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Claremont McKenna College

Whose Identity?

An Argument for Granting Authority of Identity to the Individual

Submitted To

Professor S. Andrew Schroeder

AND

Dean Nicholas Warner

BY

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for

Senior Thesis

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Introduction

Who are you? And did you have any say in choosing who you are? Identity is a complicated issue, it is both individualistic and necessarily relies on your environment and peers. I believe that as it stands, your identity may be a result of both solitary and societal thinking. However, I think that society and government act as the sole authenticators of an individual's identity. I do not believe this is how an individual's life ought to be treated. Thus, I am arguing in this thesis that the individual has the capacity to choose their own identity, and that society and government ought to authenticate the decisions made by individuals.

Throughout the news and social media, reports of the persecution of LGBT individuals in various African countries sparked discussion of the human rights violations taking place abroad. Amidst the outcries, the European Court of Justice (ECJ) made a “groundbreaking” decision about the granting of asylum to LGBT individuals. Despite the great relief this decision made for the survival of LGBT individuals in those countries, the process in which individuals were chosen to be granted asylum were appalling. According to the UC Berkeley Law Journal, the Berkeley Trauvax, individuals were asked to prove their identity by presenting video or otherwise pornographic evidence including ‘highly personal sexual activity’, or by naming the works of famous (western) homosexual authors such as Oscar Wilde, among equally ludicrous requirements.¹ I asked myself, “What does one’s knowledge of Oscar Wilde

¹ Ido Kilovaty, “LGBTI Asylum Seekers May Still Face Hardships in EU, Despite Recent ECJ Decision Ruling in Favor of Gay Asylum Seekers,” *Travaux* (blog), *Berkeley Journal of International Law*, December 16, 2013, accessed: December 1, 2014,

have to do with their sexual identity??" and shuddered at the thought of having to reveal intimate details of my sex life in order to escape persecution for those same acts. In my anger I thought more about the identity politics behind these tests. It seemed more unreasonable the more I thought about it. Individuals no matter their true sexual identity would be prosecuted if they were believed to be homosexual. That fact alone ought to be reason enough to be granted asylum; that meant that potentially straight individuals who were being prosecuted for an identity they did not claim would then have to prove to another body-institute they were a member of this "social group" in order to escape this prosecution.

This issue and the related thoughts played well with my study of political philosophy and foreign policy. The questions I asked became more philosophic: "Who ought to have the authority to give an individual their identity," became the burning question in my head. Ought it be society, who may see a heterosexual man wearing pink and decide that was an indication of his sexual desires—or more commonly the right ear-ring in the US—which in this example would lead to his persecution; ought it be the government who may decide—in the case of the UK—that their sexuality was qualified by the individuals knowledge of the English writer Oscar Wilde (which the lack of knowledge here would subject them to continued persecution); or ought it be the individual themselves—who for social or individual reasons may have an evolving identity.

In order to prove my claim I will first specify the types of identity I will be discussing in this thesis. I will then explore the theories of three philosophers: Anthony Appiah, Ian Hacking, and Charles Taylor. In chapters 2 & 3, I will first analyze Anthony Appiah, who in arguing against the existence of race posits several ideas about identity including a theory of identity. Second, in chapter 4, I will analyze Ian Hacking, who presents a theory of identity creation, named labeling theory, and then presents a counter-theory of identity creation. Third, in chapter 5, I will analyze Charles Taylor's claims about the effect recognition has on identity formation. Continuing to analyze Taylor in chapter 5, I will also analyze the importance of championing the politics of difference both to the individual and towards my claim. I will then provide examples of how my claim may be actualized in chapter 6, alongside counterarguments to my claims. Last, I will conclude my thesis in chapter 7.

Chapter 1: What is Identity?

As the focal point of my thesis, it is important that I specify what I mean by identity, and take a look at the various ways the word has been used. Identity is a vast topic and can include metaphysical notions as well as practical ideas of the self. For this thesis, my main concerns are with the notions of identity that constitute an individual's sense of self.

In an article titled, "The Politics of Identity," Appiah goes on to define what we mean by the term 'identity politics'. Answering the question, "What are identity politics"? And how might one speak about them," he lists 7 criteria. Identity politics discusses these following topics: (1) political conflicts about who exists in a specified identity (2) political mobilization using and of identities (3) states can treat individuals with certain identities differently (4) the pursuit of a politics of recognition (5) social micro-politics enforcing norms of identification (6) political identities (i.e. party affiliations) (7) social groups mobilizing against 1-6.² Of the 7 criteria, all but (6) are relevant to my discussion and should be kept in mind as I explore the answer to my question. The identities that I am exploring are the identities that exist in the sphere of political conflict about who exists in them (1), are used for political mobilization (2), are the basis of different and often oppressive treatment (3), fight to be recognized (4), and are subject to adhere to socially imposed norms of identification (5).

² K. Anthony Appiah, "The Politics of Identity," *Daedalus*, Vol. 135, no. 5, (2006): 15.

Chapter 2: Anthony Appiah & why race doesn't exist

In order to generate a theory of identity to analyze, I have analyzed theories of identity put forward by other philosophers. First is Yale professor of Philosophy and Legal Studies Anthony Appiah, who in arguing against the existence of race discusses notions of identity I will elaborate on to create a theory of identity. Appiah believes that the first step in discussing notions of identity is to look at previous notions of a type of identity, namely race. This discussion of race will play in some of the more troubling concerns of allowing individuals to have the authority to choose their own identity I will encounter.

Appiah dives into his exploration of race by discussing the ways in which we give meaning to a word. Here he highlights two competing philosophical notions of how to give an adequate meaning to a word: the ideational view and the referential view. Of the ideational view, Appiah says, “what we learn when we learn a word like “race” is a set of rules applying the term”, e.g. when we learn the word “apple” we learn that an apple is a red round-ish object with a brown stem and seeds with a specific consistency and taste.³ The Ideational view then splits into two theories based on the idea of critical beliefs: special beliefs that define a concept.⁴ Critical beliefs do not have to be complicated; the belief that people with very different skin colors are of different races is a critical belief as well as the belief that LGBT individuals ought to know the works of Oscar Wilde. The strict critical theory within the ideational view states that something is only a race (or

³ K. Anthony Appiah, “Race, Culture, Identity: Misunderstood Connections,” (The Tanner Lectures on Human Values, University of California San Diego, 1994): 56.

⁴ Ibid, 57.

whatever identity concept we want to substitute for race) if all critical beliefs are true of it.⁵ While the vague critical theory, in contrast, states that something is a race if it satisfies a good number of critical beliefs.⁶ To continue the fruit analogy, a set of critical beliefs about what constitutes a fruit may be that it has seeds, is a food product, and is sweet. The strict critical theory of the ideational view would not allow tomatoes or avocados to be fruit because of their generally savory nature; the vague critical theory, in contrast, would allow them to be fruit because they satisfy two of the three presented critical beliefs.

The competing view, the referential view, uses casual explanations to define a word. Appiah argues that for the referential view, if you want to know what object a word refers to, find the thing in the world that gives the best casual explanation of the central features of the uses of the word.⁷ For example, a sock may be described as something used to cover ones feet and to keep it warm, without the fear of it falling off, which also fits into one's shoes. Using the referential view one would have to look physically or look in written texts for examples of words that are used to describe an object that fits these functions either in one passage or multiple passages that paint the complete picture described above.

Appiah's method of discussing race utilizes the ideational and referential view in order to understand whether the concept of race, as we modernly use it, exists. Appiah implements these methods by analyzing different historical accounts of the use of the

⁵ Ibid, 58.

⁶ Ibid, 60.

⁷ Ibid, 63.

term race. First, Appiah analyzes the works of Thomas Jefferson, an undoubtedly influential thinker of the United States. Of Jefferson, Appiah notes his importance by expressing why Jefferson was so influential, “[Jefferson] is an intelligent, sensitive, educated American shaped... by the Enlightenment,” and his words are “entirely representative of the best thinking of his day”.⁸

Appiah’s analysis of Jefferson begins with passages from Jefferson’s autobiography in which Jefferson shares his ideas on Negro individuals in America. Appiah views these passages as denoting Jefferson’s view as using race as “a concept that is invoked to explain cultural and social phenomena,” a view of race and identity that will be explored further. Jefferson’s writings discuss the political future of black people in America as well as their attributes: “Nothing is more certain written in the book of fate than these [Negro] people are to be free,” says Jefferson.⁹ However he continues his analysis by posing a political dimension of the two identities in question: “the two races [however], equally free, cannot live in the same government”.¹⁰ Jefferson substantiates this claim with his assessment of the different attributes of the two races. Jefferson writes in a document about the state of Virginia clearly indicating the basis of his racial conclusions:

The first difference which strikes us is that of colour ...is this difference of no importance? Is it not the foundation of a greater or less share of beauty in the two races? ...[is our whiteness not] preferable to that eternal monotony, which reigns in the countenances, that immovable veil of black

⁸ Ibid, 72.

⁹ Thomas Jefferson, “Autobiography,” in Jefferson’s *Writings* (New York: Library of America, 1984), 44, quoted in K. Anthony Appiah, “Race, Culture, Identity: Misunderstood Connections,” (The Tanner Lectures on Human Values, University of California San Diego, 1994): 67.

¹⁰ Ibid.

which covers all the emotions of the other race?...The circumstance of superior beauty, is thought worthy of attention in the propagation of out horses, dogs, and other domestic animals; why not in that of man?¹¹

There we see the connection Jefferson makes between skin color and beauty in order to further his idea of racial distinction. Appiah points out that Jefferson's connection is included in a passage dedicated to the sociopolitical question of life in harmony between blacks and whites and the "physical and moral" differences dividing the black and white race:

[Jefferson] spends a great deal of time on theories about skin color and its consequences for the physiology of the expression of the emotions... an argument that appears to presuppose that beauty is a condition for fraternity. Jefferson continues his distinction of the races by explaining his idea of the moral characters and intellectual capacity of black people: "comparing them by their faculties of memory, reason and imagination... in reason [they seem] more inferior"¹²

Jefferson's belief that "the blacks whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind", becomes more apparent because of Appiah's distinction.¹³ The connection Jefferson makes leads Appiah to classify his views—and the views of enlightenment thinkers as: "grounded in the physical and the psychological natures of the different races, [which we would label as] a biological concept".¹⁴

¹¹ Thomas Jefferson, "Notes on the State of Virginia," in Jefferson's *Writings* (New York: Library of America, 1984), 264, quoted in K. Anthony Appiah, "Race, Culture, Identity: Misunderstood Connections," (The Tanner Lectures on Human Values, University of California San Diego, 1994): 68.

¹² Appiah, "Race, Culture, Identity: Misunderstood Connections," 72.

¹³ Thomas Jefferson, "Notes on the State of Virginia," in Jefferson's *Writings* (New York: Library of America, 1984), 270, quoted in K. Anthony Appiah, "Race, Culture, Identity: Misunderstood Connections," (The Tanner Lectures on Human Values, University of California San Diego, 1994): 70

¹⁴ Appiah, "Race, Culture, Identity: Misunderstood Connections," 73.

Jefferson's use of race as a biological concept to explain cultural and social phenomena both opens the conversation about identity and its politics to allow for various epicenters of authenticity (both the individual and the government may indicate biology as basis for their identification). Jefferson's race concept also opens troubling possibilities for those given the authority to base identification on loosely based facts and opinions as seen in Jefferson's account of racialized intellectualism. In our search for who ought to have authority in giving an individual their identity and the theory of identity which best suites the morally correct decision, identity as a biological concept may be a necessary facet of identity but is insufficient as a means of ascribing identity as will be described in Appiah's analysis of the ideational view on the existence of race.

Appiah continues his exploration of the historical views on race with Matthew Arnold. Matthew Arnold is a poet of the late 19th century, whose influence brought on a US tour published as "Discourses in America" and landed him a professorship at Oxford.¹⁵ This second view of how race was used historically looks at race as being divided by both physical features and philology. Although similar, Arnold's views and use of the term race use some differing and additional bases that allow for different rebuttals to be made about the constancy of the concept of race. Arnold uses the term "physiology" to describe the likelihood of mixture between the races and philology as a guide to racial "filiation", citing those whose language are most closely related as being also most closely related by blood.¹⁶ This method of describing people is what Appiah refers to as "racialism"; Appiah defines racialism as "the belief that we could divide

¹⁵ Ibid, 77.

¹⁶ Ibid, 79.

human beings into a small number of groups, called “races”, in such a way that the members of these groups showed fundamental, heritable, physical, moral, intellectual, and cultural characteristics with each other that they did not share with members of any other race”.¹⁷ The characteristics listed in Appiah’s definition of racialism are supposed to be necessary and sufficient for someone to be a normal member of the race—for them to possess the essence of that race.¹⁸

In this second categorization of race and identity, the racialist view, to say someone is a race is to say that their physical features (their skin color or hair type) corresponded with other inherited characteristics including their moral and literary endowments.¹⁹ Appiah analyzes Arnold’s argument to be an essential undertaking of racialist views—which were held to be true and commonplace among Western thinkers after the 19th century. Arnold’s view posits “Science has... made visible... the great and pregnant elements of difference which lie in race... [which is no more strongly marked] than that likeness in the strength and prominence of the moral fibre...”.²⁰ Appiah grants flexibility in this view in how racial classification proceeds at different levels, “in the United States, the differences between the Irish and the Anglo-Saxons could be used to account for the cultural and moral deficiencies—real or imaginary—of Irish immigrants, but their whiteness could be used to distinguish them from the Negro”.²¹ Appiah also accounts for the categorization’s shortcomings, namely its lack of a theory of inheritance:

¹⁷ Ibid, 80.

¹⁸ Ibid, 81.

¹⁹ Ibid.

²⁰ Matthew Arnold, “Culture and Anarchy,” (New Haven: Yale University Press, 1994), 95, quoted in K. Anthony Appiah, “Race, Culture, Identity: Misunderstood Connections,” (The Tanner Lectures on Human Values, University of California San Diego, 1994): 84

²¹ Appiah, “Race, Culture, Identity: Misunderstood Connections,” 85.

“if the Celtic and the Saxon essences are so opposite,” as Arnold would posit for the Negro and White essences, “what is an individual like who inherits both of them”?²²

So far Appiah has used a historical approach to retrieve the Jeffersonian view of race, which calls upon a biological concept as its definition, and the Arnoldian view of race, which calls upon language and genetic inheritance to define race and its implications about intellect and morality.

Appiah moves on to Darwin’s view of race which is a scientifically driven alternative to Jefferson’s view and a counter to Arnold’s view. Darwin’s view, however, is still insufficient for Appiah in making claims about the existence of race based on the ideational or referential view. Ten years prior to the publication of Arnold’s “Culture and Anarchy”, Darwin published “The Origin of Species by Means of Natural Selection or the Preservation of Favoured Races in the Struggle for Life”, a work that has garnered many opinions on the topic of genetics, species, and life.²³ Appiah spends several pages arguing why Darwin’s claims were or ought [not] be accepted. The important conclusion being that, “Darwin’s theory of natural selection gave scientific support [alongside Mendel’s theories of genetics] to the idea that human kinds—races—like animal and plant species could be both evolutionarily related and biologically distinct”.²⁴ Alongside modern genetic knowledge adding to the picture that each person is comprised of an enormous amount of genetic characteristics, “there is nothing in the theory of evolution to

²² Ibid.

²³ Ibid, 91.

²⁴ Ibid, 94.

guarantee that a group that shares one characteristic will share all or even most others”.²⁵ Appiah continues that Race as a biological concept succeeds, almost solely, at picking easily observable physical characteristics among human classes of people, and most notably skin color or features of the face and head.²⁶ The significance of which he debunks by talking about the ancestral variance in the lives of Americans who could be believed to exist under a single racial identity: “the result is that, even if the four roughly separated populations of the four continents from which the ancestors of most Americans came had each been much less genetically variable than was in fact the case, there would still be large numbers of people whose skin color predicts very few other biological properties”.²⁷

Finishing his analyzes of the historical accounts of the use of the term race, Appiah refers back to the ideational and referential view to argue that none of the accounts he has provided have met the requirements set forth by these methods of validation. He points to this discussion of the theory of inheritance to debunk the ideational view of race: “people are the product not of essences but of genes interacting with each other and with environments and there is little systematic correlation between the genes that fix color and the like and the genes that fix courage or literary genius”.²⁸ Based on the criterion that defines whether something exists using the ideational view, which calls for a set or rules or critical beliefs to be learned that conform to the critical beliefs we hold today for the same term, Appiah concludes, “nothing in the world meets

²⁵ Ibid, 95.

²⁶ Ibid, 96.

²⁷ Ibid, 98.

²⁸ Ibid, 99.

the criteria for being a Jeffersonian or an Arnoldian race”.²⁹ That is to say that according to Jeffersonian or Arnoldian views of race, which calls for race to correlate with the moral, literary, and psychological characteristics of a person or to be divided by philology, respectively, do not conform to the critical beliefs we hold today. The critical beliefs we hold can be generalized as believing that inherited genetic features are markers of what constitutes a race. As for Darwin’s biological notion of race, although there are many ways of categorizing people using biological markers or criteria, Appiah points out that none of those methods can be used to correspond to a majority population of a continent or subcontinent. Thus, “there are no biological races,” not because there is nothing that fits the criteria like the Jeffersonian or Arnoldian views of race but because there are too many ways one can categorize people biologically all of which cannot correspond to race.³⁰ For the ideational view, then, it would be impossible for most or all of the critical beliefs to be held.

For the referential view, Appiah singles out two concepts that (for the referential view to be successful) are required to best explain the history of usage of the term. He chooses the concept of a population. The first definition of population, which refers to a biological notion, is “the community of potentially interbreeding individuals at a given locality”, which holds true for plants or animals which remain distinct from one another, and according to Appiah may be referred to as “races”, does not hold true for human beings.³¹ The second definition of population is a more general definition, which he holds may be true for populations outside of the United States who may be reproductively

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid, 100.

isolated, but minus the Amish, but does not currently hold for any social group or population in the United States.³² Although the theory of identity I seek ought to extend beyond the United States, this claim against the existence of race in the United States marks a needed discussion about the validity of race as an identity marker when the only individuals who could be thought of as a race are isolated or largely outside the political sphere in question. Appiah concludes, then, that although there are various possible candidates from the referential view none would be sufficient in explaining social or psychological life of the races they create and “none of them corresponds to the social groups we call “races” in America”.³³ For the referential view then, none of the historical accounts of the use of the term race would give a satisfactory casual explanation of the central features of the term today.

Appiah’s account of race provides both a way of validating the use of a term associated with identity, while also providing an argument for how outside interpretations of an individual’s identity, such as aspects like race, may be wrong. It is from his views on race that Appiah develops his theories on how to categorize identity which I will explore in the next chapter.

³² Ibid, 101.

³³ Ibid.

Chapter 3: Appiah on Identity

After Appiah finishes his analysis of the conception of the term race, and decides that race based on the ideational and referential methods of authentication does not exist, he explores various theories of identity in order to formulate his own theory of identity. On the use of the term identity to describe the relationship between aspects of race, gender, etc., Appiah says that “[the term identity] can suggest that everyone of a certain identity is in some sense—idem, i.e., the same, when in fact, most groups are internally...heterogenous...”³⁴ It is easy to fall into this trap especially when analyzing the specifics of single facets of an individual’s identity, however, I do not mean to suggest in any of my claims that an individual’s identity is in any way one-dimensional.

Appiah makes an important distinction about a facet of one’s identity that is not an aspect of identity that he or I are analyzing; this facet of identity is worth mentioning because of its tangential relationship to my thesis via discussions of identity and autonomy. This facet of identity is can be referred to as a working identity, which constitutes the part of one’s identity that comes from activities that the individual takes part in. As an example Appiah mentions a character of Jean Paul Satre, the garcon de café. The garcon de café is given various attributes which Appiah points out are only available to a person in a specific place at a specific time.³⁵ The house slave in the antebellum South could not and would not be identified as a garcon de café. Of these identities, Appiah posits that there are identities that depend on intentional conformity to

³⁴ K. Anthony Appiah, “The Politics of Identity,” *Daedalus*, Vol. 135, no. 5, (2006): 15.

³⁵ K. Anthony Appiah, “Race, Culture, Identity: Misunderstood Connections,” (The Tanner Lectures on Human Values, University of California San Diego, 1994): 106.

expectations about the performance of a role.³⁶ These identities, which can be signified as role-based identities, should also be up to the individual to choose whether they want as a part of their self. The individual who is unable to choose their role-based identity are enslaved to whomever was the arbiter of that identity. Additionally, those who do not have the autonomy to choose their own role-based identity probably also do not have autonomy over other facets of their lives such as the autonomy to preserve their life, which I hold as a basic right given to every human being. However, it remains that these types of identities aren't the identities that are important in contemporary identity politics and thus are not of important in this paper.

Appiah goes on to provide context for describing how race is a type of identity. Race as an identity type is dependent on expectations of people of a certain race to behave a certain way. Appiah has described these expectations as norms of identification. These norms of identification are based on "certain antecedent properties that are consequences of the label's property applying to them", the label here being the racial label applied to individuals.³⁷ This theory of race as an aspect of identity leads to important questions about the labels that we apply to people, and their affect, and the antecedent properties that are consequences of those labels. Of these types of labels, Appiah describes the possible harm they may cause, "once the racial label is applied to people, ideas about what it refers to, ideas that may be much less consensual than the application of the label, come to have their social effects".³⁸ Appiah's historical analysis, for example, showed theories of race positing labels and assigning those labels properties,

³⁶ Ibid.

³⁷ Ibid, 107.

³⁸ Ibid, 105.

such as Jefferson's label of Negroes and blacks which he assigned the properties of less intelligence. Appiah has proven those historical notions of race to be insufficient for the purposes of equating them to modern concept of race. The place of labels and their affect will be discussed in greater details when I discuss Ian Hacking's article "Making Up People" in chapter 4.

Appiah continues his discussion of identity by explaining two aspects of one's identity that he finds pertinent in analyzing how to define an individual's identity: their ascriptive and performed identities. These identities are roughly what others ascribe to you—often by means of labels—and what identity you perform, respectively. Appiah then mentions a gap in the identifying of persons, which he largely associates with the notion of "passing", but will be an important gap in my analysis. "It is because ascription of racial identities is based on more than intentional identification³⁹," Appiah begins, "that there can be a gap between what people ascriptively are and the racial identity they perform".⁴⁰ Of this gap, Appiah only discusses the individuals who are not coded as the race that they would seem to be coded as given precedential racial prescription of other individuals. Imagine here a mixed race individual, Alexa, who can "pass" as white but grew up in a black household with black traditions and performs under the criteria for a black identified individual. A dark skin Latino who knows no Spanish, eats no Spanish food, and has a majority of black friends, who can pass as black would be a similar individual for Appiah.

³⁹ The theory behind the term intentional identification comes from the work of Elizabeth Anscombe. Although, Anscombe and the importance of intentional identification will become more apparent in chapter 5, the basic idea is that intentional identification works off descriptions of actions in order to identify things.

⁴⁰ Ibid.

Appiah does not make any judgments about which, if either, of the two ends (ascriptive identity or performed identity) is the valid identity of the individual. The gap between the two identities alludes to a gray area within identity. It seems to me that the individual may not always be the identity they are ascribed: Although Alexa can “pass” as white, she is still not thought to be white. Additionally, Alexa despite her ability to “pass” as white may not identify as such; other’s ascription of the white racial label to her will not align with her identity. Similarly, the trans-male is in fact not female despite potential ascription to the female gender. However, it initially appears that the performed identity is almost always the identity of the individual, e.g. the trans-male performs in a way that codes him as male.

The discussion of ascribed and performed identities does present an interesting question with regard to my intended conclusion. Of ascriptive identity, I hold that the individual’s identity ought not depend on the identity ascribed to them. The definition of ascription alludes to some of my reasoning for rejecting the ascriptive identity as the individual’s identity (without the individual’s consenting conformity). The definition reads: ascription is the “arbitrary placement (as at birth) in a particular social status”. This arbitrary placement, say as a female (gender) by a physician, does not hold that the individual identifies, acts, or understands themselves within that (here the female) concept. That is to say that this ascriptively identified female is a trans-male.

For the performed identity, however, I have concerns with some of the implications placed on the individual. In line with, but prior to reading, Appiah’s rejection of the existence of race, one conception of race I have come to adopt is that of a

trans-racial identity. The idea of the trans-racial identity is that an individual might be born a certain race, according to some, but might be raised or identifies with a wholly different race. As a personal example I present my personal history: although none of my (known) ancestors or blood-relatives are Puerto Rican, because I grew up largely in a Puerto Rican household, I share many of the traditions of that culture and thus identify partially as a Puerto Rican. More specifically I identify with the Nuyorican tradition, which has been thought of as a subcategory of Puerto Rican culture. For those who don't know me, my claim to a Puerto Rican identity is validated by (1) the claim itself (2) the lack of evidence (criteria or expectations met) to suggest otherwise (3) anecdotal evidence of my participation in Puerto Rican culture (in lieu of other racial cultures). This theory of transracial identity also means, and this I think is of more contention because of a failing in the second premise above, that the black girl who passed as white may also identify as white. She may have validity in the claim itself (1) and anecdotal evidence of her participation in white culture in lieu of other racial identities (3), but because there exist evidence to suggest against her claim as white, presumably her skin color or facial features, her performed identity may not hold.

When I favor the performed identity, I am also favoring the criteria and expectations placed on the individual that they would have to perform in order to be that identity. However, I agree with Appiah's later claim that in championing racial identity, especially black identity (and in this case in order to combat the negativity that society places on the identity) we are also accepting that there be scripts that go with being black. Of these scripts, and the criteria and expectations I have mentioned, Appiah says, "there will be proper ways of being black... there will be expectations to be met...[and so] let us

not let our racial identities subject us to new tyrannies”.⁴¹ Where does this contention leave me? Surely a theory of identification that I am happy with will have with it criteria and expectations, but from where are these criteria based? Appiah would reject any romantic view of these criteria coming from the self, as he argued that all identities are dialogically constituted (124). The idea of identities being dialogically constitutes comes from the work of Charles Taylor, who will be explored further in chapter 5. The premise for the dialogically constitute identity is that identities are created through dialogue with others. The ideas of dialogical constitution, then, is in contrast to views such as Foucault of the identity being buried within the individual waiting to be discovered. The theory of identity being dialogically constituted will be central to my theory of identity and explained in more detail with Taylor. The criteria, then, would be a function of society (religion, tradition, media, etc.). This concluding question may seem to go against the individualistic nature of my claim, but, as I will explain later, does not detract from the individuals being able to choose their own identity.

Appiah then uses his discussion of race as an identity to make claims about identity at large. Identities (important to identity politics) have a set of theoretically committed criteria for ascription, says Appiah.⁴² These criteria, too, may not be held by everybody and may not be consistent.⁴³ This pseudo-definition of identity seems poorly supported. A theory of identity that has built into it inconsistency may lead itself into similar problems Appiah leveraged against the like of Jefferson and Arnold.

⁴¹ Ibid, 129, 134.

⁴² Ibid, 108.

⁴³ Ibid.

Continuing to forgo any normative claims about the place and weight of ascriptive and performed identities, I assume that what Appiah intends is for the two to be conflated within his theorizing. This conflation comes in the form of both being shaped by your ascriptive identity, as Appiah claims is down by labels, and shaping your own performed identity separate from your ascriptive one.

Speaking of his identity, Appiah posits, “where my ascriptive identity is one which my fellow citizens agree, I am likely to have little sense of choice about whether the identity is mine”.⁴⁴ On its face, this claim says nothing about the actuality of choice in Appiah’s identity. However, it is mentioned in order to invoke the thought of not choosing one’s identity and indeed the reality for most in not having to be conscious about their identity—likely because they are happy (or complacent) about what has been ascribed to them. Appiah uses the example of his male-hood to show that his ascriptive identity was (1) not voluntary—which he designates by stating that he did not choose it—and (2) he had no sense of choice of whether this identity is his.⁴⁵ I believe that this analysis comes from both a lack of knowledge about marginalized identities and complacency about the adequateness of the identities available in the social canon. The lack of knowledge about marginalized identities, namely the identities that are not visible or “agreed on by fellow citizens” (e.g. trans identities), would allow Appiah to claim that his gender is an aspect of his identity he had no sense of choice of whether it was his. The privilege of not having to question his male-hood because he agrees with it does not mean that he had no sense of choice, only that the choice was implicit. Similarly,

⁴⁴ Ibid.

⁴⁵ Ibid.

complacency about the identities available in the social canon (e.g. “visible”⁴⁶ identities) allows Appiah to not have to look past his ascribed identity, taking for granted those whose identity are in contrast to the societal available labels.

Appiah repeatedly confers to society and its group consciousness as a way of validating his identity. Because I do not believe that one’s identity ought to be conferred to society to be authenticated, I question the validity of Appiah's view on race. Appiah's views, however, are important because they provide a framework that utilizes great thinkers who have yet to conclude some of the things Appiah has. It is my job, then, to take Appiah on his word: "If I am wrong, I say, you do not need to plead that I should tolerate error for the sake of human liberation... [I do not owe my fellow citizens] a feigned acquiescence... you need only correct me".⁴⁷ While I appreciate Appiah’s ability to formulate ideas about how identity is currently seen, I hope that my thesis opens Appiah’s theory to include the non-visible identities he seems to ignore.

Appiah’s view on where impetus on where identity authentication ought to occur does change since the writing of “Race, Culture, Identity: Misunderstood Connections”, although most of the philosophic work on what identity is does not. In his later work, Appiah defines ethics and morality: Ethics being a reflection on what it means for human lives to go well which includes convictions about which kinds of lives are good or bad for a person to lead; and morality being principles about how a person should treat other people. By invoking ethics and morality in lieu of identity politics, Appiah posits that

⁴⁶ I put quotes around visible because I would like to express the concept of visible identities, those that you can distinguish visually, without supporting the idea that assumptions made about one’s identity visually is correct.

⁴⁷ Ibid, 136.

everyone ought to have a large variety of decisions to make in shaping their life and that those choices should belong to the person whose life it is. He adds that the standards used to decide whether an individual is flourishing are set by aims the individual sets for her- or himself and that the job of managing their life is their own.⁴⁸ Similarly, Appiah attributes social identities as integral to achieving eudemonia, and to how we treat others. Appiah asserts that an individual ought to have the authority to decide her identity; and argues that to do so would mean necessary steps in civil rights:

...allowing each of us fair chance at developing a dignified, autonomous existence, in which we can pursue a life governed by aims and an identity that we have reflectively appropriated, requires that we have access to employment and public space, as well as the rights and privileges of the citizen⁴⁹

Appiah also ties this authority to larger requirements of morality in order to ensure justice to one another as individuals.⁵⁰

⁴⁸ Appiah, "Politics of Identity," 18.

⁴⁹ K. Anthony Appiah, "Stereotypes and the Shaping of Identity," *California Law Review*, 2000: 45.

⁵⁰ Appiah, "Politics of Identity," 21.

Chapter 4: Ian Hacking & Labeling Theory

In Ian Hacking's article "Making up People," Hacking asserts a theory of how identities are often created, which can be referred to as labeling theory, but asserts that this theory although prevalent is not the only way identities may be formed. From his assertion against labeling theory, Hacking makes suggestions about how identities may be formed otherwise. In asserting this theory, Hacking also works on debunking this method as the sole arbiter in creating identities. Eventually, Hacking claims that this method of creating identities is an oppressive practice that ought not to be continued. Labeling theory as it is explained by Hacking, is interesting although seemingly devoid of the individualistic and social aspects of creating individuals he champions later in the paper. Labeling theory asserts that "social reality is conditioned, stabilized, or even created by the labels we apply to people, actions, and communities".⁵¹ The connection of identity and social reality is important because it describes the authentication of identities. Hacking claims that certain identities only came into being after the label was created for that identity. The two examples for this claim are Homosexuality and Split Personality Disorder. Hacking posits that before the label (via diagnosis) of Split Personality Disorder there were very few instances of any individual exhibiting the characteristics associated with SPD. Similarly, he argues that before the label of homosexual was created individuals who might have chosen to identify under that label

⁵¹ Ian Hacking, "Making Up People," in *Reconstructing Individualism: Autonomy, Individuality, and the Self in Western Thought*, ed. Thomas C. Heller, Morton Sosna, and David Wellbery (Stanford, Calif.: Stanford University Press., 1986), 163.

were not able to live a lifestyle that people might couch under the homosexual identity label today.⁵²

The difference between homosexuality and SPD patients may call into question what the difference is between an identity existing pre-label (if that can happen for Hacking) and a label describing actions already performed. For example, I think that it is clear from Hacking that the label of SPD increased the number of people who exhibited symptoms of SPD, but before the label of homosexuality was created there were certainly who were sexually attracted to me, you only have to look to Greece or the behavior of Pope Leo X to debunk any skeptical opinions. The similarities between SPD and homosexuality as an identity stem from the availability of the identity (and the descriptions associated with it) for others to act on. There were people, as Hacking states, that did exhibit SPD, just as there were people who had same sex attraction. However, the argument is that after the label was created many more people were able to (and did) adopt the label and their identities were shaped from the availability of the label to them. The claims that stem from this point are that identities are not static, which will be explored further, and that labels shape one's identity.

Labeling theory lends itself to the dialogical constitution of self that Appiah asserts. We see that when individuals are in dialogue with others they make use of the labels thus created to discuss and actualize themselves. Hacking, however, pushes against the belief that labeling theory is the end-all-be-all of individual constituting. His push comes in the form of denying that "nonexistent static nominalism" is correct. Nonexistent

⁵² Ibid, 162.

static nominalists believe that “all categories, classes, and taxonomies are given by human beings rather than by nature” and that these categories “are essentially fixed throughout the several eras of humankind”.⁵³ In other words, nonexistent static nominalism believes that identities are reified concepts that exist in a static arsenal of identities conceivably possible to us. What Hacking takes most issue with is the fixed nature of these categories, classes, and taxonomies. In opposition to nonexistent static nominalism, Hacking posits a different form of nominalism he calls dynamic nominalism. Dynamic nominalism disavows that kinds of persons existed and then slowly became recognized by bureaucrats or society as a sole method of personhood. Instead, dynamic nominalism believes that “a kind of person came into being at the same time as the kind itself was being invented”.⁵⁴ This version of nominalism allows for identities to be evolving, asserting that different kind (labels) will be created as individuals see fit within the evolving dynamics of everyday life.

Hacking’s dynamic nominalism is based on the thought that “who we are is not only what we did, do and will do but also what we might have done and may do. [Thus] making up people changes the space of possibilities for personhood”.⁵⁵ Thus, when labels are created so are new possibilities of spaces people can inhabit and form. This idea follows Elizabeth Anscombe’s truism about the intentional actions of individuals, which she posits must be “actions under descriptions”. An intentional action being under description alludes to the necessity of a description for that action to take place intentionally. Without the description of homosexuality, for example, my having sexual

⁵³ Ibid, 165.

⁵⁴ Ibid.

⁵⁵ Ibid.

relations with a man are no longer intentionally homosexual and my identity is not changed by the action. There is a hidden premise, then, that the defining feature of an action derives its authority from its intentionality. Hence, “if new modes of description come into being, new possibilities for action come into being in consequence”.⁵⁶

Hacking begins to argue that labeling theory is not the whole truth by pointing to future- and past-directed facts of an identity he believes continued to evolve post-labeling. “The life was no simple product of the labeling” is the conclusion he draws from the future-directed fact that, “after the institutionalization of the homosexual person in law and official morality, the people involved had a life of their own, individually and collectively. As gay liberation has amply proved, life was no simple product of the labeling”.⁵⁷ What he wants to point out is that despite the identity being created at the same time as the label’s creation as is described by his dynamic nominalism, the individuals who are created from the label continue to evolve as does their identity dialogically. Similarly the past-directed fact reaches a similar conclusion about the autonomy of the individual after being created. The fact that the “homosexual person became autonomous of the labeling” is the conclusion Hacking reaches in conjunction with the past-directed fact that “labeling did not occur in a social vacuum in which those identified as homosexual people passively accepted the format. There was a complex social life that is now only revealing itself...”⁵⁸ What Hacking means by the homosexual being autonomous of the labeling is shown by a thought experiment: try and imagine a gay bar and a split-personality bar. The homosexual experience and lives are autonomous

⁵⁶ Ibid, 166.

⁵⁷ Ibid, 168.

⁵⁸ Ibid.

from the labeling because they were able to create lives, and various types (leather gay bars, bear bars, twink bars, etc.) despite what an expert may have tried to claim about the label⁵⁹, while the split-personality individuals are still dependent on the experts who labeled them to describe their identities. We see from these facts, that although the homosexual identity was created at the same time that the label was, as is stated in his dynamic nominalism, the individuals who occupied this identity continued to shape and further the identity and its place in society.

Hacking's denunciation of labeling theory acting as the sole arbiter of "making up people" as individuals, calls upon the individual to be an active participant in the constituting of their selves. What seems to be the case is that the individuals take the place of experts in creating labels that are used to constitute new in-depth identities. Hacking specifies different vectors in this labeling creating sphere which distinguishes where the impetus for these descriptions exist. Hacking says that there is either a vector of labeling from above, from a community of experts, who create a reality that some people make their own, or there is a vector of the autonomous behavior of the person labeled, which presses from below, creating a reality every expert must face.⁶⁰

In relation to these vectors, and the claims he has made about the place labeling theory has in identity formation, Hacking posits that the phenomena of "making up people" he has described may be a new process in and of itself. "Is making up people linked to control?" he asks himself. He believes the answer to be yes and in observing

⁵⁹ And if the experts were anything like scientist Jerry Falwell, they tried to claim that homosexuality was a psychological disorder in need of (and susceptible to) treatment.

⁶⁰ Ibid.

this phenomenon of making up people we are “observing a particular medio-forensic-political language of individual and social control”.⁶¹ This theory of control seems to make sense, historically we have seen indigenous (and largely unknown tribes) labeled as barbarians, effectively dehumanizing their actions and rationality. Similarly, the creation of the German Jew label allowed for a new sphere of differentiating actions, motivations, and inhumane-ness. This new differentiation, as we know, was used to usher a period of genocide against them.

It may be argued that the act of labeling does not always have to be oppressive, and I agree. Labeling, whether it is others, or myself can be done positively. I can create or apply the label “Hero” to someone, which paints that person in a positive light and can positively influence their behavior and the descriptions with which they can use to act. I can similarly create an entirely new label that has similar positive attributes. The creation of positive labels, however, does not remove fault from the process of label making from above as oppressive. For example, the positive labeling of the recent Colorado movie shooter as a “brilliant science student versus the negative labeling of Trayvon Martin as a “thug” shows that positive labeling can be used to disenfranchise minority individuals. It is the positive force of labeling that I think ought to be granted to the individual to create.

From this inference we can begin asking questions of the morality of practices in which the goal may have been control. We can assert that by providing individuals with the impetus to use this framework to make themselves up, they are depowering oppressive practices seen in creating labels. If it is taken as true that Hacking’s labeling

⁶¹ Ibid, 164.

theory and dynamic nominalism are true, that identities are created at the same time that their labels are created, and it is taken as true that the phenomena of creating people is an act of oppression and control, then it makes sense that the practice either ought to be abolished or the experts with the authority from above ought to be analogous to the individuals with authority from below. That is to say that the power that is given to the experts from above should instead be given to the individual, and the individual should have the power to create the labels that allow for their identity to be expressed.

Based on the fact that Hacking's theory relies on Anscombe's intentional identification, one objection may be that individuals may not have the available modes of expression to create their own labels and thus their own identities. The objection goes: if our actions are limited by the descriptions we have available to us, then the actions available to us are limited by our expressive potential. Those actions and our expressive potential are shaped by our history, society, etc. So for example, in a society in which sex is regarded as something owed by women to men, a woman may not have access to the concept of rape. She may not be able to formulate that idea in any straightforward because of the conceptual scheme she was born into. Hacking's theory does not limit the actions to those tangibly available because he specifies that although the dialogical constitution of an identity is based on the ideas of one's significant other (the person one is in dialogue with) the labels one creates may be in "struggle against" or in contrast with those we are in dialogue with. For the women in the society where sex is owed men, the concept of rape can come from an opposition to that societies ideal. The existence of one extreme allows the opposite of that extreme to come into fruition. Even if rape is not the immediate concept that is created from struggling against this societies' customs, the

existence of women who no longer identify with the custom, and thus do not act as if sex is owed to men, allows others to constitute identities in which rape is an available concept.

Chapter 5: Charles Taylor on Recognition & Identity

Taylor's thesis has three parts: the first is recognizing that our identity is partly shaped by the misrecognition or recognition of others. The second is that through that recognition, the lack of recognition, or the misrecognition (by means of presenting a negative or demeaning image) individuals or groups can be caused to suffer. And the third is that, non-recognition can be a form of oppression or harm.

Taylor's first part is helpful in forming a theory of identity, while Taylor's second and third points can be helpful supplements to my argument for the individual.

Taylor defines identity more than once in his paper; the first attempt at defining identity says, "[Identity] designates something like a person's understanding of who they are, of their fundamental defining characteristics as a human being".⁶² Here we see the concept of the individual having a stake in what their identity is, and its potential ephemerality. A person's understanding of anything is subject to change and one's identity is not impervious to the changes we experience every day.

Taylor also goes on to distinguish an individual identity. The individual identity is one that is particular to me, and that I discover in myself.⁶³ Again, Taylor's definitional emphasis lies on the individual to distinguish aspects of the identity. Alongside the individual identity, Taylor presents the ideal of authenticity, an ideal whose importance he connects to our understanding of morality. The ideal of authenticity is the belief that I

⁶² Charles Taylor, "The politics of recognition," *New contexts of Canadian criticism* (1994): 25

⁶³ *Ibid*, 28

ought to be true to myself and my own particular way of being.⁶⁴ Taylor then makes a claim as to why we ought to strive for the ideal of authenticity when distinguishing our individual identity: “There is a certain way of being human that is my way. I am called upon to live my life in this way, and not in imitation of anyone else’s life... if I am not, I miss the point of my life, I miss what being human is for me”.⁶⁵ Here we see that identities not coming from the individual’s own impetus is an imitation and is not achieving the authenticity that comes from discovering one’s own identity.

Taylor elaborates on the idea that authenticity to self is connected to morality by pointing to where the self is seen as constituting a part of morality or is seen as important in understanding morality. Taylor believes that this distinction begins with the idea that humans are endowed with a moral sense of right and wrong.⁶⁶ Taylor is speaking of the common idea that when you act wrongly there is an inner voice or understanding that your action is wrong. What constitutes wrong for the individual depends on many different circumstances such as how someone was raised. Taylor’s point is not a claim about morality’s universality; in fact the moral tenets connected to the ideal of authenticity accords for the fact that the individual’s sense of self and therefore sense of wrong will be different. This difference is connected to our constituting ourselves through dialogue with others. Taylor continues that the inner voice becomes important towards the end of acting rightly. In order to act rightly for oneself the individual must be able to claim authenticity in their identity. In accordance with Mills thoughts on authentic individuality, Taylor connects his claims about morality and authentic individualism:

⁶⁴ Ibid.

⁶⁵ Ibid, 30.

⁶⁶ Ibid, 29.

It accords moral importance to a kind of contact with myself, with my own inner nature, which it sees as in danger of being lost, partly through the pressures toward outward conformity, but also because in taking an instrumental stance toward myself, I may have lost the capacity to listen to this inner voice.⁶⁷

Of the formation of identity, Taylor points to a term adopted by Appiah: dialogically constituted. “We define our identity,” Taylor points out, “always in dialogue with, sometimes in struggle against, the things our significant others want to see in us”.⁶⁸ It is important to distinguish that although Taylor believes that our identity is defined socially, as in through interactions with others, he still believes that its authenticity and form come from the individual’s solitary digestion of information. To that point, Taylor says that “being true to myself means being true to my own originality, which is something only I can articulate and discover”.⁶⁹ In addition, although we are capable of defining ourselves only when we acquire the rich human language of expression and engage in dialogue with one another, Taylor believes that “we are... expected to develop our own opinions... towards things and to a considerable degree through solitary reflection”.⁷⁰ This would suggest that although as individuals we are subject to the thoughts and actions of those around us, the individual has final say about their own identity by using the dialogue one has with others to make decisions about their own identity. Finally, on the topic of identity formation, Taylor urges his readers to take the mantle in discovering their selves separating from one’s parents and by extrapolation any overarching system or people who might color how one sees themselves. “We should strive to define ourselves on our own,” Taylor pontificates, “to the fullest extent possible,

⁶⁷ Ibid, 30.

⁶⁸ Ibid, 33.

⁶⁹ Ibid, 30.

⁷⁰ Ibid, 32.

coming as best we can to understand and thus get some control over the influence of our parents and avoiding falling into any more such dependent relationships”.⁷¹

The Politics of Difference vs the Politics of Universalism

Taylor then discusses various forms of politics and principles in light of the important role recognition plays in identity formation and the moral treatment of individuals and people. The principles and politics Taylor discusses are the: politics of universalism, principle of universal equality, principle of equal citizenship; the politics of dignity and the politics of equal dignity; and the politics of difference. Although these different terms can be confusing, his discussion essentially falls into two camps: the politics of universalism and the politics of difference. The discussion of the difference between the politics and principles of universalism and those of difference shed light on how we ought to treat individuals. The discussion speaks about whether we ought to be difference-blind or champion differences in working through the moral way we ought to treat individuals. In line with my argument, I will use Taylor’s discussion to discuss the importance of celebrating one another’s differences, a necessary step to granting authority of one’s identity to the individual.

The politics and principles of universalism emphasize the equal dignity of all citizens, and the equalization of rights and entitlements.⁷² The prominence of the term dignity rose with what Taylor called “the collapse of social hierarchies,” which he explains is the move that transitioned human worth formerly placed on honor to be placed

⁷¹ Ibid, 32.

⁷² Ibid, 37.

on inherent human dignity. Taylor describes the fight against discrimination that takes place under the heading of the politics of universal dignity as using methods to fight that “were blind to the way citizens differ”.⁷³ Under this same heading lie the politics of equal dignity, which bases its efforts against discrimination on the idea that all humans are equally worthy of respect.⁷⁴ Those who agree that they want what is morally best for the individual and society may take the side of the political Universalist, which I hope to prove to be the weaker camp of moral recognition.

The politics of difference, on the other hand, explains that the universal potential that all humans share is the potential to form and define one’s own identity as an individual and as a culture.⁷⁵ Champions of the politics of difference claim that the politics of universalism negates identity by forcing people into a homogenous mold that is untrue to them.⁷⁶ This forced identification seen in the politics of universalism is likened to the politics of a hegemonic culture. Based on its definition, the politics of difference claims that European/white domination of identity, which we see in history as “suppressed or minority cultures... being forced to take alien form”, are both factually mistaken and morally wrong.⁷⁷

With regards to the politics of universalism and its place in legislation, Taylor makes a claim about two competing views towards morality. The substantive view includes concerns about the ends of life and what constitutes a good life. A procedural

⁷³ Ibid, 39.

⁷⁴ Ibid, 41.

⁷⁵ Ibid, 42.

⁷⁶ Ibid, 43.

⁷⁷ Ibid.

view, on the other hand, would be concerned with a commitment to deal fairly and equally with each other.⁷⁸ Taylor holds that legislation cannot hold a substantive view, such as making people virtuous, because “given the diversity of modern societies, it would unfailingly be the case that some people and not others would be committed to the favored conception of virtue”.⁷⁹ In order to extrapolate this claim, Taylor argues that even with a majority, this substantive outlook would not be treating the dissident minority with equal respect. It would be saying to them, “your view is not valuable, in the eyes of this polity, as that of your more numerous compatriots”.⁸⁰ Consequently, Taylor believes that a liberal society must ensure only that citizens deal fairly with each other and the states deals equally with all.⁸¹ The procedural view’s aims allow for citizens to be concerned with their own autonomy and morality, while putting emphasis on not infringing on the autonomy of others by dealing with them fairly.

It is from the championing of the politics of difference, that I make my claim that an individual who is choosing their own identity ought to be recognized. When arguing against the principles of universalism I am not arguing against the equal dignity of everyone. However, I want to further the claim to be that everyone’s inherent equal dignity ought to be championed in light of their differences not through ignoring them. If we want our citizens to be authentically themselves, then we must accept and recognize their differences and fight not to misrecognize those differences through our own rose colored lenses.

⁷⁸ Ibid, 56.

⁷⁹ Ibid, 57.

⁸⁰ Ibid.

⁸¹ Ibid.

Chapter 6: What does a society in which the individual has the authority look like?

Without choosing a winning theory of identity, we see by combining the three theories posited by Appiah, Hacking and Taylor that the principles important in allowing individuals to choose their identity are that: (1) to be an identity there must be criteria by which one is shaped and describes one's self (actions, feelings, thoughts) (Appiah); (2) Individuals who create identities from their own actions and behaviors ought to be able to create the label describing themselves (Hacking); (3) The criteria and labels created by the individual ought to be recognized (or not mis/non-recognized) (Taylor).

As a first example lets take Christine Jorgensen, a transgender female who was mis-gendered at birth. The criteria to claim that identity, say the criteria transgender females believe describe their identity are: a feeling that the gender to which they were born, or assigned at birth, does not fit them; in addition to possibly identifying as neither male or female.⁸² Here the transgender female who has begun the process of properly gendering themselves, has already created the label that denotes their identity as transgender. Jorgensen famously said that, "if you understand trans-genders, then you understand that gender doesn't have to do with bed partners, it has to do with identity".⁸³ She was pushing against the label of transsexual and the implications the label had about her sex and her sexual preferences. It is this push against the likes of Harry Benjamin⁸⁴ that describes the struggle against dialogues that were occurring during that time that

⁸² <http://www.advocatesforyouth.org/publications/publications-a-z/731-i-think-i-might-be-transgender-now-what-do-i-do>

⁸³ <http://www.cristanwilliams.com/b/tracking-transgender-the-historical-truth/>

⁸⁴ Harry Benjamin wrote "The Transsexual Phenomenon" in 1966, which was regarded as the Transsexual Bible, as the thought leader and expert on transexualism.

Hacking asserts. Under the label transgender are also the labels “genderqueer, gender neutral, and/or gender-free” which describe the non-binary individuals who were misgendered at birth. Lastly, then, and here is a description of the current charge of the trans-movement, is the charge that these criteria and the labels under the trans heading ought to be recognized. The analogies between these philosopher’s claims and the goals of the Trans-movement suggests to me that these criteria fit for characterizing transgender individuals allowing an individual the authority to choose their identity.

It is a fine line between adopting labels and creating them, and because I am unaware of any new labels that ought to be created, because my current identities are available in the current societal lexicon, I am forced to speak of identities whose labels have also already been created. Whether it is believed that Christine Jorgensen or Virginia Prince, another transgender woman who is thought to claim the terms associated with transgenderism, the idea is that to their knowledge others had not been using the term. More importantly, those she was in dialogue with were not using the term to describe her and so she felt a need to “create” a label that accurately described her identity. The idea of creating a label or identity does not necessarily have to claim that it is the first time the label or identity was created, but that the identity or label was created in lieu of a lack of discussion or availability of the label for the individual creating it.

This example does not sufficiently answer the question dissenters of my claim may ask; mainly: Can an individual trying to identify as trans in fact not be trans? I think that this question, and any other extrapolating claims that come hence, whether an individual can claim an identity that is not their own, is largely handled by the criteria set forth by the identities. If an individual is claiming to be trans then by the criteria of the

identity, that person feels misgendered. It is not the place or under the authority of any other body but the individual to police whether or not the individual is or is not misgendered. It may be the case that the individual, through dialogue or other maturing, may find that their gender identity is more fluid than they had originally conceived—which would still place them as a trans individual but possibly not in the way originally stated by the individual. Under the ideal of authenticity, the individual who is feigning an identity will feel unfulfilled and inauthentic. It is a pressure that can be instrumental in having the individuals seek and champion their own identity.

It still may be argued that my claim that “if an individual is claiming to be trans then by the criteria of the identity, that person feels misgendered” is not true. It can be the case that someone claiming to be trans is in fact not misgendered. They may claim to be trans, despite feeling correctly gendered, in order to fulfill self-interests: receiving a scholarship to a woman’s college, or to be transferred to a woman’s prison for example. This potential failing in allowing individuals to choose their identity would suggest that their needs to be some sort of fail safe from governing bodies (courts, immigration panels, schools) to prove the authenticity of the individual’s claim.

There are a few claims I can make to counter this mode of thinking. The first I can think of is inciting a Rousseauian claim about the role of governing bodies on the individual. Rousseau in his major work of political philosophy, *The Social Contract*, argues with the Harm Principle, that the government ought to only interfere with the life of an individual if an individual’s action does harm onto others. Moving a non-transfemale, i.e. a cis-gendered male, to a woman’s prison due to false claims to an identity may be harmful. However, I can imagine especially in lieu of the discussion of

the powerful effects of labels and recognition on the shaping of an individual's identity, that those who claim an identity would be pressured to conform under that label in order to reap the benefits of the false claim. This is a different angle of the mis-recognition problem described by Taylor. If a male individual has reason to claim a trans-identity, I think that the power of that reason and the pressure to conform to that identity would do one of two things: either it will shape the individual's identity, possibly shaping it into conforming to the trans label, or it will be too much to handle either explicating his inauthenticity or forcing him to leave on his own accord.

Take for example a white man attending an all black caucus meeting. The white person, so identified, would (I imagine) feel great discomfort in trying to share their feelings in a room full of black individuals. They would too find great difficulty speaking at said meeting. In David Velleman's book, *Foundations for Moral Relativism*, Velleman speaks of the moral agency of a virtual avatar. Of this moral agency, Velleman describes the necessity of believability for an avatar to exhibit in order to be considered an agent, and not a computerized bot, to another agent.⁸⁵ I think this description of agency also applies to a non-virtual world. There is a level of believability that occurs when one speaks from a similar life experience or identity. That believability is fractured when, say, a white person loaded with privileges tries to speak about topics others without that privilege speak of; just as a cis-male who has the privilege of living while correctly gendered couldn't speak believably about the experience of being mis-gendered.

Then, I would argue that, since we do not currently have the technology to read into the sincerity of an individual's claims, we ought to take the individual on their claim.

⁸⁵ J. David Velleman, *Foundations for Moral Relativism* (DOI: 10.11647/OBP.0029, 2013).

The power of the claim, the label placed on the individual through the claim, and the recognition of that label, as well as the believability test that ties into the ideal of authenticity will help in sorting out whether the individual is in fact authentic in their claims, or push the individual towards authenticity.

The other question that comes up is about the criteria that are used to authenticate an identity. How do the individuals in the group authenticate the criteria decided upon? If one trans-female wants a criterion to be the use of hormones and another does not, how is this disagreement resolved? One possible solution is to make the criteria more general. In the definition above, the criteria did not stipulate that the trans-female ought to use hormones. Now, there might be discussion that the use of hormones may help authenticate the identity of an individual, in this example the use of hormones is often considered the best cure for gender dysphoria, however, the outward expression of a person does not change their identity. Another solution comes to mind when analyzing Appiah's concerns about the word identity. The problem with using the word identity, for Appiah and many identity theorists, to describe aspects of race, gender, sexuality, etc., is that there is a dominant framework that denotes what identity is to another. The term identity can suggest that "everyone of a certain identity is in some... sense idem, i.e., the same, when in fact, most groups are internally... heterogeneous..."⁸⁶ The question I think ought to shift from whether an identity that does not fit person A's criteria for identity X is false, but rather can person B's criteria for identity X be equally valid. I am black, and as is Oprah. The criteria (other than our physical features) that we would use to define that identity are potentially very different.

⁸⁶ K. Anthony Appiah, "The Politics of Identity," *Daedalus*, Vol. 135, no. 5, (2006): 15.

Arguments for a single set of criteria for an identity does not allow for individuals identity to be multitudinous. If identity is actually dialogically constituted then the dialogue with which one constitutes their identity will be different from New Orleans to Northern California and even more different in Sweden. It would make sense then that individuals who identify within a specific identity may have different criteria for that identity.

Chapter 7: Conclusion

After analyzing the work of Appiah, Hacking and Taylor, I came up with a theory of identity that allowed individuals to discover their own identity either in agreement with those they were in dialogue with or in struggle against as Hacking argued. This theory of identity recognized that humans have a need to create labels for things that they do not understand. However, instead of allowing others to create labels for individuals, my theory sought to allow the individuals to create labels for themselves. In accordance with Appiah's claims, I also included a necessity for criteria in the creation of one's identity.

My theory, however, may not feel satisfactory for those who assume the worst of individuals. They may not believe authenticity to be a powerful enough force to curb individuals from claiming false identities, or keeping the false identities that they claim. These dissenters may feel a need to call for accountability on the part of individuals, they might say that tests will have to be issued. If I had the time, and expertise, to study the politics of the situation more I would seek a way in which claims of inauthenticity could be tested by governing bodies. I agree that false identities may be claimed, and when inauthenticity is felt or exhibited those individuals may be asked to share why they are who they are. I believe that these tests, however, ought to be based on different assumptions, on different power structures. It shouldn't be that the UK can designate what it means to be gay for Ugandans. Instead, gay Ugandans ought to be able to choose what it means to be a gay Ugandan and the UK should test an individual's authenticity on that.

A test similar to the one I am describing was used to distinguish which members of Los Angeles' County Sheriff's Men's Central Jail were able to enter into K6G, the gay wing. Prisoners who initially complained about their safety in the men's prison were initially put into K6G. As those prisoners were released and new prisoners asked to be placed into K6G, the jailers asked current members of K6G to provide questions and detailed answers they could ask. This process allowed the jailers, not with 100% accuracy I'm sure, to ask questions that the self-identified men and trans-women of K6G found suitable. This alternative, I believe, is much better than that of the UK and their gay tests. In fact, K6G caught headlines in November of 2014 because of the unprecedented peace, creativity, and unity found in the wing.⁸⁷ Prisoners who were able to find solace in their identity, even in a place as dangerous and treacherous as an LA jail, seem to prosper more than their peers.

⁸⁷ Ani Ucar, "In the Gay Wing of L.A. Men's Central Jail, It's Not Shanks and Muggings But Hand-Sewn Gowns and Tears," <http://www.laweekly.com/informer/2014/11/18/in-the-gay-wing-of-la-mens-central-jail-its-not-shanks-and-muggings-but-hand-sewn-gowns-and-tears>

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