Group Freedom: A Social Mechanism Account

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Abstract
Many existing defenses of group rights seem to rely on the notion of group freedom. To date, however, no adequate analysis of this notion has been offered. Group freedom is best understood in terms of processes of social categorization that are embedded in social mechanisms. Such processes often give rise to group-specific constraints and enablements. On the proposed social mechanism account, group rights are demands for group freedom. Even so, group rights often serve to eradicate individual unfreedom. Furthermore, generic measures sometimes provide the most appropriate solution to a problem of group unfreedom.

Keywords
group freedom, group right, liberal multiculturalism, social categorization, social mechanism, inscription, ascription, social group

The view that group rights should play an important role in liberal societies is widely accepted within contemporary political philosophy. Will Kymlicka uses the term “liberal multiculturalism” for this position:

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He describes it as the view that groups as diverse as ethnic and religious minorities, women, and gay people “have a valid claim, not only to tolerance and non-discrimination, but also to explicit accommodation, recognition, and representation within the institutions of the larger society” (Kymlicka 2001, 41; see also Patten 2014). Liberal multiculturalists defend group rights ranging from rights to education in one’s native language to exemptions from animal slaughtering rules, from affirmative action to representation rights. However, despite the emerging consensus concerning the validity of claims to such rights, there is no agreement as to exactly which group rights should be upheld and why. A natural thought, which seems to be implicit in many existing defenses, is that group rights can be justified in terms of group freedom. But, as far as I know, the term “group freedom” is used only once in this literature. Peter Jones (1999, 354) writes that “group rights are often articulated as demands for group freedom” (he adds that “they are also feared as vehicles for group oppression”).

In this paper, I propose a conception of group freedom, and I explain how group rights can be seen as legitimate demands for group freedom.

Section 1 addresses the social categorization processes involved in discrimination and identification. I explicate them as processes of ascription and inscription (Pierik 2004). Such processes lie at the heart of my analyses of the notions of a social group, a social practice, and that of a social mechanism. They prepare the way for what I call “the social mechanism account of group freedom” that I present in section 2. Subsequently, I discuss an alternative proposal—inspired by the accounts of group rights that Joseph Raz (1986) and Denise Reaume (1988) defend—according to which the distinctive feature of group freedom is that it has a collective object such as a public good. My criticisms of this view, which I present in section 3, serve a constructive purpose, as they reveal that the scope of the social mechanism account suitably aligns with the accounts of group rights that I target.

The social mechanism account of group freedom facilitates an answer to the question whether group rights can be justified in terms of group unfreedom. I argue in section 4 that this is in fact rarely the case. This is due to two

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1Sen (2006, 115) uses the terms “cultural liberty” and “cultural freedom,” and Pierce (2012, 59) uses the term “collective freedom”. However, the underlying notions are undertheorized. Carter (1999) uses the term “group freedom” to designate the possibility that a number of individual agents can exercise their individual freedoms in conjunction. As any arbitrary collection of individuals can be free as a group in this sense, it is only indirectly relevant to the debate on group rights.
features of the social mechanism account: group freedom is nonbivalent and value-neutral. Given that group freedom and unfreedom are contraries rather than contradictories, group-specific means are not the only means for resolving a group unfreedom. And when a group unfreedom is eradicated by generic means rather than by means of a group right, the resulting situation is one in which everyone is free individually irrespective of their group affiliations. For instance, gender discrimination can be reduced by targeting biases in the job application process rather than by means of positive discrimination. The upshot is that, when group unfreedoms are the problem, group rights need not be the solution.

Group rights that are justified in terms of the value of culture require an appeal to group identification or to group-specific valuations of cultural practices. As the social mechanism account is value-neutral, however, such valuations do not feature in the definition of group freedom. An advantage of this is that the social mechanism account facilitates an unambiguous separation of descriptive and normative matters. It implies, however, that the problem that group rights solve in this case is one of (ordinary) individual unfreedom. In order to appreciate why this is, consider a generic ban against some practice such as the consumption of peyote or of ritual slaughter. In the presence of a generic ban, there is no inscriptive or ascriptive schema that explains why some group is unfree. In contrast, the resulting freedoms are due to a social mechanism. Hence, they are group freedoms. And they are justified in terms of individual unfreedoms. The surprising conclusion is that group unfreedoms rarely justify the introduction of group freedoms.

1. Freedom, Practices, and Groups

1.1. Kinds of Group Freedom

Freedom can be negative or positive. Negative freedom consists in the absence of constraints. Suppose I want to buy groceries, but the store just closed. When this happens, I am constrained from entering the store, and as such I am unfree to enter it. Being free in the negative sense of the term requires the absence of constraints. Positive freedom, in contrast, is a matter of enablement. Imagine that I am in a wheelchair and the grocery store has put in place a ramp that makes it possible for me to enter. In this case, I am free to enter the store in the positive sense of the term. Being free in this sense requires relevant capacities or resources. When there is no ramp, I am unfree in this sense even if no one prevents me from entering the store. Similarly, the absence of affordable health care can restrict
someone’s positive freedom even if no one prevents her from entering the hospital.\(^2\)

According to Gerald MacCallum (1967), freedom is a three-place relation between an agent, an action, and a preventing or enabling condition. This provides in principle for three ways of developing a conception of group freedom. The first is in terms of group agency. Following Virginia Held (1970), Peter French (1984), and Raimo Tuomela (1995), I regard the use of a collective decision procedure as the mark of group agency (Hindriks 2008b; see also List and Pettit 2011). The freedom of group agents, or corporate freedom, has not nearly received the attention it deserves. Arthur I. Applbaum (2007) discusses how states can be free. Hindriks (2008a) discusses the conditions under which a group agent is free to perform a joint action.\(^3\) As indicated in the introduction, however, the account of group freedom that I develop here should be conducive to defending the rights of a wide range of groups. This includes the rights that are specific to ethnic and religious minorities, as well as those of women and gay people. Such groups need not be organized in that they do not need to have the means to make decisions together. In light of this, I do not consider corporate freedom here.

Second, the notion of group freedom could be explicated in terms of the action that certain agents are free to perform, or in terms of what is called “the object of freedom.” Group freedom could, for instance, consist in the freedom of a nonorganized collection of individuals to perform an action together, such as dancing the tango or celebrating a national holiday (Bratman 1992; Gilbert 1989). Alternatively, it could be argued that, in analogy to Raz’s (1986) and Reaume’s (1988) conceptions of collective rights, group freedom is the freedom to use public or participatory goods. I criticize this approach in section 2, arguing that it does not have the proper scope for my purposes. It misidentifies some (ordinary) individual freedoms as group freedoms. Furthermore, it fails to accommodate freedoms that really are group freedoms.

The third option is to explicate the notion of group freedom in terms of preventing and enabling conditions. An example of a negative group freedom

\(^2\)See Berlin (1969), Oppenheim (1981), Miller (1983), and Hindriks (2017) for negative conceptions of freedom. Cohen (1979, 2011), Sen (1985, 1999), Carter (1999), Kramer (2003), and Dowding and Van Hees (2007) present positive conceptions of freedom. My usage of the term “positive freedom” should be distinguished from that of Berlin (1969), who uses it for conceptions of freedom such as autonomy, which concern the cognitive or affective capacities an agent has.

\(^3\)See Jones (1999) for an account of corporate rights.
of this kind is the legal exemption that members of the Native Church of America enjoy due to which they are free to consume the drug peyote for spiritual purposes. A negative group freedom consists in a group-specific exemption from a preventing condition. A positive group freedom is due to a group-specific enablement. Publicly funded religious schools make religious minorities free in this sense to have their children educated according to the precepts of their religions.

In section 1.2, I explicate the notion of a group-specific preventing or enabling condition in terms of the notion of a social practice. On my conception of them, social practices are due to social categorization processes. And these categorization processes give rise to social groups. In light of this, I argue that group freedoms are freedoms that individuals have due to being a member of a group. As I see it, the roles that social groups, social practices, and group-specific freedom conditions play in the account make it—to use Reaume’s (1988) term—sufficiently “groupy.” I should emphasize, however, that on my conception of them, group freedoms are held and exercised by individuals. In these respects, they are in fact individual freedoms.

I refer to this as “the individual-agency thesis.” Some will balk at the idea that group freedom is a kind of individual freedom, even if the relevant individuals are members of a group. The first argument I offer in response is a point of logic. The bearers of freedom are either individual agents or group agents. As just discussed, I am not concerned with group agents here. As many group rights do not pertain to group agents either, this can hardly be a problem. The point to note, however, is that there are no agents other than individual and group agents. It follows that the agents of group freedom must be individual agents. *Non tertium datur:*

The second consideration is a companions-in-guilt argument. Some philosophers have embraced the individual-agency thesis about group rights. In particular, Kwame Anthony Appiah (2005, 72), David Miller (2002a, 180), and Yael Tamir (1993, 45) regard individuals as the bearers of group rights. Miller (2002a, 178), for instance, rejects the idea of thinking “of the group itself as the bearer of the right” and argues instead that their bearers are “all the individuals who make up the group.” He adds that group rights “are given to group members by virtue of their membership of the group in question” (Miller 2002a, 180).

The third argument concerns the nature of my project. The quest of this paper is to formulate an account of group freedom that serves to justify group rights such as those mentioned in the introduction. I will argue in section 4 that an account that satisfies the individual-agency thesis provides for the best way to do so. Before I present my account of group freedom in section 2, I need to introduce the notion of a social practice and that of a social group.
1.2. Social Practices and Social Groups

Social practices are in the first instance recurring activities in which a number of people regularly engage. They may range from linguistic practices to job market practices, from the celebration of a national holiday to hooliganism during European soccer matches. In addition to this, many participants in a social practice have a common conception of how the activities are performed. At the heart of this conception lies a schema on the basis of which people act (Cudd 2006; Fiske and Taylor 1991; Haslanger 2012; Sewell 1992; Valian 1999, 2005). The schema specifies a situation and an action that the agent typically performs in that situation. Schemas facilitate the recurrent performance of the relevant activities. Thus, schemas structure what people do. People acquire schemas in some process of socialization. This explains why the schemas on the basis of which different people act tend to be similar to one another and overlap in important ways. Combining these features results in a conception of social practices as recurring schema-based activities.

This schema-based conception of social practices is fairly undemanding, which is a virtue in this context. For instance, schemas can be explicit mental representations. However, they can also be implicit mental associations. Implicit schemas can play a useful role in accounting for discrimination within various social practices (Gendler 2008).

The account remains silent about exactly which intentional attitudes are involved in social practices, as this is an empirical matter. Participants will frequently be mutually aware of the recurrent performance of the relevant activities. This does not mean that accounts such as this one are uncontested. Turner (1994) criticizes the notion of a shared social practice and argues that no adequate account has been provided for the transmission of social practices, which in this case amounts to the transmission of schemas. More recent attempts to account for this include Sperber’s (1996) theory of cultural evolution and Hacking’s (1999) theory of classificatory looping.

The schema account of social practices is also undemanding in that it is consistent with many other theories. For instance, game-theoretic accounts of conventions and institutions can be reconstructed in terms of schemas. Hindriks and Guala (2015) and Guala and Hindriks (2015) argue that theories such as Lewis’s (1969) theory of convention implicitly features rules. According to this theory, the regularity that is a convention is specific to a situation S. Hence, the expectations of those who participate in the convention feature a rule of the form: if S obtains, do X. Such rules can be regarded as schemas.
actions (Tuomela 2002). In some cases, participants might accept a common plan and intend to do their parts individually (Shapiro 2011). Activities can also be shared in a stronger sense according to which people perform the relevant activities in part because others do—they act on the basis of interlocking or shared intentions (Bratman 1992). Some social practices are governed by norms that permit, obligate, or prohibit the relevant activities. Such norm-governed social practices are institutions (Tuomela 2002, 156). Group rights are normative in the requisite sense. And when they are properly implemented, they entail social practices. Hence, group rights are institutions.

The notion of a schema provides the link between social practices and social groups. Processes of social categorization give rise to social groups (Stangor, Jhangiani, and Tarry 2014). Any predicate that is distinctive of a collection of individuals defines a category. Redheads, left-handed people, and insomniacs are categories, even in the absence of a social practice in which they feature. A social category, as I use the term, is a category of people who play some role in a social practice. The participants in a social practice typically act on the basis of a common schema that features some activity as characteristic for the members of some category. Such schemas give rise to classifications and behaviors due to which the members of the category come to form a social group.

Some social groups are identified from the outside: they exist due to categorization by others. Others are identified from the inside: they exist due to self-categorization. Following Roland Pierik (2004), I refer to the former categorization as ascription and to the latter as inscription. By extension, I distinguish between ascriptive and inscriptive schemas, and between ascriptive and inscriptive groups. Ascriptive schemas specify a way of treating other people who belong to a certain category. As a consequence of this differential treatment, members of that category form an ascriptive group. Consider people with red hair. They are often bullied when they are young. However, when they grow older, they—in particular women with red hair—are often regarded as particularly attractive. Outsiders identify people as belonging to these categories and display particular actions toward them. Such differential treatment gives rise to ascriptive groups. Gender discrimination on the labor market, for instance, contributes to transforming females into women (Haslanger 2012). Along the way, females are ascribed certain properties that might be taken to

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6Killmister (2011) makes a roughly parallel distinction between relational and nominal models of groups.
explain, for instance, why they are unfit for certain jobs. Those ascriptions provide the basis for the differential treatment they receive. They might, for instance, not be hired for certain jobs even though they are qualified.

Inscriptive schemas attribute features to the members of a category to which an agent belongs in an indexical or self-referential way. Furthermore, they motivate those members to participate in certain practices and perform characteristic behaviors. Such features and actions are regarded as significant to being a member of that category. An important kind of inscriptive group is the social identity group. The members of a social identity group self-consciously identify themselves as members of a group. Social identity groups play a prominent role in the literature on group rights (Miller 2002a, 178-79; Parekh 2000, 156; Sen 2006, 26-27). Prominent examples include ethnic and religious groups, the members of which share certain central convictions and activities with each other. As with other inscriptive groups, the activities that the members of social identity groups undertake in virtue of their common schemas form social practices. Note that, just as ascriptive schemas, inscriptive schemas can be oppressive. Religious people might, for instance, oppress members of their group in the name of the views they hold. In light of this, Kymlicka (1995, 37) famously argues that, whereas external protections are often justified, internal restrictions are not.

In the case of inscriptive groups, the set of people who inscribe features coincides with the set of people to whom those features are attributed. The target group and those who target them differ from each other when it comes to ascriptive groups. It is important to note, however, that they may overlap. Perhaps, for instance, men are not the only ones who discriminate against women. Those doing the ascription can be called “the ascription group.” The point, then, is that ascriptive and ascription groups are distinct but may well have members in common.

Inscription and ascription are not mutually exclusive. It is possible, for instance, that gay people are the target of ascriptive attitudes, and that they also share inscriptive attitudes. A number of gay people, for instance, might have self-directed beliefs and preferences, and a conception of a common way of life. Furthermore, a process of ascription may in fact give rise to inscription, or vice versa. David Miller (2002a, 179) observes that “[v]ery often what turns a category of people into a group proper is the experience of oppression or discrimination.” Note also that inscriptive attitudes need not be explicit, nor for that matter positive.7 People sometimes self-ascribe negative

7See Gendler (2008) and Huebner (2009) for accounts of how implicit attitudes can influence actions.
stereotypes (Steele 1997). The key point is that the inscriptive attitudes people have are significant for who they take themselves to be and bear on their behavior in that they trigger actions that constitute social practices.\(^8\)

As social practices can cut across each other in ways similar to social categories, the schema-based approach can be used to do justice to intersecting identities (Appiah 2005; Haslanger 2012; Sen 2006). Social practices can be individuated in a fine-grained way. Hence, the approach does not confine people to systems of social practices or cultures that lay constraining claims on people’s overall identity.\(^9\)

So how do social practices affect people’s freedom? The key thing to note is that ascriptive and inscriptive schemas give rise to processes of exclusion and inclusion. Consider ascriptive schemas. Someone who acts on the basis of an ascriptive schema treats members of the ascriptive category in a different way from others. For instance, women who are discriminated against on the labor market will have a poorer chance of getting certain jobs. By being excluded in this way, many women are prevented from having such jobs. Thus, they suffer a disadvantage. The members of the ascriptive group are constrained or interfered with and thereby made unfree. Inscriptive schemas give rise to processes of inclusion—by implication, they exclude nonmembers. They feature actions that have significance for the members of the inscriptive category. The actions they give rise to constitute social practices. Whereas ascriptive schemas modify behavior within a practice, many social practices would not even exist if it were not for inscriptive schemas. Many of these practices will involve resources that would not otherwise be available.\(^10\)

Think, for instance, of official forms that are available in a number of minority languages. In this way, such practices constitute advantages.

\(^8\)Even so, they exclude others and can, as such, be discriminatory. Consider men who favor men because they are men. Women can be excluded as a by-product of such an inscriptive schema. (This transforms them into a social category, but not necessarily into a social group—as in this case, there need not be any ascriptive or inscriptive schemas that pertain to women.) Because it is due to a schema, such discrimination is structural rather than incidental (cf. Lippert-Rasmussen 2014).

\(^9\)People with physical disabilities need not form an ascriptive or an inscriptive group. This implies that their unfreedoms need not be group unfreedom of the kind at issue in this paper. Note, however, that this leaves open that they are entitled to compensation for reasons unrelated to the arguments under consideration.

\(^10\)Resources are in fact often regarded as an integral part of social practices (Giddens 1984; Haslanger 2012; Sewell 1992).
They are enabling and make people free (in the positive sense of the term). 11

2. Social Mechanisms and Group Freedom

2.1. Social Mechanisms

The notion of a social mechanism is useful for explaining exactly how social practices can affect people’s freedom. A mechanism is a structured causal process (Hedström and Ylikoski 2010, 50-51). Mechanisms have parts and the way a mechanism works depends on how its parts interrelate. Peter Hedström (2005, 25) defines the notion of a social mechanism as follows: “A social mechanism [is] a constellation of entities and activities that are organized [not necessarily intentionally] such that they regularly bring about a particular type of outcome.” In light of this, social mechanisms can be individuated partly in terms of particular outcomes that social practices have. The outcomes that are relevant in this context are the effects social practices have on people’s freedom.

Talk in terms of social practices is too coarse-grained to adequately identify group freedoms. Consider the labor market once again. This practice has a wide range of outcomes, including hiring and firing. If the goal is to single out gender discrimination within this practice, one needs a more fine-grained description of this process within that practice. In this case, the relevant outcome is a skewed hiring pattern. This can presumably be explained in terms of particular features of the schemas on the basis of which many participants act. In the process, the category of females is transformed into the social group of women. As the excluding effect is limited to women, the mechanism at issue is group-specific.

As an example of a social mechanism that features inscriptive schemas, consider hooligans. They often prevent nonviolent soccer fans from peacefully watching soccer matches. However, they also enable each other to engage in certain forms of violence. According to Ramón Spaaij (2008, 373), one feature of the inscriptive schema of “self-styled hardcore” soccer

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11Cudd’s (2006) definition of social groups connects group membership directly to freedom. She takes a social group to consist of a collection of individuals “who share (or would share under similar circumstances) a set of social constraints on action” (Cudd 2006, 44). My definition is formulated instead in terms of the schemas that give rise to social constraints (and enablements), and thereby connects social groups to freedom indirectly.
hooligans in Western Europe “is their involvement, to varying degrees, in violent confrontation with opposing hooligans.” One group’s freedom turns out to be another group’s unfreedom.\(^{12}\)

These two examples reveal that group-specific mechanisms explain how processes of exclusion and inclusion make people unfree or free. Talk in terms of social practices does not suffice for this purpose, as the notion of a social practice is too coarse-grained. A particular social practice can harbor many causal processes and can give rise to various freedoms and unfreedoms. I call this “the individuation argument” for social mechanisms.

The second advantage of the social mechanism account of group freedom consists of its explanatory virtues. The notion of a social mechanism can explain why the members of a group are free or unfree. What makes the notion of a social mechanism so useful in this context is that it requires being explicit about the excluding or including, or constraining or enabling effects, as well as the elements, activities, and processes that explain them. Individuating a social mechanism in this way reveals the role that social practices play in the process and makes clear that those affected by them are indeed the members of a social group. As a consequence, descriptions of social mechanisms are tailor-made for capturing preventing conditions that social practices cause or constitute. More specifically, they serve to explain conditions of group freedom and unfreedom. Rather than an explanation in terms of the job market as such, for instance, the biased effects it has on women can be explained in terms of a gender discrimination mechanism.

Another explanatory advantage concerns the fact that a group can be free or unfree without all of its members being free or unfree. It need not be the case that all members suffer when a group is discriminated against. Discriminatory practices typically make it less likely that members of the relevant group get certain kinds of jobs. They need not make it impossible. Some members might, for instance, have special skills that are in high demand such that employers make an exception. It might also be that some are just lucky. Thus, social mechanisms can be group-specific without necessarily affecting all the individual members. Social mechanisms typically give rise to tendencies rather than exceptionless regularities. When this is the case, the correlation between group membership and disadvantage will not be uniform.

\(^{12}\)There is also an ascriptive schema for hooligans, which does not always match the inscriptive schemas different groups of hooligans rely on: “Self-confessed hooligans construct their own meanings in rather flexible ways that often contradict popular perceptions of hooliganism” (Spaaij 2008, 370).
A related advantage of invoking the notion of a mechanism is that accounts of mechanisms often provide information that can be used for the purpose of intervention. They can contribute to understanding how things could be changed, in particular how a group can be made free. The more detailed the specification of a mechanism is, the more helpful it will be for policy.
would lose generality. In order to counter the claim that my appeal to social mechanisms is vacuous, however, I will provide a (very brief) illustration of how a particular mechanism could be analyzed within this framework. As it turns out, girls perform worse at math than equally qualified boys, for instance, when they are told that girls are worse than boys at math (Spencer, Steele, and Quinn 1999). If teachers do in fact project this stereotype, girls may end up having lower grades in math. This in turn may block certain opportunities on the job market that they would otherwise have had. More generally, task performance decreases (outcome) when a negative stereotype (ascriptive schema) is activated—for instance, by stating that the ascriptive group (social group) performs poorly in a particular domain, or by claiming that the test they are presented with is diagnostic of differential performance (triggers).14 According to their model of stereotype threat, Schmader, Johns, and Forbes (2008) argue that this is because agents try to combat the stereotype, which causes them to experience physiological stress, to monitor their performance, and to suppress negative thoughts and emotions (causal processes).15

This model can be regarded as an account of the stereotype threat mechanism. It features quite a few of the ingredients that it should feature according to my framework for mechanisms (as indicated). As are all accounts of particular social mechanisms that I am familiar with, it is however incomplete. What is particularly noteworthy is that it remains completely silent about the transmission of schemas. This is in fact quite common. It presents one of the biggest challenges for accounts of social mechanism (Turner 1994). As mentioned in note 4, it might be that the transmission process can be accounted for in terms of Dan Sperber’s (1996) theory of cultural evolution and/or Ian Hacking’s (1999) theory of classificatory looping.

2.2. The Social Mechanism Account of Group Freedom

Given this explication of social practices, social groups, and social mechanisms, I am now in a position to present a definition of group freedom:

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14Interestingly, the victims of stereotype threat possess ascriptive schemas that apply to themselves. In terms introduced in section 1.2, the ascription group (perhaps everybody) and the ascriptive group (girls) partially overlap. The schemas are (or at least need) not (be) inscriptive. After all, they need not be indexical or self-referential, and a fortiori girls need not identify with underperforming.

15Recent discussions of the replicability of stereotype threat suggest that the evidence for this phenomenon might be weak and that the size of the effect is likely to be small. See https://replicationindex.wordpress.com.
A group freedom is a freedom that an individual possesses due to a social mechanism.

This definition is value-neutral and does as such not feature any group-specific valuations. As such, the proposed account facilitates an unambiguous separation of descriptive and normative matters. Perhaps the most striking feature of this account of group freedom is that it treats group freedom as a subclass of individual freedom. Group freedoms are held and exercised by individual agents. This can be made more apparent by reformulating the definition just presented as follows: the freedom that an individual possesses is a group freedom if and only if that individual possesses it due to a social mechanism. This is the individual-agency thesis that I discussed in section 1.1. Thus, the social mechanism account provides a precise albeit minimal interpretation of the phrase “being (un) free as a group.” It reveals that the individual-agency thesis does not support skepticism about group freedom. The relevant groups are ascriptive and inscriptive groups. The definition captures the way in which group membership is relevant to group freedom while preserving the idea that the agency involved is individual rather than group agency. The core idea underlying the account is that individuals are unfree due to their group membership, which is constituted by an ascriptive or inscriptive mechanism.

At this point, I should note that the individual-agency thesis does not have the reductive implications it might seem to have. Whether the account is reductive or not depends on the notions of a social practice, a social group, and a social mechanism. And I have remained silent about the question whether they can be reduced to individuals, their properties, and their actions. Ascriptive and inscriptive processes might resist reduction, just as processes of socialization do. My project is not at all motivated by strong reductionist inclinations. The key point is instead that group (un)freedom is a structural phenomenon, which (ordinary) individual freedom need not be. The upshot is that both (ontological) reductionists and nonreductionists can embrace the account.17

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16Griffin (2008, 273-75) takes it to support skepticism about group rights.
17See Sawyer (2002, 2003) and List and Spiekermann (2013) for explanations as to how social phenomena can be ontologically irreducible even if they are enacted by individual agents. See Haslanger (2015) for an epistemologically nonreductionist view of structural explanation that fits well with my approach.
A second and related feature of the definition is that it entails that group freedom and group unfreedom are contraries rather than contradictories. In other words, group freedom is a nonbivalent notion. Complementing the definition of group freedom with one of group unfreedom serves to make this point:

A group unfreedom is an unfreedom that an individual possesses due to a social mechanism.

Reformulated in terms of necessary and sufficient conditions, the definition is as follows: the unfreedom that an individual possesses is a group unfreedom if and only if that individual possesses it due to a social mechanism.

Consider what happens when a group unfreedom dissolves. It is natural to think that a group freedom comes into existence at that point. This, however, need not be the case.

The point can be illustrated in terms of two ways of fighting gender discrimination: first, by introducing a new gender-specific mechanism that targets women only, such as a quota for women, and second, by changing the existing mechanism that causes discrimination and making it gender neutral.

The thing to see is that the first option creates group freedoms, whereas the second option generates ordinary individual freedoms. The second option creates a level playing field. As women face neither group-specific exemptions, nor group-specific enabling conditions, their freedoms are (ordinary) individual freedoms. Similarly, when hooliganism ceases to be a popular pastime, the relevant group unfreedoms go out of existence, and everybody becomes free individually to peacefully watch soccer matches. When a group unfreedom is eradicated, it depends on the means by which this is achieved whether or not it is replaced by a group freedom. This is the case only when group-specific rather than generic means are used in the process. This will become important in section 4.1 when I discuss ways of resolving group unfreedoms that are caused by ascriptive processes.

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Kramer (2003) argues that ordinary individual freedom is a nonbivalent notion. On his conception, only someone who is in principle able to perform a particular action can be free or unfree to perform it, and an in principle able person is unfree exactly if she is prevented from performing it. This entails that someone who would not be able to perform the action even if he were not prevented from doing so is neither free nor unfree. The nonbivalence of group freedom is orthogonal to the issue Kramer is concerned with. Rather than the role of ability, it concerns the fact that a group-specific preventing condition turns an individual unfreedom into a group unfreedom.
Recall that according to the conception of a social mechanism that I presented in section 2.1, the relation between group membership on the one hand and inclusion or exclusion on the other hand is not a deterministic relation. All that I require is that there be a nonaccidental correlation between group membership and exclusion or inclusion. Due to this feature, it may indeed be that, for instance, women are discriminated against as a group, even though some women are not prevented from doing anything they wish. The upshot is that a freedom or unfreedom can be a group freedom or unfreedom, even if not all members of the group possess it. This is in fact why I do not characterize group freedom as the freedoms that group members possess. Instead, I say nonambiguously that (only) those individuals who enjoy a certain group freedom possess it due to their group membership.

One might object to the proposed account by pointing out that social advantages and disadvantages typically have many causes. As such, they may also involve multiple mechanisms. One and the same effect can indeed have multiple causes. Consider once again the fact that women perform worse than men on the labor market. This could be due to ascriptive schemas that link bodily features of females to subordination, as Haslanger has it. A similar effect could be generated by stereotype threat. To mention a third possibility, it could also be a side effect of sexual objectification.

How (if at all) should the proposed account be changed in order to accommodate this? It could be remedied by referring to whatever mechanisms that include or exclude a particular group. The problem with this suggestion is that it might be taken to trivialize the proposal. I am not convinced, however, that this is indeed the case. Applying the social mechanism account requires extensive empirical research. In light of this, “whatever mechanisms that include or exclude a particular group” is a placeholder for a particular set of causal processes that are simultaneously operative in a specific context. Once these processes have been explicated, the account is far from trivial.

The causal processes that a social mechanism should capture depend on the description of the relevant group freedom. Many processes bear on the obstacles women face in the labor market. However, the fact that few construction workers are women requires a different explanation than the fact that women in managerial positions face a glass ceiling. Often more concrete descriptions of a group freedom require more fine-grained analyses that invoke fewer causal processes. Even so, it remains an empirical question how many processes should feature in a mechanism that explains a group freedom.
3. Collective Objects of Freedom

According to the social mechanism account, group freedom is to be characterized in terms of social mechanisms that give rise to group-specific preventing conditions. As I mentioned in section 1.1, what is special about group freedom might instead be its object. I criticize this suggestion here. Doing so will serve a constructive purpose, that of checking whether the scope of the social mechanism account of group freedom is adequate. The question at issue is whether the conception is sufficiently broad without being too broad, that is, whether it classifies those freedoms that are plausibly regarded as group freedoms and excludes those that are best regarded as mere individual freedoms.

Joseph Raz (1986) and Denise Reaume (1988) have proposed accounts of group rights that could be used as a point of departure for accounts of group freedom. Raz (1986, 208) suggests that rights to public goods are group rights, “collective rights” in his terminology. A public good is nonexclusive: if one person has access to it, everybody does. This holds, for instance, for national defense and for clean air.19 Raz’s reason for focusing on public goods is that, on his view, rights to such goods are to be justified in terms of collective interests, the interests of a group of people. One might suggest that the notion of group freedom should similarly be restricted to the freedom to use public goods.20 Denise Reaume criticizes Raz arguing that, as they can be consumed by individuals, the rights with which he is concerned are not sufficiently “groupy” in order to be regarded as group rights. She proposes to explicate the notion of a group right in terms of what she calls “participatory goods,” such as friendship or a language. The key characteristics of a participatory good are that it is enjoyed together and that this is partly constitutive of its value (Reaume 1988, 10-11; see also Waldron 1993).21

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19Public goods are also jointly produced and nonrivalrous (consumption by one person is not in competition with consumption by others).

20Against the background of Raz’s (1986) theory of collective rights, Jones argues that group rights are rights “held by a group rather than by its members severally.” (1999, 354) By this he means that, given that such rights are justified by the interests of more than one individual, each member holds the right conditional on other individuals holding it. He does not deny that at least some of the rights to public goods are exercised by individuals (think, for instance, of the right to clean air).

21Just as public goods, participatory goods are nonexclusive and jointly produced. In contrast to public goods, they are necessarily consumed and produced by the same people on the same occasion (Reaume 1988).
An account of group freedom that is restricted either to public goods or to participatory goods is both too broad and too narrow. First, it misidentifies some individual freedoms as group freedoms. A public good such as clean air is consumed individually. And the right to this good is an individual right—based in a right to basic health (Griffin 2008, 258). In light of this, the freedom to consume air is best regarded as an individual freedom. And even though it is a participatory good, people are free individually to initiate, maintain, and end a friendship. As another example, consider the freedom to participate in a democracy. A proper democracy includes all citizens of a country. In this respect, democratic participation resembles a public good. Even though the sense in which it is jointly produced is limited, Griffin (2008, 261) regards it as a participatory good. Perhaps, then, it should be regarded as a group freedom on both proposals. However, just as democratic rights are individual rights, the freedom to enjoy the good of democratic participation is an individual freedom (Griffin 2008). Thus, neither the nonexclusivity of a good nor the fact that it is enjoyed together is a sufficient condition for group freedom.22

Second, neither of these features is necessary for a freedom to be a group freedom. Both proposals are too narrow in that they exclude genuine cases of group freedom. Consider a religious group that is discriminated against. Discrimination is exclusive in that it need not affect all group members. Furthermore, it need not be “enjoyed” together. Hence, discrimination is neither a public nor a participatory good.23 Even so, (structural) discrimination can plausibly be regarded as a form of group unfreedom. Thus, these proposals fail to accommodate unfreedoms that really are group unfreedoms.24

A third consideration that counts against the participatory account of group freedom is that the social mechanism account of group freedom accommodates the freedom to enjoy participatory goods. The people who value the participatory goods form an inscriptive group. Furthermore, exercising a group freedom is a matter of participating in a social practice. At least in some cases, the value of doing so may depend on the fact that people participate in the practice together. Note, however, that the notion of group freedom should not be restricted to inscriptive groups. The upshot is again that the

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22See also Waldron (1987) and Jones (1999) Whereas a language is nonrivalrous, friendship is not.
23It is also produced and consumed by different people.
24For other criticisms of Raz and Reaume, see Jones (1999), Morauta (2002), and Griffin (2008).
notion of a participatory good is too narrow to fulfill a central role in an analysis of group freedom.²⁵

Someone might turn the tables on me, arguing that my approach fails to capture the communal nature of the freedoms at issue. Consider ritual slaughter. Both Jews and Muslims engage in ritual slaughter as part of a social practice. The objection could be that the freedom to do so is not fully captured by mentioning the individual freedoms of Jewish and Muslim butchers. The freedom conferred by an exemption to engage in ritual slaughter should be understood as a freedom that includes, for instance, communal practices of supervision and certification.

I do not believe this objection is successful. Of course, a government that has granted an exemption for ritual slaughter will not stop Jews or Muslims from developing the relevant slaughtering practices. This, however, is a corollary of individuals exercising the freedom. Exercising such a freedom is conditional on the individual willingness of others to participate in the practice. This means that it may occur that, despite the fact that you have a right, you are not in a position to exercise it successfully. Similarly to when you are the only one who wants to protest, this would be due to the contingent circumstance that others are unwilling to join in.

If this were the crux of group freedom, freedom of association would also be a group freedom. As it requires joint action, this freedom can be exercised only collectively. Miller (2002a, 181, 183) notes that this entails that the freedom is implicitly conditional on collaboration. He denies, however, that this is of fundamental conceptual significance (Miller 2002a, 180).²⁶ Freedom of association is, after all, a paradigmatic example of (mere) individual freedom.²⁷ The upshot is that this approach misidentifies some (ordinary) individual freedoms as group freedoms, and, second, that it fails to accommodate freedoms that

²⁵ In addition to the relational and nominal models mentioned in note 9, Killmister (2011) distinguishes a participatory model of social groups that concerns groups involved in social practices that constitute shared meanings. Such practices provide so-called participatory goods, such as language and initiation rites.

²⁶ He also denies that it is of fundamental normative significance, which implies that he rejects Raz’s theory of collective rights. Miller (2002a, 185) maintains that “it seems wrong that numbers should matter in this way.” He argues that the interests of a single individual justify the relevant rights, and that numbers matter only with respect to their feasibility.

²⁷ Hence, the argument generalizes to a conception on which group freedoms are freedoms to perform a shared or joint action (Bratman 1992; Gilbert 1989).
really are group freedoms. All this supports the claim that group freedom should not be characterized in terms of its object. Furthermore, it reveals that, given that it aligns with the range of group-differentiated rights, the scope of the social mechanism account suits its purpose quite well.28

4. Group Freedom and the Justification of Group Rights

The question that remains to be answered is whether the notion of group freedom can indeed play a central role in the justification of group rights. In order to answer this question, I need to say more about how rights relate to freedom. Just like (ordinary) individual rights, group rights can be negative or positive. A group possesses a negative right when others are obligated not to interfere with the members of the group. The exemption from the motorcycle helmet law that Sikhs enjoy in some countries is a case in point. When a group possesses a positive right, others ought to enable the group members to perform the relevant action. If the members of a linguistic minority have a right to education in their own language, for instance, the public education system should provide the appropriate means.

This distinction between negative and positive rights runs parallel to the distinction between negative and positive freedoms that I introduced in section 1.1. Negative freedom consists in the absence of constraints, while positive freedom is a matter of enablement. Although it is becoming more prevalent, my use of the term “positive freedom” is still somewhat idiosyncratic (note 2). In this context, however, it is rather useful, because it serves to preserve the parallel between negative and positive rights. Rights serve to secure freedoms (Dowding and van Hees 2003). It follows that negative rights serve to acquire negative freedoms, and positive rights serve to realize positive freedoms (cf. Gosselin 2006).

28Jones (1999, 353) argues that “some longstanding and widely espoused rights, such as rights of national self-determination or rights to other forms of collective autonomy, cannot be convincingly disaggregated into the rights of individuals.” However, successfully exercising the right of national self-determination is in fact a two-stage process (Applbaum 2007; Wall 2007). The first stage involves a joint action performed by the members of an inscriptive group, that of forming a group agent. If this is open to any inscriptive group, it is an ordinary individual freedom. The second stage consists of that group agent governing its members. Whereas individual members of a group can initiate a process of self-government, only a group agent can bring it to completion.
The two normative considerations that feature prominently in existing defenses of group rights are the value of equality and the value of culture (Carens 2000; Fraser 1989; Kymlicka 1995, 2001; Miller 2002a, 2002b; Parekh 2000; Patten 2014; Raz 1986; Sen 2006; Spinner-Halev 2000; Tamir 1993; Young 1990). Equality is thought to be relevant because differences between groups might constitute illegitimate inequalities. The value of culture is taken to bear on the rights people have because specific cultural practices are especially valuable to particular groups, for example, because they are conducive to their autonomy.

In what follows I first discuss how what I call “the equality argument” and the “value argument” justify group rights. I then go on to show how the social mechanism account of group freedom can be used to give further substance to these justifications. This serves to support the core conclusions of this paper. First, when group unfreedoms are the problem, ordinary individual freedoms often provide the best solution. Second, when group freedoms (and group rights) are the solution, the underlying problem usually consists of individual rather than group unfreedoms.

4.1. The Equality of Freedom Argument

According to the equality argument, group rights are sometimes necessary to eradicate inequalities between members of particular groups and other citizens. It can, for instance, be used to defend affirmative action favoring students from ethnic minorities. The equality argument is incomplete without an answer to the question what kind of inequalities are group rights supposed to eradicate. If Jones (1999) is right and group rights are demands for group freedom, the point of the group rights that the equality argument supports is to eradicate group unfreedoms.

The point of departure of my reconstruction of the argument is the normative premise that everybody is entitled to some particular range of freedoms. The descriptive premise concerns group unfreedom, and states that a particular social group is deprived of some of these freedoms. These premises support the claim that something needs to be done to free the members of the group that lacks freedom in the current situation. Group rights serve to secure such freedom. In this context, they serve to restore equality.

The social mechanism account of group freedom can be used to give further substance to the descriptive premise of the equality argument. The source of the existing inequality is a social mechanism that deprives a social group of some of these freedoms. More specifically, such inequalities will arise due to ascriptive schemas. It follows that the unfreedoms that feature in the descriptive premise really are group unfreedoms on the proposed account.
The fact that particular freedoms are due to a group-specific mechanism does not entail that it has to be resolved by means of a group right. Recall from section 2.2 that group freedom is a nonbivalent notion. This reveals that group unfreedoms can also be eradicated by means that are generic rather than group-specific. Note that, when group unfreedoms are dissolved by generic means, the resulting freedoms are (ordinary) individual freedoms. Rather than relying on affirmative action, universities could target biases in the application process in order to create equal opportunities for members of ethnic minorities.

In some cases, generic means are in fact to be preferred to group-specific solutions. The latter are likely to lead to group-specific differences in advantage, which is the very problem that group rights are meant to solve. A generic measure leads to a decrease in the number of actions that are due to a biased ascriptive schema. A group-specific measure introduces an alternative ascriptive schema. In this way, it still contributes toward differential treatment. As such, it can be regarded as disrespectful (as Carl Cohen argues in his debate with James Sterba; Cohen and Sterba 2003). If it is, generic measures are to be preferred, and uniformity is to be preferred to difference. Hence, the argument should include a third premise according to which group rights should be introduced only if they provide for the most effective and appropriate means of solving the problem of group unfreedom.\(^{29}\)

As it is formulated in terms of group unfreedom, I refer to the following reconstruction as “the Equality of Freedom Argument”:

1. **Equal freedom**: Everyone is entitled to some particular range of freedoms.
2. **Group unfreedom**: A particular social mechanism deprives a social group of one of these freedoms.
3. **No suitable alternatives**: There are no more appropriate ways of resolving this group unfreedom than the introduction of a group right.

Therefore, the members of the group should have the group right.

In light of premise 3, one might wonder if group rights are ever justified. Even if group-specific solutions are rarely ideal, it may well be that it is in some cases justified to introduce them. Ascriptive schemas can be very

\(^{29}\)Thus, the Equality of Freedom presupposes an argument as to why discrimination is wrong. See Lippert-Rasmussen (2014) for a discussion of the claim that discrimination violates the ideal of equal respect for persons.
resistant to change, in particular when they are implicit. Jules Holroyd (2012, 282) argues that people do not directly control the implicit attitudes they have. To be sure, people can exert some influence on the extent to which they are manifested in behavior. However, the extent of this kind of indirect control is rather limited. Because of this, affirmative action may be a reasonable alternative or complement to changing people’s biases. Even so, the Equality of Freedom Argument reveals that, even though group unfreedoms are the problem, group freedoms need not be the solution.

4.2. The Value of Freedom Argument

The value argument supports group rights in terms of the claim that specific cultural practices are especially valuable to particular groups. Sikhs, for instance, regard wearing a turban as central to their way of life, which explains why they want exemption from laws that prohibit this when riding a motorcycle. The normative premise of the argument concerns group-specific valuations of cultural practices, and states that the fact that some cultural practice has special value to the members of a group counts in favor of them being in a position to engage in that practice. Such group-specific valuations might be politically significant, because of their relation to autonomy or personal identity (Kymlicka 2001; Margalit and Raz 1990, 447-49; Spinner-Halev 2000, 324; Tamir 1993, 35-36). As these valuations are inscriptions, the value argument pertains to inscriptive groups.

The descriptive premise consists of the observation that the members of some social group are not free to engage in a particular cultural practice that is of special value to them. Just as in the case of the Equality of Freedom Argument, a third premise should be added according to which a group right provides for the most appropriate means to solve the problem. In some cases, there will be group-independent or public reasons for banning the practice, including safety, health, or animal welfare. In other cases, there may be group-specific objections, for instance, when a group oppresses its members. In order for the argument to support a group right, the political significance of the group-specific valuations should outweigh that of the generic reason against it. These considerations support the following reconstruction of the value argument:

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30 Advocates of exclusive or hands-off neutrality such as Barry (2001) will deny the political significance of group-specific valuations of social practices. In light of this, the argument should be taken to presuppose inclusive neutrality or neutrality as even-handedness (Carens 2000; Patten 2014; Pierik and Van der Burg 2014).
1. **Value of freedom**: The fact that some social practice has special value to the members of an inscriptive group counts in favor of their being free to engage in that practice.

2. **Individual unfreedom**: The members of some inscriptive group are not free to engage in a particular practice that has special value to them.

3. **No suitable alternatives**: There are no more appropriate ways of resolving these individual unfreedoms than the introduction of a group right.

Therefore, the members of the group should have the group right.

When a group right is in place, the inscriptive schemas of the group members will give rise to the activities that are characteristic of the social practice at issue. This means that the resulting freedoms will be group freedoms. Hence, group freedom plays a role in this argument because the group right that features in the conclusion secures a group freedom. In light of this, I refer to it as “the Value of Freedom Argument.” According to this argument, group rights can suitably be justified in terms of the group-specific valuations of social practices.

Even though group rights can indeed be seen as demands for group freedoms, this does not imply that the Value of Freedom Argument justifies group rights in terms of group unfreedoms. In fact, in the situation before a group right is introduced, everybody is equally unfree. A generic prohibition of drugs, for instance, not only affects the members of the Native American Church and their practice of consuming peyote. And in a situation in which no exemption is made for Jews and Muslims, nobody is allowed to engage in ritual slaughtering practices. What makes the relevant groups special is not a group-specific unfreedom, but group-specific valuations of particular social practices. Thus, the Value of Freedom Argument supports a diagnosis that is in a sense the opposite of that of the Equality of Freedom Argument. Whereas in the latter case group unfreedoms are the problem and the preferred solution is often a generic one, in the former case group unfreedom is not the problem while group freedom is the solution.

Consider language rights as another example. Some Flemish-speaking parents live in Wallonia, the French-speaking part of Belgium. As Wallonia only provides education in French, they lack the freedom to have their children educated in Dutch. However, this is also true of French-speaking parents in Wallonia. In the sense at issue, then, the Flemish parents are just as free as other people in Wallonia. When the freedom at issue is specified in terms of access to education in a particular language, all inhabitants of Wallonia are individually free.
At this point, someone might want to rescue the idea that group unfreedoms justify group rights when the value of culture is at issue. It seems, after all, intuitive to say that inscriptive groups suffer from group unfreedom. This intuition can be captured by invoking a preference-dependent conception of freedom according to which an agent is free if he is not constrained from or enabled to do what he wants. A disadvantage of doing this is that the implied conception of group freedom does not explain why some people are free or unfree as a group. According to the social mechanism account, this is explained in terms of group-specific conditions. This explanation is inconsistent with a preference-dependent conception of group freedom, because such a conception entails that a group can be unfree in the face of a generic ban (such as a generic prohibition of drugs).

This suggestion also fails to capture some of the group unfreedoms from which ascriptive groups can suffer. Imagine that women would not ascribe significance to jobs they cannot get. This does not show that there is no injustice. It may well be that they are discriminated against. What is more, they might have adapted their preferences in the face of such discrimination. It could be that this blinds them to the fact that they are unfree as a group. A definition of group freedom that refers to the preferences people have would not allow for these thoughts.

The upshot is that the Value of Freedom argument does not justify group rights in terms of group unfreedoms. Instead, such rights are justified in terms of group-specific valuations of social practices and the significance they have for the autonomy or identity of members of inscriptive groups.

5. Conclusion

According to the social mechanism account of group freedom presented here, social categorization often gives rise to processes of inclusion or exclusion and thereby to freedom or unfreedom. As they are specific to inscriptive or ascriptive groups, they can usefully be seen as group freedoms or group unfreedoms. I have argued that the freedom that an individual possesses is a group freedom if and only if the agent possesses it due to a social mechanism. Thus, a group freedom is an individual freedom that the agent owes to her group affiliations.

On the proposed definition, the notion of group freedom is nonbivalent and value-neutral. The former entails that, when generic measures are used to remove a group-specific preventing condition, the resulting freedoms are ordinary individual freedoms. The latter implies that, when they face a generic ban, the members of a social group are unfree even if it removes an option that has special significance only to them.
Group rights can be justified in terms of the value of equality and the value of culture. I have used the social mechanism account of group freedom to reconstruct these two types of arguments as the Equality of Freedom Argument and the Value of Freedom Argument. The former targets group unfreedoms, but will often support generic measures rather than group rights. The latter favors group rights as a means for realizing group freedoms, but justifies them in terms of individual unfreedoms (that bear on people’s autonomy or identity). This reveals that, although group rights can be seen as demands for group freedom, group unfreedoms rarely justify group rights. In other words, group unfreedom can be the problem and group freedom can be the solution, even though group freedom is rarely the solution to existing group unfreedoms.

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