivate the claim that members of oppressed groups have solidary obligations to their other group members, by analogizing familial obligations and civic obligations to the obligations that members of oppressed groups might have to each other. Then, I will explain why these analogies do not succeed. After all is said and done, I hope to convince you that we should dispense with the idea that members of oppressed groups have special obligations to one another grounded in considerations of solidarity.

## **II. Solidarity, Politics, Families, and Oppressed Groups**

As I said before, solidarity is said to obligate those bound by it in a group to promote a valuable sort of cohesion in their group. Michael Hechter describes solidarity as a relation that obtains among people whose interests are in competition with the antagonistic interests of others in their society. To maintain solidarity among members of such a group, “group members must be given rules to follow and sanctions for noncompliance must be enforced” (Hechter 1987, p. 52). Sally J. Scholz, by contrast, describes solidarity as a relation that obtains among people who voluntarily commit to a cause of social justice. Once this voluntary commitment is made, members of a solidary group can be held to account for failing to act in ways that promote the cause they committed to.

Both of these accounts of solidarity demonstrate that solidarity is about promoting a valuable sort of cohesion in a group. In her discussion of whether Black solidarity requires Black people to marry other Blacks, Anita Allen notes how those who think Blacks should specially care for each other are not unlike those who think citizens of a nation should specially care for each other. They both feel the pull of “an obligation to further [their] group’s collective welfare and to yield to its collective judgments, even when that means foregoing personal liberties and sharing resources” (Allen 2000, p. 189). This is what I call *solidary obligation*.

It is important to note that the group cohesion solidary obligation aims at promoting needn’t entail utter homogeneity among members of a group. Tommie Shelby, for instance, writes that “[t]here must be room within an emancipatory black solidarity for disagreement over the precise content of our antiracist politics” (2002, p. 261). Similarly, Brando Simeo Starkey draws a distinction between what he calls “defection” from the Black community and “disagreement” within the Black community: defection involves conduct that genuinely threatens group solidarity, whereas disagreement involves conduct that is consistent with group solidarity (2015, p. 38). Even though some degree of pluralism can be tolerated within a group bound by solidarity, it is nevertheless important to acknowledge that there will inevitably be a point where the rubber meets the road. The cases of Shawn, Ariel, and Andrew suggest that solidary obligation will at least sometimes inform how members of a group should act in ways that those outside of the group needn’t.



Some might call what I am calling solidary obligation, *associative obligation*.<sup>59</sup> A. John Simmons defines associative obligation as “a special moral requirement, attached to a social role or position (*including that of membership in a group*), whose content is determined by what local practice specifies as required for those who fill that role or position” (1996, p. 253, emphasis mine).<sup>60</sup> Some think that citizens of a nation have special obligations to each other in virtue of their shared citizenship, special obligations that promote cohesion among citizens of a nation (e.g., Horton 1992, pp. 146–150). Some think that members of a family have special obligations to each other in virtue of belonging to the same family, special obligations that promote cohesion among members of a family (e.g., Horton 1992, pp. 145–163, Dworkin 1986, pp. 195–196). And it is worth asking if members of an oppressed group have special obligations to each other in virtue of their group membership, special obligations that promote cohesion among members of an oppressed group.

Consider the following sort of case, which I will call *Siblings*. Suppose that Sally and Joe are brother and sister. And suppose further that Joe needs to undergo a costly medical procedure in order to be kept alive, and Sally has more than enough money to cover the costs of the procedure. Most people think that even if a stranger is not under an obligation to help cover the costs of Joe’s medical

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<sup>59</sup> I opt to use the language of solidary obligation to describe the kinds of obligations I am interested in this chapter because of how frequently the language of solidarity figures into popular discourse about whether members of oppressed groups should look out for each other in special ways.

<sup>60</sup> Some, like Michael Hardimon (1994), call the kind of obligations I am interested in this chapter, *role obligations*. According to Hardimon, “a ‘role obligation’ is a moral requirement, which attaches to an institutional role, whose content is fixed by the function of the role, and whose normative force flows from the role” (1994, p. 334).

procedures, Sally is because she is Joe's sibling.<sup>61</sup> If the relation that members of an oppressed group bear to one another is relevantly similar to the relation that Sally and Joe bear to one another, then it might be claimed that members of oppressed groups are specially obligated to one another in the sense that they ought to, when they have the resources to do so, look out for one another when they are in crisis. If the analogy between Sally and Joe and members of oppressed groups succeeds, then we are on strong grounds to think that Ariel and Andrew should conduct themselves differently than they would prefer to in *Low-Cost Solidarity* and in *No-Cost\* Solidarity*, respectively.

I don't think the success of this analogy would necessarily indict Shawn's actions in *High-Cost Solidarity* because arguably, the burden of estranging yourself from the one you love romantically, or committing yourself to someone you do *not* love romantically, is too burdensome to reasonably expect someone to take on for the sake of promoting a valuable sort of group cohesion. However, it could be that the success of this analogy could explain the following. Suppose that Don is a Black man and he is on the dating market. Even if the analogy between family and oppressed groups does not vindicate the duty that Shawn has to marry a Black

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<sup>61</sup> I am not necessarily assuming that Sally and Joe are biologically related. While it might be tempting to think that Sally is specially obligated to Joe because they are (assumed to be) biological siblings, it is important to point out that most people think that even adoptive siblings have robust special obligations to one another. This is because adoptive siblings are members of the same *moral* family even if they are not members of the same *biological* family, and it seems that membership in the same moral family is what is important for the generation of special obligations in cases like *Siblings*. If Sally and Joe are biological siblings who have never interacted with each other, people's intuitions about the extent to which Sally is specially obligated to Joe become murkier. However, if Sally and Joe are siblings in the moral sense (regardless of whether they are siblings in the biological sense), meaning that they are raised together *as siblings*, then it seems far clearer that Sally is specially obligated to Joe in *Siblings*.

woman, it *might* vindicate a duty for Don to make a concerted effort to meet Black women when he is looking for potential marriage partners. I say “might” because it’s not clear to me that saddling Don with such an obligation is too burdensome or not. I leave open whether the analogy between family and oppressed groups could vindicate such a duty for Don. But by focusing my discussion on why the analogy between *Siblings* and *Low-Cost/No-Cost\* Solidarity* does not succeed, it will be clear that I think neither Ariel nor Andrew nor Don have the obligations to their other group members that they might be thought to have.

Before turning to my criticisms of this analogical argument in the next section, it would be useful to identify why it may be appealing to some. First, Sally and Joe did not consent to be siblings and yet are thought to have special obligations to each other, just as members of oppressed groups do not consent to be members of the groups of which they are members and might be thought to have special obligations to each other. And second, the special obligation that Sally has to Joe is one that is explained in large part by the fact that Sally and Joe are members of the same group (their family), just as the special obligations that members of oppressed groups have to one another might be thought to be explained in large part by the fact that members of an oppressed group are members of the same group. To the extent that these features of Sally and Joe’s relationship explain why Sally has a special obligation to Joe, and these features are present in the relationship that obtains between members of an oppressed group, we are on strong

grounds to think that members of an oppressed group have special obligations to one another.

### III. “We Are(n’t) Family”

For the moment, I would like to motivate why, when analogizing oppressed groups to families to argue that members of an oppressed group are specially obligated to one another, we should hope that members of an oppressed group are in something akin to the *sibling* relation rather than the *parent-child* relation. There are two important differences between the sibling relation and the parent-child relation that are relevant to consider here. First, the parent-child relation is an asymmetrical relation, in which the duties a parent has to a child are not the duties that the child has to their parent, whereas the sibling relation is roughly egalitarian in character. Though their birth order may color how it is they think they ought to be a sibling, (adult) siblings in general are thought to be obligated to one another such that if one is in crisis the other can generally be reasonably expected to take on some burdens to help avert the crisis. And this is precisely the kind of claim the proponent of solidary obligations for members of an oppressed group would want to make about oppressed group members. By contrast, parents are generally thought to have duties of care to their children that their children do not have to them, and so it might not make much sense for someone who wants to defend the claim that members of an oppressed group are morally responsible for one another in roughly

the same way to analogize the relation that obtains between members of an oppressed group to the parent-child relation.

Second, the parent-child relation is one which involves what I will call *founding* whereas the sibling relation does not. An individual has to *do something* to a child in order for the parent-child relation to obtain. Some think that an individual must *procreate* the child (e.g., Belliotti 1986); some think that an individual must *assume moral responsibility for* the child (e.g., Brake 2010); some might think that either, or both, of these things, or some other thing, must be done to the child by the parent in order for the parent-child relation to obtain. In other words, a parent must *found* the parent-child relationship in some way in order for it to exist. By contrast, the sibling relation is not founded in the same sense, because none of those who are party to the sibling relation have to do anything to the others in order for the relation to obtain. Rather, siblings find themselves in the same family and in virtue of their social location are thought to have special obligations to one another. And this is precisely the sense in which members of an oppressed group could be claimed to have special obligations to one another: they find themselves in the same group, occupying a similar social location.

Not much has been written about what grounds the special obligations that siblings have to one another. But there seem to be two attractive accounts of what grounds these special obligations: *the special goods account* and *the familial belonging account*.<sup>62</sup> The special goods account of sibling obligation holds that

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<sup>62</sup> Hunt (2020) also considers what I will call *the gratitude account* and *the friendship account*. The gratitude account holds that siblings are specially obligated to one another because they benefit one another and, in virtue of this, owe gratitude to one another for having benefited one another. I do not

siblings have special obligations to one another to provide goods that only siblings can provide to one another, goods that make a significant contribution to well-being. For example, receiving advice from a sibling, as compared to receiving advice from a friend or therapist, may be thought to make a significant contribution to someone's welfare. After all, the lifelong and involuntary nature of the sibling relation would color the advice of a sibling with insight and significance that the advice of a friend or therapist would lack (Hunt 2020, p. 73).

The familial belonging account of sibling obligation, by contrast, holds that siblings have special obligations to one another on the grounds that the institution of the family has certain goals, one of them being the goal of every member of a family feeling *familial belonging* toward every other member, and that siblings must act in ways toward each other that help them to achieve these goals. Familial belonging, according to Marcus Hunt (2020), is constituted by “the feeling of being a part of the whole [i.e., the family], the feeling that each part of this whole is a part of every other, the feeling that each part of the whole is a part that cannot be replaced, the feeling that being a part of this whole cannot cease, the feeling that the well-being of each part affects the well-being of every other part and of the whole” (p. 78). Why should we think that the institution of the family has the goal of every member of a family feeling familial belonging toward every other member?

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focus on the gratitude account for my purposes because such an account explains why siblings have special obligations to each other *in virtue of how they treat one another*—and I am interested in why siblings have special obligations to each other *in virtue of belonging to the same family*. The friendship account holds that siblings have special obligations to one another for much the same reasons that friends have special obligations to one another. I do not focus on the friendship account for my purposes because such an account treats the special obligations that siblings have to one another as *discretionary*—and I am interested in why siblings have *non-discretionary* special obligations to one another.

Consider what your reaction would be if one of your three children thought of the other two as mom and dad's other kids rather than as *their* siblings. If you imagine you would want their view of their siblings to be different (i.e., such that they think of their siblings as *their* siblings), this is evidence that you think the institution of the family has the goal of every member of a family feeling familial belonging toward every other member and that siblings have obligations to one another that are justified by how discharging the obligations helps them to achieve this goal. While affective states like those constitutive of familial belonging are not under our rational control, these states can be influenced by our actions and it is with respect to these *actions* that siblings can be claimed to have special obligations to one another grounded in the value of every member of a family feeling familial belonging towards the others (Hunt 2020, p. 80).

With these two accounts of sibling obligation in hand, it is worth asking whether members of an oppressed group are specially obligated to one another on parallel grounds. Let's first consult the familial belonging account to see if there are resources available to us that explain why members of an oppressed group are specially obligated to one another. We might think that oppressed groups have certain goals (as we might think that the institution of the family has certain goals), one of them being the goal of every member of an oppressed group feeling *social belonging* toward every other member, and that members of these groups must act in ways toward each other that help them achieve these goals. We might understand social belonging similarly to how Hunt understands familial

belonging—as a set of affective dispositions one holds toward other members of a (non-familial) social group to which one belongs. However, it is not as clear as it is in the case of sibling obligation and familial belonging why members of oppressed groups have special obligations to each other grounded in the value of social belonging. While it is intuitively unsettling for an individual to think of her siblings as merely her parents’ other kids instead of as her siblings, it doesn’t seem as unsettling for an individual to think of those who belong to the same oppressed group she belongs to as merely other people instead of as her group members.

It seems as though the institution of the family is held together, at least in part, by the kind of intimacy that either does or could reasonably obtain among members of the same family. Genuine intimacy, on my understanding, is “an achievement” involving the development of dispositions to care for another, “requiring effort and long interaction” that cannot be forced and that “demands [...] mutuality and reciprocity” from those who are intimate with each other (Jeske 1998, pp. 538–540). Members of the same family are able to be genuinely intimate with one another because, even if they do not choose to be in the same family, they can choose to put effort into developing dispositions to care for one another and they can do so with the reasonable expectation that their other family members will do the same for them. And in those cases where all members of the same family are *unable* to be genuinely intimate with one another, it seems far less plausible to claim that they are specially obligated to one another. Consider, for instance, whether you think all of Genghis Khan’s children would have been specially



obligated to one another in virtue of being (half) siblings, or whether you think that the adoptive children of a couple who adopted *thousands* of children would be specially obligated to one another in virtue of being siblings. An oppressed group seems to be a lot more like the group of all of Genghis Khan's children than it is like the siblings of a family who relate to one another such that genuine intimacy could obtain among them. Indeed, it does not seem as though intimacy could reasonably obtain among *all* members of an oppressed group, which gives us reason to think that social belonging is not something that members of an oppressed group are obliged to feel toward one another in the way that members of a family are obliged to feel familial belonging toward one another.

Somebody may, at this point, try to make the following move. They might say that while the kind of intimacy that does or could reasonably obtain among members of a family *strengthens* their obligations to each other, it is their shared membership in the same family, alone, that *generates* their obligations to each other. Thus, Genghis Khan's children have special obligations to each other, but these obligations are considerably weak as compared to the strength of the obligations that members of the same family who all have opportunities for developing intimacy with each other have to each other. There are two things that are important to point out here in response. First, even if this argumentative move succeeds, it would only show that members of oppressed groups are specially obligated in a relatively weak way. That is, in the way that Genghis Khan's children would have been specially obligated to each other—such that the obligation could be far more easily

overridden by competing considerations than the obligation that siblings, bound by (the promise of) intimacy, have to each other could. So if this is the route my argumentative opponent wishes to take, they would only be able to vindicate the modest, and practically insignificant, claim that members of oppressed groups are specially obligated to each other only nominally, really, and that these obligations could be easily overridden by competing considerations. Thus, the obligations that Ariel and Andrew are claimed to have in *Low-Cost/No-Cost\* Solidarity* could be, in practice, overridden by appeal to, say, minor inconveniences that they would suffer if they were to act in accordance with the obligations they are claimed to have. These obligations, in other words, would not be normatively robust, which seems like a big concession for the proponent of solidary obligations for members of an oppressed group to make.

But there is a deeper problem with this line of response. Namely, there has to be some kind of criteria to which a proponent of solidary obligation could appeal to explain why membership in some groups, rather than others, generates special obligations for group members. In other words, we do not want an account of solidary obligation that would generate special obligations for, say, those who belong to the group of all those with brown eyes or for those who belong to the group of all those who lived in Minnetonka from 2017-2018, even if we would want an account of solidary obligation that would generate special obligations for members of the same family, or polity, or oppressed group. In the case of sibling obligation, someone might point out, as Marcus Hunt does, that the institution of the family has certain

goals that ground the obligations for members of a family. However, when it comes to solidary obligation for members of an oppressed group, it doesn't seem as though oppressed groups, as such, have goals that are comparable to the kind of goals that the institution of the family has. The institution of the family, it might be claimed, has the goals of producing well-adjusted and productive members of society and providing these individuals with lifelong, or as close to lifelong as possible, support—emotional and otherwise. If these are among the goals of the institution of the family, it is easy to see how the institution of the family also has the goal of every family member feeling familial belonging toward every other member. Those comprising a family feeling familial belonging toward each other helps to ensure that the children in the family are supplied with affective goods that will help them develop into well-adjusted, productive members of society, and it helps to ensure that these children will have a support system of some kind in their family even into adulthood.

What goals, then, could oppressed groups have that would explain why their members should feel social belonging toward every other member? It is tempting to say that just as families have the goal of producing well-adjusted and productive members of society, oppressed groups have the goal of resisting the oppression to which they are subject. And since oppressed groups purportedly have this goal, it is easy to see why they would have the subsidiary goal of every group member feeling social belonging toward every other member: feelings of social belonging would motivate group members to look out for one another and to contribute to resisting

the oppression that the group is subject to. However, I don't think that oppressed groups have the goal of resisting the oppression to which they are subject; and because of this, they neither have the goal of every group member feeling social belonging toward every other member. This is because part of what it is to say that a group has a goal which can explain the special obligations of the group's members to each other, is to say that the goal can *best be realized* by the group and its members. If the goals that people attribute to the institution of the family could best be realized through some mechanism other than the institution of the family and people in general knew about this, I suspect that the widespread intuition that people currently have about being specially obligated to one's family members, would not be so widespread. It's the *kind of institution the family is* and *the kinds of goals that it's best suited to achieve* that play the most significant role in explaining why members of the same family have special obligations to each other. And it's my contention that oppressed groups, as such, are not best suited to achieve the goal of resisting oppression. Other groups, such as politics and voluntary political advocacy coalitions, are better suited to achieving these goals. In the following section of this chapter, I will spell out my arguments to this effect more completely. But for now, I am going to turn to whether the special goods account of sibling obligation fares better at providing us with resources to explain why members of oppressed groups are specially obligated to one another than does the familial belonging account.

To refresh, the special goods account holds that the reason siblings have special obligations to one another is that they can provide each other special

goods.<sup>63</sup> There are two senses in which a good could be considered special: the *action-theoretic sense* and the *axiological sense*. A good is special in the action-theoretic sense when it can only be received by no one or almost no one but one individual. By contrast, a good is special in the axiological sense when it is a good that makes a contribution to someone's welfare that no other good can make (Hunt 2020, pp. 74–75). It seems that siblings do not provide each other special goods in the axiological sense since (a) only children can have lives as good as the lives of people with siblings, and (b) many of the goods of siblinghood (e.g., long term companionship) can be provided by others like friends. However, siblings do seem to provide each other special goods in the action-theoretic sense; often, people think, for example, that the love and support of a sibling is non-substitutable with the love and support of anyone else. So according to the special goods account of sibling obligation, because siblings provide each other non-substitutable goods, they are specially obligated to one another. A proponent of solidary obligation for members of an oppressed group, then, might suggest something similar: because members of oppressed groups provide each other non-substitutable goods, they are specially obligated to one another. Consider, for instance, how members of an oppressed group so often provide one another with a sense of community and culture that many of these group members take to be non-substitutable goods.

In *Low-Cost Solidarity*, it might be claimed that Ariel's offering Betty consolation and support in the aftermath of ostensibly sexist treatment is

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<sup>63</sup> The special goods account of sibling obligation is inspired by Simon Keller's special goods account of *filial* obligation (2006).

non-substitutable with somebody who *isn't* a woman offering Betty consolation and support. And in *No-Cost\* Solidarity*, it might be claimed that Andrew's refraining from publishing his critique of LGBT+ activism is non-substitutable with someone who *isn't* LGBT+ refraining from publishing a similar critique. There are several things to say in response to these suggestions. Starting with *Low-Cost Solidarity*: even if the non-substitutable nature of a woman's consolation and support in the aftermath of ostensibly sexist treatment explains why Ariel has an obligation to provide such consolation and support, it would only explain why she has an obligation to provide such consolation and support *provided that no other woman provides such consolation and support*. While the support and consolation of a woman, as compared to that of a man, might reasonably be claimed to make a significant contribution to Betty's well-being that could explain why *some* woman would have an obligation to console and support Betty, the support and consolation of *Ariel in particular* does not make a significant enough contribution to Betty's well-being that could explain why *Ariel* would have an obligation to console and support Betty. Moreover, it's not clear to me that the support and consolation of a woman, as compared to that of a man, could be claimed to make *so much more significant a contribution to Betty's well-being* that it would generate for women an obligation that would not likewise be generated for men. The action-theoretic specialness of support and consolation offered by a woman *might*, for some women in some circumstances, make a far more significant contribution to their welfare than similar support and consolation offered by a man. But I can imagine also that

sometimes, it would make a more significant contribution to a woman's welfare to know that a man is proverbially in her corner in the aftermath of ostensibly sexist treatment than if a woman were to do something similar, given that it might be easy for a woman to mistakenly believe that all men condone sexism after being subject to ostensibly sexist treatment and it would be especially comforting to have evidence that this is not true by being consoled and supported by a sympathetic man. And if this is true, then we have reason to think that the action-theoretic specialness of goods provided by members of an oppressed group to their other group members (goods which are not *axiologically* special, meaning that goods other than the ones in question can make a comparable contribution to someone's welfare) are not so important as to ground *obligations* for members of an oppressed group to provide each other such goods.

I want to now conclude my discussion of the (unsuccessful) analogy between *Siblings* and *Low-Cost/No-Cost\* Solidarity* by focusing most closely on the supposed analogy between *Siblings* and *No-Cost\* Solidarity*. Whereas in *Low-Cost Solidarity* Ariel is expected by her group members to commit acts that are expected to benefit another of her group members, in *No-Cost\* Solidarity* Andrew is expected by his group members to *abstain from committing* acts that are expected to *harm* his other group members. By publishing a criticism of political activism that those in the LGBT+ community have generally engaged in *as a member of the LGBT+ community*, he threatens to harm the LGBT+ community in a way that harm would not be threatened if non-LGBT+ person published a similar criticism of popular

LGBT+ activism. It has been noted that dissident members of an oppressed group are often given “heightened credibility and legitimacy to speak on issues relevant to that group that exceeds that of both majority and non-dissident minority speakers” (Schraub 2020, p. 967). In light of this, someone might think that Andrew, *qua* dissident member of the LGBT+ community, provides his other group members an action-theoretically special *bad* (i.e., a bad that can only be produced by a member of the LGBT+ community). And since it is plausibly more important to be non-maleficent than it is to be beneficent, someone might claim that members of oppressed groups are specially obligated to one another in the sense that they must avoid subjecting their other group members to special *bads* even if they are not specially obligated to one another in the sense that they must provide their other group members special *goods*.

In the following section of this chapter, I will give an argument for why oppressed groups, as such, are not the kinds of groups that can generate special obligations for those who belong to them. And that argument will serve as a response to the suggestion that members of an oppressed group are specially obligated to one another in the sense that they must avoid subjecting their other group members to special *bads*. After all, if oppressed groups are not the kinds of groups that can generate special obligations for those who belong to them, then members of an oppressed group would have neither special obligations to provide their other group members with special goods nor special obligations to avoid subjecting their other group members to special *bads*. But I want to say a bit more



about why I don't think this "special bads" suggestion works well for vindicating solidary obligations in the specific version of *No-Cost\* Solidarity* that I present in this chapter. In particular, I want to point out Andrew can only be claimed to subject his other group members to a special bad if his criticism of LGBT+ activism is, in fact, bad for his other group members. But it's hard to tell, particularly when there is reasonable disagreement about what is best for members of an oppressed group, whether the dissidence of a member of an oppressed group is bad. And this is the case even if dissidence threatens group cohesion within an oppressed group. Consider an analogy to the family to understand why. Suppose that all the members of a family except one wish to act in a manner that would ultimately, in the long run, be to the detriment of every family member. And suppose that the odd one out in the family dissented at the risk of threatening familial cohesion, but with the intent to make their family aware of how the way the other members wish to act would be bad for the family. It seems like threatening the cohesion of a solidary group to which one belongs can be justified when threatening such cohesion is done with a view toward what is best for the members of the solidary group in question. So in *No-Cost\* Solidarity*, Andrew would be permitted to act as he wishes to act, provided that he criticizes a popular form of activism in the LGBT+ community in part because he (reasonably) believes that such activism is bad for those in the community.

Pointing this out about *No-Cost\* Solidarity* positions me well to explain why I include an asterisk in "*No-Cost\* Solidarity*." Andrew is expected in *No-Cost\**

*Solidarity* to *not* act in certain ways for the sake of his other group members, whereas Shawn and Ariel in *High-Cost* and *Low-Cost Solidarity*, respectively, are expected to act in certain ways for the sake of their other group members. For this reason, it might be tempting to think that Shawn and Ariel accept costs when they act in solidarity with their other group members and that Andrew accepts no costs when *he* acts in solidarity with his other group members. But Andrew *does* have to accept costs when he stifles his criticisms of LGBT+ activism. Indeed, if he is right to make the criticisms he wishes to make, then he must suffer the costs of failing to benefit his community because he kept quiet. Relatedly, he would suffer the cost of compromising his integrity. That is to say, he would suffer the cost of acting in ways contrary to his moral and ethical identity, aspects of his identity that are centrally important to him (Laborde 2017, pp. 207–212).<sup>64</sup> Of course, there will be some instances in which one has values and moral commitments that are straightforwardly and unquestionably objectionable—for example, one might think that they must, as a matter of integrity, murder people. And in these cases, the value of one acting with integrity must be balanced against the disvalue of one acting in unequivocally unjust ways. But *No-Cost\* Solidarity* represents no such case. Most of all, I hope that my discussion of *No-Cost\* Solidarity* illustrates that even in cases where solidarity purportedly obligates a member of an oppressed group *not* to act in certain ways, costs can be sustained in their compliance with such a purported obligation that must be accounted for when determining whether

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<sup>64</sup> Cécile Laborde (2017), drawing on the work of Bernard Williams (1973, 1981), endorses the account of integrity that I am working with here.

a member of an oppressed group flouts their supposed obligations to their other group members.

Thus, I conclude that the analogy between *Low-Cost/No-Cost\* Solidarity* and *Siblings* fails at vindicating solidary obligations for members of an oppressed group. But maybe a more productive analogy can be drawn between a case I will call *Conationals*, and *High-Cost, Low-Cost, and No-Cost\* Solidarity*. In *Conationals*, there are two members of the same polity and they are both obligated to abide by the laws of their polity because they are members of this polity. In other words, *Conationals* represents an instance in which members of a group can be expected, by their other group members, to conduct their affairs in certain ways because of their group membership. Moreover, the group members in *Conationals* can be expected to take on burdens that are, well, burdensome in virtue of their group membership: thus, *Conationals* holds hope for being a productive analogue not only to *Low-Cost/No-Cost\* Solidarity*, but to *High-Cost Solidarity* as well.

#### **IV. One Nation, Under Oppression?**

John Horton tells a compelling story that could explain why the individuals in *Conationals* have an obligation to obey the laws of their polity.<sup>65</sup> He thinks that one can be, and usually is, a member of a polity nonvoluntarily. They find themselves in a particular place and time in history in which they are granted certain legal

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<sup>65</sup> For what it's worth, I do not think that associative arguments in defense of political obligation succeed. However, I'm interested in showing that *even if* these arguments succeed, this would not mean that arguments in defense of solidary obligations among members of an oppressed group succeed.

protections and entitlements, and in which they are subject to certain legal expectations. Members of a polity are inevitably shaped by the conventions established within it, and come to *identify* with their polity. That is to say, members of a polity acknowledge a common political authority, an acknowledgement that is woven into the personal histories of every member of the polity. Horton clarifies that *identifying* with a polity needn't entail *endorsing* all of its conventions and practices, though, of course, it would be odd to say that someone who embraces *none* of the conventions and practices of a polity *identifies* with the polity. For Horton, given that members of a polity are subject to the polity's conventions, identify with their polity, and derive the values of order and stability from the existence of their polity, they have a duty to obey the laws of their polity (Horton 2007).

Members of oppressed groups, as with members of polities, find themselves in a particular place and time in history. Because of their sociohistorical location, their life chances are burdened substantially in many or all domains of their lives, and they are subject to expectations based on their group membership both by those within and outside of their groups. Members of oppressed groups are inevitably shaped by social conventions governing how group outsiders should regard them, by social conventions governing how their group members should regard them, and by the cultural practices that sometimes develop among members of oppressed groups. Moreover, members of oppressed groups come to *identify* with their groups, meaning that they acknowledge a common experience of oppression, an acknowledgement that is woven into their personal histories. Sure, members of oppressed groups

might not *endorse* all the conventions and practices characteristic of their groups, but they needn't do this to nevertheless *identify* with the group. So far, this story seems plausible. It seems like perhaps there are similarities between *Conationals* and *High-Cost/Low-Cost/No-Cost\* Solidarity* that could explain why Shawn, Ariel, and Andrew have solidary obligations to their other group members.

However, the analogy between *Conationals* and *High-Cost/Low-Cost/No-Cost\* Solidarity* starts to fall apart when we begin to scrutinize the difference between the value that members of polities derive from their polities and the value that members of oppressed groups derive from their groups. (The foregoing discussion will also, as I indicated earlier, shed light on why I don't think the analogy between *Siblings* and *Low-Cost/No-Cost\* Solidarity* succeeds, either.) The kind of value that members of polities derive from membership in their polities is the kind of value that polities are best suited to promote. Horton, whose view I detail above, thinks that the value of a polity lies in the order and stability that it promotes (2007, p. 16). Seth Lazar, similarly, holds that a (liberal) polity's value lies in "the stable doing of justice over time" (2016, p. 50). Other kinds of associations such as families and friendships, surely, go some way toward providing order and stability in the lives of those who are party to such associations. But the association that members of a *polity* find themselves in seems to be the only kind of association that provides order and stability on the scale that it does, and for a group of individuals as diverse and dispersed as members of a polity typically are.

The question that we now must ask is whether something similar can be said of an oppressed group and the kinds of value that group members derive from the group. Perhaps the relationship between members of an oppressed group is such that they derive the value of resistance to the oppression they are subject to. In particular, members of an oppressed group might have shared experiences of certain kinds that provide these group members with information that “make it more possible for them,” as compared to those outside of their group, “to be aware of [certain] things” (Bowell 2011). The fact that, for example, a member of the Black community has been subject to anti-Black racism of some kind arguably gives them insight into Black oppression that those who are not Black lack. Perhaps this is because those subject to anti-Black racism have emotional responses to these negative experiences that allow them to understand the full scope of what makes anti-Black racism wrong (Narayan 1988, pp. 39–40). Or perhaps this is because those who contribute to the oppression of Blacks (unknowingly, perhaps) benefit from the sociopolitical status quo and may be subconsciously engaged in motivated reasoning about how bad anti-Black oppression is, or about how to effectively resist such oppression (Delgado 1984, p. 567). And if those who contribute to the oppression of Blacks do suffer such an epistemic defect, Blacks might be thought to be epistemically privileged in that they do not fall prey to this defect, at least ordinarily. Thus, we might think that members of an oppressed group, in virtue of the epistemic privilege they share that springs out of their shared experience of oppression, are in a particularly good position to reason well about resisting the

oppression to which they are subject. Moreover, we might think that this makes the association of which members of an oppressed group are a part the kind of association that confers on its members the value of resistance to oppression.

I think there are two problems with this line of thought regarding the value that members of an oppressed group derive from their group. The first problem is that it's not clear whether members of an oppressed group really do have the kind of epistemic privilege regarding their oppression and how to overcome that is proffered above. Randall Kennedy, drawing on the work of Ralph Ellison, distinguishes between *experience* and *interpretation* (Kennedy 1988, p. 1804, Ellison 1964, pp. 116–117). Members of an oppressed group might have many shared experiences that provide them with *some* epistemic resources that are useful in their quest to resist oppression. (Though, I think it is worth pointing out that two people may belong to the same oppressed group and nevertheless share vanishingly little in common in terms of oppression-based experiences.) But it's clear that members of oppressed groups have different *interpretive capacities*, meaning that the manner in which they interpret these experiences and extract lessons from them is different from individual to individual. This is why, for example, someone like Andrew in *No-Cost\* Solidarity* could think that the kind of activism most other members of his group engage in is misguided.<sup>66</sup> It seems like what is most important to developing a measured perspective about the nature of one's oppression and how to overcome it is *not experiencing* oppression (though this is important in some ways and to some

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<sup>66</sup> Indeed, there are some Black people (e.g., Sowell 2004, Kennedy 2003, Kennedy 2008) who reasonably interpret their experiences such that they arrive at sociopolitical judgments that stand in tension with the kind of activism that other Black people might think is appropriate to engage in.

extents) but rather having *reliable interpretative capacities*, which those both within and outside of an oppressed group can have.

The second problem with claiming that members of an oppressed group derive the value of resistance to oppression from their group membership is this. When it comes to the value that members of a polity derive from their group membership, it appears that as a sociohistorical matter of fact it is polities alone that can deliver on the values of order and stability, to the extent that polities do, to members of a polity. By contrast, it does not seem that oppressed groups alone can deliver on the value of resistance to oppression. Polities are capable of this, and are perhaps better suited to resisting oppression than oppressed groups given that polities have a state apparatus at their disposal that can effectively resolve coordination problems that stifle effective resistance to oppression. Moreover, voluntary political advocacy coalitions are groups that are capable of delivering on the value of resistance to oppression. And if oppressed groups, as such, do not constitute the kind of association that promotes a value that *that* association is best suited to promote, then they do not constitute the kind of association that generates solidary obligations for its members.

Why must an association such as a polity or an oppressed group promote (a) value(s) that it is best suited to promoting in order to generate solidary obligations among members of the group? This is because obligations circumscribe the set of rightful exercises of liberty available to individuals and must overcome a justificatory burden to justify circumscribing this set of rightful exercises of liberty.



The obligation we have not to murder others circumscribes the set of rightful exercises of liberty available to individuals in that individuals are not at liberty to murder others, but this circumscription is justified by appeal to the interests that obligation protects—namely, the interest that would-be murder victims have in continuing to live their lives. And the obligation those in *Conationals* have to obey the law normatively prohibits them from breaking the law, but this prohibition could be justified by appeal to the values of social order and stability that are promoted *and likely could only be promoted* through obedience to the law. However, the obligations Shawn, Ariel, and Andrew might be thought to have in *High-Cost*, *Low-Cost*, and *No-Cost\* Solidarity* circumscribe Shawn’s, Ariel’s, and Andrew’s liberties by appeal to the value of resisting oppression, a value that could be better promoted in ways other than through the recognition and social enforcement of solidary obligation in an oppressed group. And since this value could be better promoted in other ways, we should prefer these other ways of promoting the value of resisting oppression to recognizing and socially enforcing solidary obligations.

Recall how I suggested earlier that voluntary political advocacy coalitions are groups that are better suited to promoting the value of resisting oppression than oppressed groups are. I think that the manner in which Sally J. Scholz understands solidarity and solidary obligations illustrates that we have normative resources available to us that will help promote the value of resisting oppression in lieu of (nonvoluntary) solidary obligations for all those who belong to a member of an oppressed group. For Scholz, what she calls *political solidarity* involves “a unity of

individuals each responding to a particular situation of injustice, oppression, social vulnerability, or tyranny” wherein “[e]ach individual” in the unity “makes a conscious commitment to a cause” (2008, p. 51). Thus, on Scholz’s account, the group that matters for generating special obligations to resist the oppression befalling members of a certain oppressed group is not the oppressed group itself, but the group comprised of those both in and outside of the oppressed group who make a voluntary commitment to a cause relevant to the oppressed group in question. Call these latter groups *political advocacy coalitions*.

In my view, political advocacy coalitions hold *more* promise for promoting the value of resisting oppression than oppressed groups, as such, do. This is because history shows that resistance to oppression is most effective when it is carried out not only by those who are oppressed, but also by those who are not. Since political advocacy coalitions include members of groups that are not oppressed in the relevant respect, these coalition members can use their privilege to help more effectively resist the oppression befalling members of a certain oppressed group.<sup>67</sup> Given that: (a) political advocacy coalitions hold more promise for promoting the value of resisting oppression than oppressed groups, as such, do, and (b) the obligations that members of political advocacy coalitions have are generated by

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<sup>67</sup> In her moral critique of white-to-Black racial transition (i.e., successful attempts by people who are born into the white racial category to become members of the Black racial category), Kris Sealey (2018) points out that it is important for white people to use the privileges they enjoy in virtue of being white to be good white allies to the Black community. Those who transition from white to Black, on her view, use their white privilege for a purpose that redounds only to their benefit; and white privilege should instead, or additionally, be used to redound to the benefit of those less privileged. Sealey seems to be suggesting that resistance to oppression *massively benefits from*, if not *needs*, allyship from those outside of the group who are subject to oppression, which is the kind of view I am partial to.

their *voluntary* commitment to a cause rather than by involuntary group membership—it is safe to say that oppressed groups are not relevantly similar to polities because the purported value of oppressed groups can readily be instantiated without oppressed groups whereas the purported value of polities cannot easily be instantiated without polities.

At this point, however, someone may offer some pushback against my claim that resistance to oppression by political advocacy coalitions is preferable to resistance to oppression by oppressed groups, as such. They might claim that it is important for members of oppressed groups to *themselves* play a role in resisting their oppression, because doing so is important for enshrining the value of self-respect.<sup>68</sup> Let's understand self-respect as “a matter of recognizing oneself as a rational agent and a moral equal and valuing oneself accordingly” (Shelby 2016, p. 98).<sup>69</sup> It is plausible to think that members of oppressed groups, in order to recognize themselves as rational agents and moral equals to others in their society, must resist their oppression *at least sometimes* and *in some ways*. In other words, it would be hard to believe that someone values themselves as a rational agent with equal moral status if they acquiesce to oppression every time they are subject to it

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<sup>68</sup> Some, like Carol Hay (2011, 2013), argue that those who are oppressed have duties (to themselves) to resist their oppression. This kind of argument is distinct from the kind of self-respect-based argument I'm interested in in this chapter. In this chapter, I'm interested in whether oppressed groups, as such, can promote the value of self-respect for members of oppressed groups in ways that likely no other association can.

<sup>69</sup> Joan Didion (1961) eloquently characterized self-respect as “that sense of one's intrinsic worth.” Self-respect should not be confused with *self-esteem*, though the concepts are related. Self-esteem involves viewing one's projects as worthwhile and believing that one has the capacities to realize one's projects. See Sachs (1981). And while tarnishing one's self-esteem could affect one's self-respect and vice versa, the two concepts can come apart.

(Shelby 2016, p. 99). Thus, we might think that oppressed groups are, as associations, best suited to promoting the value of a particularly valuable kind of self-respect, by promoting the value of *the oppressed* resisting the oppression they are subject to. And if this is so, then there might be relevantly similar values that oppressed groups and polities can promote in that both associations can promote values that they are best suited to promote.

I am doubtful of this line of argument. Suppose that you were given the choice between (a) living in a society where oppression has been reduced and where all oppressed group members participated in resisting their oppression, and (b) living in a society where oppression has been *eliminated* and where no oppressed group members participated in resisting their oppression. If you were to choose (b), there might be something lamentable about the fact that the oppressed did not exercise agency to resist and overcome oppression. But surely, the value of oppression no longer existing in (b) far outweighs whatever is lamentable about the oppressed playing no role in eradicating their oppression. Moreover, it is worth pointing out that in (b), members of oppressed groups are able to lead lives in which they, like those outside of their groups, can dedicate themselves to projects and pursuits of their choosing while also, unlike those outside of their groups, enjoying the benefit of being freed from oppression. That members of oppressed groups in (b) dedicate themselves to projects and pursuits of their choosing shows that they value themselves as rational agents, and that they conduct their affairs as those outside of their groups can shows that they value themselves as moral equals. All of this

seems to suggest that members of oppressed groups could embody the value of self-respect, without themselves participating in resisting their own oppression. (This is consistent with saying that they would embody the value of self-respect to a higher degree if they *did* participate in resisting their own oppression.) Thus, the suggestion that oppressed groups, as such, can promote the value of themselves resisting they are subject to and thereby promote the value of self-respect does not provide us with reason to think that *Conationals* is relevantly similar to High-Cost/Low-Cost/No-Cost\* Solidarity.

The proponent of solidary obligations for members of an oppressed group might, at this point, agree with me that resistance to injustice by political advocacy coalitions is preferable to resistance to injustice by oppressed groups, as such. But they might further claim that an attempt by a political advocacy coalition to resist the injustice to which a particular oppressed group is subject would be unsuccessful *if the members of the oppressed group didn't participate in resisting the injustice*. Because of this, the proponent of solidary obligations for members of an oppressed group might *further* claim that each member of an oppressed group has an obligation to be part of a political advocacy coalition concerned with resisting injustice that afflicts the group to which they belong. After all, absent their participation in such political advocacy coalitions, these coalitions would be unable to promote the value of resistance to oppression that I am claiming they are better suited to promoting than oppressed groups themselves.

There is much to be said in response to this line of argument. First, I reject the claim that political advocacy coalitions will only be effective at resisting the injustices at which they aim to resist if members of oppressed groups participate in these coalitions. I think it is possible for political advocacy coalitions to be composed entirely of individuals who are not subject to the injustice that members of the coalition are concerned with resisting, and for their resistance to injustice to be effective. Indeed, political advocacy coalitions concerned with resisting injustice committed against nonhuman animals and young human children are often composed entirely of adult humans and are nevertheless able to make political gains for nonhuman animals and young human children. Someone might point out that unlike nonhuman animals and young children, members of oppressed groups such as the Black community and the LGBT+ community are *able* to participate in resisting their own oppression and express their own interests. However, this difference does not establish that resistance to injustice against an oppressed group by a political advocacy coalition is *ineffective* when the coalition does not include members of the oppressed group in question. Rather, it might help to establish that resistance to injustice against an oppressed group by a political advocacy coalition is *paternalistic* or *infantilizing* when the coalition does not include members of the oppressed group in question. But, as I argued above, this concern would carry little weight if the political advocacy coalition in question is able to effectively resist injustice without the help of those who are subject to such injustice.

Second, let's suppose that my response above doesn't succeed and that resistance to injustice against an oppressed group by a political advocacy coalition would be ineffective without the participation of at least some members of the oppressed group in question. This means that there would have to be a number of those who belong to an oppressed group who join political advocacy coalitions, so as to ensure that these coalitions are able to effectively resist the injustices that members of the oppressed group in question are subject to. It hardly seems like this means that *every member* of an oppressed group needs to join political advocacy coalitions in order for these coalitions to effectively resist the injustices that members of the oppressed group in question are subject to. And if it's already the case that there are enough members of an oppressed group involved with political advocacy coalitions such that these coalitions can effectively resist the relevant injustices, then those who are not involved in such coalitions have no obligation to get involved. Admittedly, if there are *not* enough members of an oppressed group involved with political advocacy coalitions such that these coalitions can effectively resist the relevant injustices, then there *might* (i.e., if you are partial to this line of thought) be an obligation for some others to get involved in such coalitions. I want to say, however, that such an obligation wouldn't be a solidary obligation of the kind I am interested in for the purposes of this chapter.

When you are the only person who is able to save someone from death at little cost to yourself, it could be claimed that you are *especially obligated* to save that person. However, if somebody *else* was the only person who is able to save

someone from death at little cost to themselves, it would be claimed that it is *them*—not you—who was specially obligated to save that person. The person whose life is in danger is arguably *owed assistance*, and the person it could be claimed owes that assistance would be the person best positioned to give what is owed, whether it is you or someone else. Now, someone might claim that members of an oppressed group are *owed resistance against the injustice their group members are subject to*, and the people it could be claimed owe participation in that resistance would be the people best positioned to give what is owed, whether it is members of the oppressed group in question or someone else. This seems to be the kind of claim that's being made by my imagined interlocutor in the previous paragraph. But this is a claim about how members of an oppressed group can be obligated to act in ways that anyone similarly circumstanced could be obligated to act. And the kind of claim I am investigating in this chapter is whether members of an oppressed group can be obligated to act in ways that anyone *not* a member of the group in question would not be.

And finally, I think it is worth pointing out that even if resistance to injustice against an oppressed group by a political advocacy coalition would be ineffective without the participation of at least some members of the oppressed group in question, it could still be the case that polities are better suited to resisting injustice against an oppressed group than the oppressed group itself. If this is so, and in order for group membership to generate solidary obligations for members of the group in question it must be *best* suited to promote a particular value, then



membership in an oppressed group, as such, cannot be claimed to generate special obligations for all of its members. Why think that polities are better suited to resisting injustice against an oppressed group than the oppressed group itself? As I indicated earlier, polities have the apparatus of the state at their disposal that they can use to effectively resolve coordination problems that stifle effective resistance to oppression; oppressed groups do not. Polities, like political advocacy coalitions, are composed of both those who are oppressed and those who are not; oppressed groups, by contrast, are only composed of oppressed group members. And polities are already concerned with realizing justice for their members, and resisting the injustice that afflicts members of oppressed groups is part of this goal.

I hope it is clear at this point that oppressed groups, unlike families and polities, are not the kinds of groups that can generate special obligations for their members. Because of this, the analogies between *Siblings* and *High-Cost/Low-Cost/No-Cost\* Solidarity*, and *Conationals* and *High-Cost/Low-Cost/No-Cost\* Solidarity*, fail. And since these analogies fail, we are on strong grounds to conclude that members of an oppressed group do not have solidary obligations to each other.

## **V. Conclusion**

As a gay man, I have often been made to feel as though there is more that I should do for my community. And perhaps there *is* more I should do for my community. In

this chapter, though, I hope to have pointed out why considerations of solidarity do not explain why I should do more for my community.

Anita Allen once wrote about the importance of academic philosophers engaging with the folk ethical views of those in oppressed groups (2000, pp. 197–198). Doing so is important, on her view, both because engagement with such views shows that academic philosophers take these views seriously, and because engagement with such views holds promise for attracting diverse thinkers to the philosophical academy. I agree with Allen. I know that I'm not the only member of an oppressed group who wonders if they have special obligations to their other group members. And I hope that this chapter goes some way to showing members of oppressed groups that these wonderings are taken seriously by the academy, and that there is a place at the proverbial table for those who think about issues such as these.

## CHAPTER V

### “YOU SHOULD HAVE KNOWN BETTER”: EPISTEMIC PRIVILEGE AND THE DUTIES OF THE OPPRESSED

#### I. Introduction

Andrew Sullivan is a gay political commentator who is (for some, at least) surprisingly conservative in his political leanings. In 1996, Sullivan published *Virtually Normal*, a book wherein he carefully examines four different positions concerning the politics of homosexuality: prohibitionism, liberationism, conservatism, and liberalism. Prohibitionism is the view that homosexuality is an unnatural aberration that must be excised from society; liberationism is the view that norms governing human sexuality must be largely dismantled to achieve the heights of human freedom; conservatism maintains that the state may preserve common goods we can all recognize and that, in doing so, it may show partiality to heterosexuality in at least some ways; and liberalism maintains that the state should protect homosexuals from discrimination. Sullivan compellingly argues against prohibitionism and liberationism, and for the remainder of his project turns to reconciling the strengths of conservatism and liberalism to generate a new, presumably stronger view of the politics of homosexuality. The politics of homosexuality that Sullivan comes to favor, after all is said and done, is one where homosexuals are legally protected from *public* discrimination but are not legally protected from forms of *private* discrimination, such as housing or employment

discrimination, so as to maximize what Sullivan calls “private freedom” (Sullivan 1996).

Although the publication of *Virtually Normal* played a significant role in reshaping peoples’ attitudes about homosexuality during a time when such reshaping was long needed, Sullivan drew ire from some members of the LGBT+ community for defending an allegedly reactionary politics of homosexuality. Consider, for instance, Philip Brian Harper’s scathing critique of Sullivan’s book. In one passage of his critique, Harper focuses on how, in the section of *Virtually Normal* where Sullivan objects to liberationism, Sullivan acknowledges that “it is impossible to read to Foucault”—the theorist on whose back the liberationist project is built—“without being changed forever in one’s reading of texts, one’s alertness to language, one’s sensitivity to subtle forms of control” (Sullivan 1996: 67). Harper concludes that, in light of Sullivan’s argumentation elsewhere in *Virtually Normal*, that “while Sullivan may have been made more ‘aware’ of and ‘sensitive’ to discursive power through his reading of Michel Foucault, he has not thereby become particularly *concerned* about how such power is deployed in the myriad contexts in which it factors” (Harper 1997, p. 11).

On one reading of Harper’s critique, it is little more than an attempt to point out an inconsistency between Sullivan’s professed convictions and the conclusions he arrives at. And to the extent that this is what Harper is up to, there isn’t much to say about his criticism that would indict it as morally problematic. But the general tenor of Harper’s critique leaves room for an alternative reading of

it. At the opening of his critique of *Virtually Normal*, Harper proclaims that he feels as though he and Andrew Sullivan “inhabit entirely different worlds” (1997, p. 5).

We are left with the distinct impression, as the critique develops, that the world Sullivan inhabits is one that he should in some sense know *not* to inhabit and that he should instead inhabit a world like Harper’s. When Harper writes that Sullivan “has not...become particularly *concerned* about how...power is deployed in the myriad contexts in which it factors,” he seems to suggest that there is a sense in which Sullivan *should* be particularly concerned in a way that he is demonstrably not, and that part of why Sullivan should be so concerned has to do with what Sullivan *knows*—both as someone who has grappled with Foucault, and as someone who has been made alive to the ways in which a Foucaultian analysis of social control is relevant to understanding the political predicament of homosexuals by himself being a homosexual.

Even if you read the Harper piece and come away with the impression that the alternative reading of it I suggest is implausible, there is a reason that the reading I propose seems plausible to me. And that is because it is not uncommon for a member of an oppressed group who espouses certain contentious views to be charged with a culpable form of naivete. One might hear a Black opponent of affirmative action policies, or a pro-life woman, defend their views and think to oneself: “You should know better than that!” The Black opponent of affirmative action policies is sometimes presumed to, in virtue of being Black, have information, perspectives, and insights that would dispose them toward being favorable to such

policies; women are sometimes presumed to, in virtue of being women, have information, perspectives, and insights that would dispose them toward being favorable to pro-choice legislation. And in the case at hand, Sullivan might be presumed by some, in virtue of being gay, to have information, perspectives, and insights that would dispose him toward recognizing that both public *and* private discrimination against homosexuals warrants state intervention. Moreover, it might be claimed that Sullivan's failure to yield to his epistemic vantage point in the right way has the effect of potentially setting back the interests of others in the LGBT+ community like him who have an interest in being legally protected from both forms of discrimination. "You should have known better," some of Sullivan's critics might charge him with, "than to defend the views you do."

In this chapter, I will illuminate the problems with this strain of thought, a strain of thought which, to my mind, has become par for the course in the current culture. And it seems also that this strain of thought is appealing to at least some people in academia. I submitted a paper arguing for the moral right that marginalized people have to express contentious views concerning other members of their marginalized groups for consideration at a top journal in social and political philosophy, and the following is an excerpt of the comments I received along with my rejection notice:

The three arguments... considered by the author... are not exhaustive.

There is a further epistemic argument. By virtue of sexual orientation, [a gay man] is virtually certain to have direct experience with oppression by

members of an alternative group who tacitly or openly espouse the position [the gay man] favors and who appeal to it to rationalize their mistreatment of members of [the gay man's] group. This direct experience, then, undermines the thought that there might be an excuse for the faulty opinion, an excuse derived from lack of exposure to oppression. The claim supported by this line of thought is not that [a conservative gay] is obligated to keep the opinion to themselves. The claim is, rather, that [a conservative gay] would lack an excuse for holding the position that at least some who are not members of [the LGBT+ community] enjoy. This line of thought at least needs discussion in the paper.

I agree with my reviewer that this line of thought needs discussion, but I disagree that it should have been included in the paper that I submitted to the aforementioned journal—this discussion needs an essay of its own.

I will investigate what the relationship is between (a) the epistemic privilege that members of oppressed groups have in virtue of their direct experience with oppression, and (b) the extent to which members of oppressed groups are morally responsible for one another. Does Andrew Sullivan, for example, run afoul of some moral responsibility he has to others in the LGBT+ community for publicly defending his preferred vision of the politics of homosexuality? I will argue that if Sullivan has a responsibility to others in the LGBT+ community grounded in his epistemic privilege, it must be the case that he does not run afoul of this responsibility by engaging in his preferred mode of activism. My reviewer above

suggests that Sullivan lacks an excuse for engaging in his preferred mode of activism that a cisgendered straight person would not enjoy, but my response to this suggestion will be that Sullivan, perhaps surprisingly, has such an “excuse.”

First, I construct and motivate the plausibility of what I call *the epistemic privilege argument* (EPA) which is meant to guide us to the conclusion that the epistemic privilege that someone like Sullivan enjoys as a gay man generates obligations for him to conduct himself in certain ways. I build this argument by drawing on the works of critical legal scholars, feminists, and analytic political philosophers. Then, I mount criticisms of both premises of EPA to show the legs on which the argument stands cannot support the argument, at least in its strongest form. My modest ambition is to cast doubt on EPA as an argument; but my stronger ambition is to challenge the ways in which epistemic privilege might be thought to generate special obligations for members of certain oppressed groups.

## **II. The Epistemic Privilege Argument**

P1. Members of certain oppressed groups are uniquely epistemically privileged regarding their oppression and how to overcome it.

P2. If members of certain oppressed groups are uniquely epistemically privileged regarding their oppression and how to overcome it, these members are under obligations that non-members are not under to respond effectively to their oppression and to aid other group members in responding effectively to theirs too.



C. Therefore, members of certain oppressed groups are under obligations that non-members are not under to respond effectively to their oppression and to aid other group members in responding effectively to theirs too.

The above argument is what I call the epistemic privilege argument (EPA). And I think that EPA, if its premises are true, would hold a lot of promise for vindicating the charge of “you should have known better” against people like Andrew Sullivan, Blacks who publicly oppose affirmative action policies, and women who are pro-life activists. Before overviewing literature that lends credence to each of these premises, I’d like to clarify something about the target of my arguments.

Suppose that there is a button in front of me and I know that if I press it, an innocent person would be killed as a result. Obviously, in such a case, someone could credibly tell me that I should have known better than to press the button if I did choose to press the button because I like pressing buttons. And it would not matter whether I’m gay or straight, Black or white, woman or man—someone could credibly tell me I should have known better no matter what social group I belong to. Let’s now return to the case of Andrew Sullivan. If we suppose that the espousal of his political views would in fact significantly contribute to bringing about the political reality he hopes to bring about, and we were sufficiently confident that his preferred political reality was morally on a par with the taking of an innocent life, then it would turn out that one could credibly tell Sullivan that he should have known better than to espouse the views he espouses. In addition to the fact that it’s not so clear that Sullivan’s speech significantly contributes to bringing about the

political reality he hopes to bring about, what makes the case of Sullivan particularly interesting to my mind is that there is much reasonable disagreement about whether his views are just. And one might, by deploying EPA, be able to hold Sullivan under an obligation not to espouse his views despite inconclusiveness about how correct his views are because he disregards information that he has access to *as a gay man* when publicly defending these views. So how might one go about motivating the plausibility of EPA? In what follows, I motivate each of EPA's premises before turning, in the next section, to criticizing them.

*Premise 1: The Descriptive Premise*

The first premise of EPA makes a descriptive claim—namely, that members of certain oppressed groups are epistemically privileged regarding their oppression and how to overcome it. This means that Black people are epistemically privileged regarding anti-Black oppression and how to overcome it, that women are epistemically privileged regarding sexist oppression and how to overcome it, and that gay people are epistemically privileged regarding homophobic oppression and how to overcome it. The thought that members of certain oppressed groups are epistemically privileged in the way so described has been embraced by critical legal scholars, feminists, and standpoint epistemologists alike.

In “The Imperial Scholar: Reflections on a Review of Civil Rights Literature,” Richard Delgado famously (and provocatively) argues that white scholars who contribute to civil rights scholarship should “stand aside” and allow

scholars of color to take the proverbial reins on the enterprise of contributing to civil rights scholarship (Delgado 1984, p. 577). This is because scholars of color, more so than white scholars (who Delgado refers to as *imperial* scholars), are likely to reason well about issues pertinent to civil rights scholarship. Scholars of color are likely to reason better than white scholars about these issues, according to Delgado, because white scholars may lack information that is relevant to producing *good* civil rights scholarship in virtue of never having experienced race-based oppression and because they are vulnerable to implicit biases that prevent them from arriving at correct conclusions that would have uncomfortable consequences for them as white people.<sup>70</sup> In this same spirit, Mari Matsuda writes, “Those who are oppressed in the present world can speak most eloquently of a better one” (1987: 346). This is because experiencing oppression provides one with valuable information that is relevant to reasoning about how to overcome such oppression.

Feminists like Carol Gilligan (1987) have suggested that there exists a masculine bias in ethical thinking that has resulted from privileging the ways that boys were socialized to think. Those who think in terms of justice and rights, stress consistency and principles, and emphasize the values of autonomy and impartiality in one’s dealings with others exhibit this masculine bias. For thinkers like Gilligan, Nel Noddings (1984), Virginia Held (1987), and Celia Wolfe-Devine (1989), the feminine voice privileges feminine ways of thought: one who speaks in the feminine voice “attends to the particular other, thinks in terms of responsibilities to care for

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<sup>70</sup> See also Bell (1982).

others, is sensitive to our interconnectedness, and strives to preserve relationships” (Wolfe-Devine 1989, p. 83). Setting aside, for our purposes, the issues bound to crop up when claiming that there are “masculine” and “feminine” ways of approaching ethical issues, there seems to be an important implication of recognizing such a distinction. Presumably, feminists invested in this distinction draw attention to it, and the underrepresentation of feminine ways of thought in ethical discourse, because we miss out on something important when reasoning about ethical issues in a way that privileges a masculine perspective. In *Right-Wing Women*, Andrea Dworkin speculates at length about how many women either feel shame for having had an abortion or subscribe to pro-life views because they are mistakenly led to believe by men (on the political Right, in particular) that abortion is murder (1978, p. 75–76). The women who neither feel such shame nor hold such views, it is implied, either possessed the mental fortitude to resist an insidious, presumably masculine way of thought or they were fortunate enough to not have ever been seduced by such a way of thought.

And finally, standpoint epistemologists have shown support for the descriptive premise of EPA. For example, Elizabeth Anderson (2002) writes that “the epistemic privilege of the oppressed resides in their privileged access to certain experiences, which give them information especially revelatory of fundamental truths about society” (p. 502). That is to say, that which is experienced by members of oppressed groups gives insight into important social truths and that which is experienced by those who are not members of oppressed groups fails to give this

same insight. Echoing a similar thought, Patricia Hill Collins (2002) writes that “the particular experiences that accrue to living as a Black woman in the United States can stimulate a distinctive consciousness concerning our own experiences and society overall” (p. 27). In other words, the thought that the oppressed are, in virtue of their social location, epistemically privileged in some regard with respect to the oppression they experience is embraced by many. It is also quite a plausible thought, as it is commonly thought that there is a certain kind of knowledge that one can only gain through experience and the experience of oppression, then, must impart a certain kind of knowledge only on those who experience it.<sup>71</sup>

It’s worth noting, before moving on to motivate the second premise of EPA, that the descriptive premise could be interpreted strongly or weakly. The strong interpretation of the descriptive premise holds that the epistemic authority oppressed people have regarding the workings of social marginalization derives from their social location qua their social location. I follow Lidal Dror (2022) in understanding the workings of social marginalization as “descriptive and normative facts concerning social relations, social institutions, social thought, the functioning of systems of power, and what is oppressive, with respect to the systems that leave [members of a particular oppressed group] socially marginalized” (p. 619). So the strong interpretation holds that it is because a member of a certain oppressed group is a member of that group, itself, that gives rise to their epistemic privilege regarding descriptive and normative facts concerning social relations, social

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<sup>71</sup> According to Emily C.R. Tilton (forthcoming), other standpoint theorists who have shown support for the descriptive premise of EPA include Sandra Harding (1991), Sharon Crasnow (2008), as well as Phoebe Friesen and Jordan Goldstein (2022).

institutions, social thought, the functioning of systems of power, and what is oppressive, with respect to the systems that leave members of that group socially marginalized. On the other hand, the weak interpretation of the descriptive premise holds that it is statistically more likely for an oppressed person to occupy a superior epistemic position about the workings of social marginalization that concern them relative to a non-oppressed person, but not because of their social location in itself; rather, this epistemic authority comes from their increased likelihood of “[being exposed] to evidence and [being motivated] to learn which tend to, but need not, coincide with some social locations” (Dror 2022, p. 624). So when one charges another, as one might charge Andrew Sullivan, with “you should have known better,” they likely mean that there is something he knows, or ought to know, in virtue of being gay that he fails to demonstrate sensitivity to in promulgating his views about the politics of homosexuality.

*Premise 2: The Normative Premise*

The second premise of EPA makes a normative claim—namely, that if members of oppressed groups enjoy the epistemic privilege that it is claimed they enjoy in the descriptive premise, obligations flow from this privilege to help other group members effectively respond to the oppression they face. To my knowledge, the most recent and persuasive defense of the normative premise of EPA can be found in the work of Ashwini Vasanthakumar (2018, 2021). Vasanthakumar uses a series of cases to prime peoples’ intuitions about the plausibility of the thought that

epistemic privilege, in some cases, generates for those who enjoy it certain obligations with respect to others. Having primed these intuitions, Vasanthakumar then shows how victims of oppression, specifically, have duties of assistance to others who have suffered the same oppression. Consider the following cases:

*Drowning victim*: “Drowning victim,  $V_1$ , comes ashore and is the only capable bystander, either because she is the only person onshore or the only one aware that there are other drowning victims,  $V_2$  through  $V_N$ ” (Vasanthakumar 2018, p. 467).

*Persecution*: “A victim of torture,  $V_{T1}$ , flees the country of her abuse and the reach of perpetrators, and is granted asylum in a liberal democracy that secures her basic rights and welfare. Victims,  $V_{T2}$  through  $V_{TN}$ , continue to be tortured in her home country” (Vasanthakumar 2018, p. 467).

*Structural injustice*: “A victim of gender oppression,  $V_{M1}$ , notices that she and other women in her workplace are regularly interrupted in meetings, and with what appears to be greater frequency than her male colleagues. Women interrupt women as frequently as do men. And possible victims,  $V_{M2}$  through  $V_{MN}$ , are not limited to women in her workplace but extend to women generally who may be harmed by the ways in which the interrupting and silencing of women perpetuates sexist norms” (Vasanthakumar 2018, pp. 467–468).

In *Drowning victim*, most will have the intuition that  $V_1$  should at the very least alert a third party capable of helping the other drowning victims about their

predicament, provided that doing so would not result in  $V_1$  having to sacrifice morally significant interests.<sup>72</sup> In virtue of having herself been one of the many drowning victims in *Drowning victim*,  $V_1$  “is specially positioned to assist [] needy stranger[s] and can do so at no unreasonable cost to herself” (Vasanthakumar 2021, p. 147).  $V_1$  knows about the misfortune that has befallen the other drowning victims, is herself no longer drowning and is therefore capable of getting help for the other drowning victims, and would be able to get help for the other drowning victims at relatively little cost to herself. Therefore, argues Vasanthakumar,  $V_1$  has a duty to get help for the other drowning victims.

Vasanthakumar further argues that the principles underpinning the judgment arrived at in *Drowning victim* likewise generate duties of assistance for  $V_{T1}$  in *Persecution* to  $V_{T2}$  through  $V_{TN}$  and for  $V_{M1}$  in *Structural injustice* to  $V_{M2}$  through  $V_{MN}$ . She notes that while  $V_1$ 's situation in *Drowning victim* is paradigmatically *morally determinate*,  $V_{T1}$ 's situation in *Persecution* is *less* morally determinate and  $V_{M1}$ 's situation in *Structural injustice* is even less so. According to Vasanthakumar, “Moral determinacy obtains when the capable stranger is aware (or reasonably expected to be aware) that there is a needy stranger whose basic interests are under threat and is aware of what specific actions she must undertake to resolve this threat” (2018, p. 469). In *Drowning victim*, moral determinacy obtains because  $V_1$  is aware that there are drowning victims in need of help and is aware that she could, at little cost to herself, get them some help. However, in *Persecution*, there is less moral determinacy because it is less clear how  $V_{T1}$  could,

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<sup>72</sup> See also Singer (1972).



at little cost to herself, get the other torture victims help from where she is. And in *Structural injustice*, there is even *less* moral determinacy because it is less clear how  $V_{M1}$  could, at little cost to herself, loosen the grip of sexist norms in workplaces around the world and because  $V_{M1}$  may not be aware of who exactly is being harmed by these sexist norms and to what extent. That there are greater and lesser degrees of moral determinacy in the cases at question does not mean that in those cases where there is less moral determinacy that no obligations are generated for the victims in question. Rather, this means, for Vasanthakumar, that the victims in question will have broader discretion in how they discharge their obligations to other victims.

In cases where there is less moral determinacy in how a victim should discharge her duties of assistance to other victims like her, there are two kinds of effective responses to oppression that, depending on the circumstances in which a victim has duties of assistance to other victims, are appropriate for victims to undertake according to Vasanthakumar.<sup>73</sup> First, there is assistance, “which requires a negative evaluative appraisal” of the oppression in question as well as “an overt act aimed at mitigating the harms of oppression” for the victims they are assisting (Vasanthakumar 2021, p. 148). An example of an act of assistance as an effective response to oppression would be if  $V_{M1}$  in *Structural injustice* were to, after

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<sup>73</sup> Vasanthakumar (2021) mentions a third effective response to oppression, *rejection*, but such a response would not be appropriate to employ as a means by which to assist *others*. Rejection “involves a negative evaluative appraisal of oppression that need not be overt” and is an appropriate response to oppression when we take seriously the possibility that victims of oppression have reasons, grounded in considerations of *self-respect*, to effectively respond to their oppression (Vasanthakumar 2021: 8).

witnessing a male colleague rudely talk over  $V_{M2}$ , find  $V_{M2}$ , console her, and let her know she has at least one colleague in her corner that recognized the rude display  $V_{M1}$  just witnessed. And second, there is resistance, “which requires a negative evaluative appraisal” of the oppression in question “as well as overt acts aimed at dismantling oppression” (Vasanthakumar 2021, p. 148). An example of an act of resistance as an effective response to oppression would be if  $V_{M1}$  in *Structural injustice* were to, after witnessing a male colleague rudely talk over  $V_{M2}$ , filed an anonymous complaint with Human Resources about gender relations in the workplace. All this being said, it seems the normative premise of EPA is well motivated and not, on its face anyhow, implausible to accept as true.

### **III. Against the Epistemic Privilege Argument**

The aim of this section is to analyze the merits of each of the premises of EPA. In doing so, I certainly hope to establish that EPA is unsuccessful at vindicating the conclusion that it is aimed at vindicating, but I also hope that the forthcoming discussion will go some way toward complicating our understanding of how epistemic privilege could serve as the grounds for special obligations that members of certain oppressed groups could be claimed to have to one another. I begin my discussion by first drawing on the work of Lidal Dror (2023) and Emily C.R. Tilton (forthcoming) to undermine the argument’s descriptive premise. Then, I offer some clarifications regarding the way that Ashwini Vasanthakumar defends EPA’s normative premise. After all is said and done, we should conclude that EPA does not

succeed at vindicating the conclusion that members of certain oppressed groups may be held under an obligation to their other group members that those outside of their groups would not likewise have.

### *Rejecting the Descriptive Premise*

Recall that the descriptive premise of EPA holds that members of certain oppressed groups are epistemically privileged regarding *the workings of social marginalization*. Recall, also, that the descriptive premise of EPA can be interpreted strongly or weakly. The strong interpretation of the descriptive premise holds that the epistemic privilege members of certain oppressed groups enjoy regarding the workings of social marginalization is a direct result of their being members of the oppressed groups in question.<sup>74</sup> The weak interpretation of the descriptive premise, by contrast, holds that, because of their social location, members of certain oppressed groups are more likely than those who are not members of these groups to enjoy epistemic privilege regarding the workings of social marginalization.<sup>75</sup> I will argue, by drawing and expanding upon the work of Lidal Dror and Emily C.R. Tilton, that neither interpretation of the descriptive premise of EPA is plausible. The result of accepting this will be that members of certain oppressed groups cannot, in virtue of being members of the groups to which they belong, be assumed

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<sup>74</sup> Dror (2023) calls this *the strong inversion thesis* and Tilton (forthcoming) calls this *the automatic privilege thesis*.

<sup>75</sup> Dror (2023) calls this *the weak inversion thesis* and Tilton (forthcoming) calls this *the strong epistemic disadvantage thesis*.

to enjoy the kind of epistemic privilege that, if they did enjoy, would generate special obligations to their other group members.

There are two species of objection that can compellingly be deployed against the descriptive premise of EPA. The first includes objections about the factual inaccuracy of the descriptive premise, whereas the second includes objections about implausible implications, normatively speaking, of accepting that the descriptive premise is true. In what follows, I will make explicit these species of objection in turn to lead us to the conclusion that we should abandon the descriptive premise of EPA.

In order to explain how it is that the descriptive premise of EPA is factually inaccurate, it will be useful to introduce a distinction between epistemic advantage and epistemic privilege. As I understand it, an epistemic advantage with respect to reasoning about a particular issue would be a characteristic an individual possesses which gives us some reason to think that she either has access to some piece of evidence others might not or that she is able to reason better about the issue in question. For example, we might think that someone's being a woman gives us some reason to think that she, more so than a man, would have evidence relevant to understanding misogyny or that she is able to reason better about issues involving misogyny. By contrast, for one to be epistemically privileged with respect to reasoning about a particular issue would mean that one has an all-things-considered epistemic advantage with regard to having sufficient evidence related to, or reasoning well about, that issue as compared to others.

The only way that EPA can generate the conclusion that members of certain oppressed groups are under obligations that non-members are not under to respond effectively to their oppression and to aid other group members in responding effectively to theirs too, is by claiming that these group members are epistemically privileged, not merely epistemically advantaged, regarding the workings of social marginalization. The reason for this is simple. Acknowledging that members of certain oppressed groups enjoy a host of epistemic advantages as a direct result of their social location or because it is statistically probable for them to enjoy these advantages given their social location is consistent with the claim that they likewise suffer a host of epistemic disadvantages on these same grounds. And if one both enjoys (or is likely to enjoy) certain epistemic advantages and suffers (or is likely to suffer) certain epistemic disadvantages as a result of their social location, then it cannot be claimed that one is especially likely to have sufficient evidence related to, or to reason well about, the social workings of marginalization that are relevant to one. And if one cannot be claimed to be especially likely to have sufficient evidence related to, or to reason well about, the workings of social marginalization that are relevant to one, then one cannot be claimed to have obligations that others elsewhere socially situated do not have, which is the conclusion that EPA is aimed at vindicating.

Not only is it consistent with one's enjoying epistemic advantages because of their social location that one also suffers epistemic disadvantages, but there is in fact a compelling case to be made that members of certain oppressed groups do

suffer such epistemic disadvantages. Showing that members of certain oppressed groups suffer such epistemic disadvantages would go a great way toward showing that the weak interpretation of the descriptive premise of EPA—the interpretation which holds that it is statistically more likely for an oppressed person to occupy a superior epistemic position about the workings of social marginalization that concern them relative to a non-oppressed person, but not because of their social location in itself—is likely flawed.<sup>76</sup> Lidal Dror points out the following epistemic disadvantages that members of certain oppressed groups are likely to suffer given their social location. First, members of certain oppressed groups are likelier than those who are not members of oppressed groups to lack intellectual capital (e.g., education) that is necessary for reasoning about the workings of social marginalization well. And second, members of certain oppressed groups are likelier than those who are not members of certain oppressed groups to develop problematically formed adaptive preferences for the social status quo (Dror 2023, pp. 625–626). If one is partial to a Marxist worldview, they might especially see how those who belong to oppressed groups are particularly vulnerable to false consciousness—the failure to appreciate one’s sociopolitical circumstances because of the way society is structured (Eyerman 1981).

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<sup>76</sup> I follow Lidal Dror in accepting that “there are good reasons to expect an arbitrarily-chosen marginalized person to be better epistemically situated than an arbitrarily-chosen non-marginalized person” (Dror 2023, p. 626). However, I believe this proposition is consistent with thinking that if epistemic privilege generates obligations for members of certain oppressed groups, these obligations will not be generated from the epistemic privilege that these members are thought to enjoy because they are members of their group, but from the epistemic privilege that these members enjoy *as individuals* who happen to be members of a particular group.

Beyond these epistemic disadvantages, however, I would like to highlight a further epistemic disadvantage that members of certain oppressed groups are likely to suffer given their social location. When it comes to comparing the epistemic position of the oppressed to the epistemic position of those who are not oppressed, thinkers are apt to point out that those who are not oppressed fall prey to self-interested biases that predispose them toward favoring conclusions that uphold the (unjust) status quo. Those who are not oppressed benefit from the systems in place that oppress others and may be motivated, consciously or not, to redeem those very systems (Delgado 1984). However, unfortunately less attention has been paid to the ways in which self-interested biases predispose members of oppressed groups toward favoring conclusions that benefit themselves and their group members at the expense of others who are oppressed. When one is motivated not just by pure altruism, but also by self interest, to overcome one's oppression, one is vulnerable to mistakenly imbuing one's own oppression with significance that one does not believe other forms of oppression have. Being self-interested in overcoming one's own oppression may encourage one to reason well about how to overcome just that: one's own oppression. But in so doing, one might give short shrift to how one's reasoning might not align with reasoning well so as to help members of another group overcome their oppression. This strikes me as an additional reason to think that the weak interpretation of the descriptive premise of EPA is likely flawed.

The strong interpretation of the descriptive premise of EPA, I think, can most convincingly be shown to be implausible by stressing the implausibility of

some of the normative implications of accepting that the strong interpretation of the descriptive premise is true. In his work, Dror rejects the strong interpretation of the descriptive premise and claims that a benefit of doing so is that those who are not members of oppressed groups couldn't claim to be nonculpably ignorant regarding the workings of social marginalization (2023, pp. 637–638). If it is possible for those who are not members of oppressed groups, like those who are members of oppressed groups, to understand the social workings of marginalization, then they would be culpable for their ignorance regarding the social workings of marginalization in those cases where their ignorance would harm the oppressed. Emily C.R. Tilton makes a similar point, framed differently. She argues that the strong interpretation of the descriptive premise of EPA is “politically pernicious” because it renders those who are not members of oppressed groups blameless for their ignorance regarding the workings of social marginalization. As Tilton herself writes, “The ignorance of the socially dominant has real social consequences—their ignorance often interferes with or prevents efforts to alleviate injustice” and the strong interpretation of the descriptive premise of EPA “offers a way for the socially dominant to feel complacent in their ignorance, as it suggests that it is not their fault, and that there's nothing they can do about it” (forthcoming, p. 13).

To my mind, this implication of accepting the strong interpretation of the descriptive premise of EPA to be true suffices for showing that the strong interpretation of the descriptive premise is implausible. Of course those who are not members of oppressed groups are culpable for their ignorance about the workings of



social marginalization; it is incumbent on them to learn about the workings of social marginalization to the extent that doing so is necessary for respecting the claims of others, especially the claims of those who belong to oppressed groups. However, I want to expand on this point made by Dror and Tilton by making an appeal to considerations of fairness. Were we to accept that those who are not members of oppressed groups are “off the hook,” so to speak, in terms of responsibility to educate oneself about the workings of social marginalization, we would also have to accept that the burden to educate oneself about the workings of social marginalization relevant to members of certain oppressed groups falls disproportionately on members of these groups. While it is reasonable to claim, as many have,<sup>77</sup> that socially marginalized individuals have some kind of responsibility to educate themselves about the workings of social marginalization (particularly when doing so is useful to, or necessary for, resisting oppression), it is far less reasonable to claim that socially marginalized individuals have a moral obligation to educate themselves about the workings of social marginalization *more* than those who are not socially marginalized.<sup>78</sup> Especially when those who are not socially marginalized act in ways that contribute to the social marginalization of others, we should expect that those who are not socially marginalized ought to educate themselves about the workings of social marginalization *more* than the socially marginalized ought to. But if we cede, for no good reason, that it is impossible for

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<sup>77</sup> See, e.g., Cudd (2006), Harvey (2010), and Hay (2011).

<sup>78</sup> It might, however, be reasonable to claim that socially marginalized individuals *prudentially* ought to educate themselves about the workings of social marginalization more than those who are not socially marginalized. After all, it might serve the interests of the socially marginalized to know as much as they can about the workings of social marginalization. But they should also, morally speaking, have the right to do things that are imprudent.

those who are not socially marginalized to educate themselves about the workings of social marginalization to the extent that those who *are* socially marginalized should (as we would need to in order to accept the strong interpretation of the descriptive premise of EPA), the burdens of educating oneself about the workings of social marginalization would not be fairly distributed.

This is especially troublesome if one is concerned about epistemic exploitation. Nora Berenstain (2016) argues that “when privileged persons compel marginalized persons to produce an education or explanation about the nature of the oppression they face,” the marginalized persons are being epistemically exploited (p. 570). One way for members of oppressed groups to be compelled to produce an education or explanation about the nature of the oppression they face is by being told that they have an obligation to do so given their epistemic privilege. Epistemic exploitation, however, “consumes the attention of the oppressed, preventing it from being put to better use” (Berenstain 2016, p. 575). Moreover, as Berenstain points out, “when marginalized persons are called on to educate their oppressors, they bear increased cognitive and emotional costs that take a cumulative toll on their mental and physical health” (2016, p. 573). Of course, a proponent of the strong version of the descriptive premise of EPA could point out that when the costs to a socially marginalized person of educating others about the workings of social marginalization are high enough, they would be released from their obligation to do so. But nevertheless, expecting that the socially marginalized should take on burdens to educate the non-marginalized that the non-marginalized

do not have to makes it more likely that the marginalized will take on more burdens than they are morally required to. And this is particularly lamentable given that the marginalized are already, in virtue of their marginalization, disadvantaged socially. This makes especially clear, if it wasn't already, that accepting the strong interpretation of the descriptive premise of EPA would entail unfairly treating those in oppressed groups who already, in virtue of their group membership, are treated unfairly in society at large. Thus, I submit that we should reject the descriptive premise of EPA.

#### *Clarifying the Normative Premise*

Rejecting the descriptive premise of EPA, alone, suffices for toppling EPA. After all, if we cannot assume (we can't) that members of oppressed groups are likely to be learned in the workings of social marginalization in ways that those who are not members of oppressed groups are likely not to be, then members of certain oppressed groups couldn't be claimed to all have special obligations to one another grounded in considerations of epistemic privilege. But if the normative premise of EPA turns out to be true, we could revise the descriptive premise and still arrive at a significant conclusion involving members of certain oppressed groups and the obligations they have to one another. The revised EPA would read:

P1. Some, and perhaps many, members of certain oppressed groups are epistemically privileged regarding their oppression and how to overcome it (though non-members could also be epistemically privileged in this regard

as well—it's just that any particular member of an oppressed group would be more likely than any particular non-member to have this epistemic privilege).

P2. If some, and perhaps many, members of certain oppressed groups are epistemically privileged regarding their oppression and how to overcome it, these members are under obligations that most other non-members are not under to respond effectively to their oppression and to aid other group members in responding effectively to theirs too.

C. Therefore, some, and perhaps many, members of certain oppressed groups are under obligations that most other non-members are not under to respond effectively to their oppression and to aid other group members in responding effectively to theirs too.

I am open to this version of the argument being true. However, I fear that readers will think that the truth of this argument will imply certain (inaccurate) conclusions regarding the case I opened this paper with: that of Andrew Sullivan. One might think that because Andrew Sullivan is an educated gay man with a professed interest in a better politics of homosexuality during the time that he wrote *Virtually Normal*, Sullivan must be learned about the workings of social marginalization that implicate homosexuals. And if he enjoys the epistemic privilege that is relevant to the generation of duties to assist others who are victims of homophobia, then one might think that Sullivan shirked his duties to assist

others who are victims of homophobia by publicly condoning the state's toleration of private discrimination against gay people.

Or alternatively, one might think the following. Vasanthakumar writes that "victims who accepted injustice as a normal state of affairs would not be epistemically privileged in the relevant sense and would not necessarily see the need for assistance" (2021, p. 149). So one might think that because Sullivan condones the state's toleration of private discrimination against gay people, he has simply accepted injustice as a normal state of affairs and is therefore not epistemically privileged regarding the workings of social marginalization that implicate homosexuals. And if he is not epistemically privileged in this way, he cannot be claimed to run afoul of duties of assistance he has to other gay people grounded in his epistemic privilege, since he lacks the relevant sort of epistemic privilege.

I do not think, however, that drawing either of these conclusions based on the modified EPA is sensible. To draw either of these conclusions would be to likewise overlook a significant and distinctive form of oppression that people like Sullivan are often subject to. By "people like Sullivan," I mean (1) intelligent members of oppressed groups who (2) present arguments in good faith (3) with a view toward the good of their other group members, but (4) with a pronouncedly different view of the good than that which most of their other group members subscribe to. These people are often treated by their other group members as well as by some who are outside of the groups to which they belong, solely on the basis of

the conclusions they defend, as stupid or pernicious or self-hating or worse.<sup>79</sup>

Sometimes, members of oppressed groups face oppression that attacks the intersection of (1) their oppressed group identity and (2) characteristics they possess which lead them to defy the expectations others may have for them as a member of a particular oppressed group.

In *The Ethics of Identity* (2006), Kwame Anthony Appiah writes about the perils of what he calls the Medusa Syndrome:

“Demanding respect for people as blacks and as gays can go along with notably rigid strictures as to how one is to be an African American or a person with same-sex desires. In a particularly fraught and emphatic way, there will be proper modes of being black and gay: there will be demands that are made; expectations to be met; battles lines to be drawn... We know that acts of recognition, and the civil apparatus of such recognition, can sometimes ossify the identities that are their object. Because here a gaze can turn to stone, we can call this the Medusa Syndrome” (110).

In addition to the oppression—or “the condition in which an individual’s life-chances are burdened substantially, in many or all domains of her life, and stably over her lifetime”—gay people face for being gay, gay people like Andrew Sullivan face the further oppression associated with being regarded as someone who

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<sup>79</sup> Of course, someone might attempt to justify their contempt for someone like Sullivan by trying to claim that he does not satisfy condition(s) (1), (2), and/or (3) as I spelled them out above. However, I think it is worth mentioning how easy it is to think someone unintelligent, or that they are a bad-faith interlocutor, or that they wish ill upon people when you do not know them. The confidence with which we assume that people do not satisfy condition(s) (1), (2), and/or (3) (as spelled out above) should be moderated by what we know to be true about human psychology.

does not embody a “proper mode of being gay” because of the views he expresses (Vasanthakumar 2021, p. 144). If it is true that epistemic privilege regarding the workings of social marginalization generates obligations for those with such privilege to assist others who are similarly marginalized, then we might understand someone like Sullivan as discharging his duties of assistance to other gay people who, like him, challenge the notion that there are proper modes of being gay by publishing a book like *Virtually Normal*. Moreover, we might think that some members of the LGBT+ community could, in virtue of the epistemic privilege they possess regarding the downsides of being ostracized and belittled on the basis of their group membership, be obligated not to subject Sullivan to punishing scrutiny that would result in his ostracism or belittlement.

In wrapping up my evaluation of the normative premise of EPA, I leave my reader with a choice. You might think that if the modified EPA entails that people like Andrew Sullivan would have duties of assistance, grounded in considerations of epistemic privilege, to those who are marginalized in the ways he is, not just in the sense that they are gay but in the sense that they are gay and challenge the notion that there are proper modes of being gay, the modified EPA is implausible. My arguments about Andrew Sullivan might, in other words, serve as a *reductio* against the EPA. Or you might think that my arguments about Andrew Sullivan strengthen the case for the plausibility of the modified EPA. Either way, it will turn out that those in oppressed groups who are heterodox in their activism would not run afoul of some special obligations they have to their other group

members—special obligations grounded in the epistemic privilege that members of oppressed groups are thought to possess.



## CHAPTER VI

### CONCLUSION

When I first came to the realization that I am gay, I would sometimes wonder if I should try to change my sexuality. Thankfully, I no longer have these thoughts. But ever since I've been out as gay, I've found myself sometimes wondering if I should change how I lead my life—for the sake of other LGBT+ people. *Should I donate money to GLAAD or the Trevor Project? Should I make a concerted effort to support local gay bars and drag shows? Should I engage in the activism I see so many of my LGBT+ peers engaging in?* I hope it's clear by now what my answers to these questions are now that I have dedicated years to thinking about them. There doesn't seem to be any good reason for me to think that just because I am gay, I must conduct my affairs in some way that any person who *isn't* gay wouldn't have to.

In “Colorblindness, Vindicated,” I argued that we should presume the truth of colorblindness rather than the truth of color consciousness. That is to say, we should operate under the assumption that our social identities, as such, have no bearing on what we are owed by others or what we owe to others. And in “Reciprocity of the Oppressed,” I argued that the value of reciprocity cannot explain why I would have perfect duties to other members of the LGBT+ community. In “Solidarity and the Duties of the Oppressed,” I showed how analogizing oppressed groups to either families or polities does not succeed at showing why I would have special obligations to other members of the LGBT+ community. And finally, in “You Should Have Known Better’: Epistemic Privilege and the Duties of the Oppressed,”

I clarified that members of oppressed groups are not epistemically privileged merely in virtue of their group memberships and that if they could be claimed to have epistemic privilege that gives rise to special obligations, this would not generate an obligation for me to fall into political lockstep with others in the LGBT+ community.

You might take these findings to be evidence that members of oppressed groups are not specially obligated to one another in any way. Or perhaps you take them to be evidence that we should consult resources other than those provided to us by analytic philosophy to explain why members of oppressed groups are specially obligated to one another. Or maybe, you take these findings to be evidence that more work needs to be done to show how the tools of analytic philosophy can explain why members of oppressed groups are specially obligated to one another.

Regardless, I hope to have made a valuable contribution to the philosophical literature on issues that are of importance to members of oppressed groups.

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As kids we refused to capitulate to demands that we ignore our feelings toward each other. Somewhere we found the strength to resist being indoctrinated, and we should count that among our assets. We have to realize that our loving each other is a good thing, not an unfortunate thing, and that we have a lot to teach straights about sex, love, strength, and resistance (Wittman 2004, 29).

When I first came across the above quote in Carl Wittman's "A Gay Manifesto," I was struck by how well Wittman was able to explain the value of "deviant" sexuality

in society. I think, however, that we should keep his powerful insight in mind not only to explain why “deviant” sexuality is valuable, but “deviant” lifestyles in general. Members of oppressed groups must realize that the way we conduct our lives differently is a good thing, not an unfortunate thing. And I hope that this project went some way toward explaining why this is so.

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