Emphatically One's Own:

Autonomy, Identity and Self-Respect

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Contents

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I. Introduction

In recent years, there has been a resurgence of attacks on identity politics. Broadly speaking, identity politics refers to political engagement from the perspective of or for a specific social group.[1] Law and political discussion have become increasingly polarized around this issue. Rants against "gender ideology" and the recognition of non-normative gender identities pervade public discourse in many Western democracies.[2] A series of Executive Orders (EO) signed by U.S. President Donald Trump since the start of his second presidential term in 2025 are paradigmatic examples of a growing cultural divide over identity. Amongst Trump's EOs are two which aim to end "diversity, equity, inclusion" (DEI) programs in the Federal Government, "[e]ncouraging"[3] the private sector to end such programs as well.[4] DEI programs do not implement quotas. They are a diverse mix of strategies which private employers, educational institutions, and public services apply to equalize opportunities and access for marginalized social groups.[5] In the eyes of the Trump administration, however, these programs are "illegal and immoral"[6] forms of

[1] Walters, 'In Defence of Identity Politics' (2018) *Signs* 473 (476).

[2] Scheele, Roth and Winkel (eds.), *Global Contestations of Gender Rights* (Bielefeld, 2022). Cf. The New York Times, 'J.K. Rowling and Trans Women: A Furor' (*The New York Times,* 17 February 2023) <https://www.nytimes.com/2023/02/17/opinion/letters/jk-rowling-trans-women.html> accessed 16 October 2024.

[3] Executive Order 14173 of January 21, 2025; all 2025 Donald J. Trump Executive Orders can be accessed via https://www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025.

[4] Cf. Executive Order 14151 of January 20, 2025 and Executive Order 14173 of January 21, 2025.

[5] The Leadership Conference on Civil and Human Rights, 'Trump's Executive Orders on Diversity, Equity, and Inclusion, Explained', <https://civilrights.org/resource/anti-deia-eos/> accessed 27 March 2025.

[6] Executive Order 14151 of January 20, 2025, Section 1.

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"discrimination." They enforce an "identity-based spoils system."[7] Evidently, the polemics surrounding identity have entered the law.

Besides these political and legal attacks on identity politics, criticism of identity politics has regained popularity in academic discourses.[8] Of course, the literature was already abundant before the topic became a matter of such intense polarization.[9] Among the most well-known worries are that identity politics might essentialize social groups, [10] and that it is inherently fractioning, sorting people into "tribes."[11] Left socialist critics fear that the focus on the recognition of identities has displaced the (much) more urgent issue of material redistribution.[12] Others argue that it promotes a culture of victimhood[13] and that it encourages "Oppression Olympics."[14] Moreover, critics claim that identity politics is moralizing and replaces public discussion with emotional appeals to stand with the victims of diverse "isms."[15] Some conservatives even think of it as a revolutionary ideology which hopes to establish a quasi-religious utopia by any means.[16]

In our paper, we focus on a specific line of criticism, which seems to us to be especially prevalent now. According to this critique, progressive identity politics is self-centered and destructive of shared norms. It encourages individuals to construct an identity based on categories such as gender or sexual orientation and to demand recognition for this identity. Influential representatives of such a critique are liberal Francis Fukuyama and conservative Patrick Deneen. In what follows, we take up

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[7] Executive Order 14173 of January 21, 2025, Section 1.

[8] See, e.g., Fukuyama, *Identity. Contemporary Identity Politics and the Struggle for Recognition* (London, 2018); Lilla, *The Once and Future Liberal. After Identity Politics,* (New York, 2017); Neiman, *Left Is Not Woke* (Cambridge/Hoboken, 2023); Somek, *Moral als Bosheit* (Tübingen, 2021); Stegemann, *Identitätspolitik* (Berlin, 2023); Táíwò, *Elite Capture. How the Powerful Took Over Identity Politics (and Everything Else)* (London, 2022).

[9] For one overview, see Walters, (2018) *Signs* 473 (477-480).

[10] Butler, *Bodies That Matter. On the Discursive Limits of "Sex"* (Abingdon, 2011 [1993]) 168.

[11] Neiman, *Left is not Woke* ch. 1.

[12] Kumar et al., 'An Introduction to the Special Issue on Identity Politics' (2018) *Historical Materialism* 3 (5-6). Cf. also Fraser and Honneth, *Redistribution or Recognition?: A Political-Philosophical Exchange* (London, 2003).

[13] Somek, *Moral* 115 ff.

[14] This critique specifically addresses intersectionality, cf. Hancock, 'When Multiplication Doesn't Equal Quick Addition: Examining Intersectionality as a Research Paradigm' (2007) *Perspectives on Politics* 63 (68); Rössl, *Intersektionale Rechtskritik* (Wien, 2025) 54-56.

[15] Somek, *Moral* 43 ff.

[16] Horowitz, *The Radical Mind. The Destructive Plans of the Woke Left* (West Palm Beach, 2024).

Fukuyama's and Deneen's critiques and argue that demands for the recognition of one's identity can indeed be justified, both in politics and in law.

We begin by reconstructing Fukuyama's and Deneen's critique of identity politics (II). We then explore which concept of identity is at stake in their criticism. We propose that their use of the term is best elucidated by referring to Harry Frankfurt's conception of identity (III). We proceed to offer a defense of a right to be recognized in one's identity based on a concern with ensuring equal individual autonomy (IV). We end by arguing that our argument remains untouched by Fukuyama's and Deneen's critiques (V).

II. Identity Politics and the Crisis of Liberalism

In 2018, Francis Fukuyama published *Identity* while Patrick Deneen published *Why Liberalism Failed*. In both books, Brexit[17] and Donald Trump feature on the first page of the preface.[18] This is no coincidence. Brexit and Trump's first presidency are widely perceived as indicators that liberalism is in deep crisis. Both Deneen and Fukuyama hope to explain this crisis, though from radically different perspectives and with radically different conclusions. However, there is one common diagnosis in their critiques, namely that identity politics lies at the heart of liberalism's demise. Both authors see identity politics as an assertion and a demand for the recognition of someone's identity. They think of identity as something which defines a person and to which only that person has access. Identity politics, ultimately, is an assertion of who one really is against the oppressive forces of wider social norms. In what follows, we reconstruct Fukuyama's and Deneen's critiques of identity politics in more detail and relate them to emancipatory theories which argue for the political relevance of identities.

A. The Fallacies of The Authentic Self

Fukuyama is an advocate of what he terms "classical liberalism."[19] Most generally, Fukuyama understands this to be a "doctrine [...] that argued for the limitation of the powers of governments through law and ultimately constitutions, creating institutions protecting the rights of individuals living under their jurisdiction."[20] He argues that

[17] "Brexit" is a portmanteau for the decision of the United Kingdom to leave ("exit") the European Union, which was reached by a referendum in June 2016.

[18] Fukuyama, *Identity* ix; Deneen, *Why Liberalism Failed* (New Haven/London, 2018/2019) xxv.

[19] Fukuyama, *Liberalism and its Discontents* (London, 2022) ch. 1.

[20] Fukuyama, *Liberalism* 4.

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modern liberal democracies "are premised on the equal recognition of the dignity of each of their citizens *as individuals*."[21] This dignity is the dignity of persons as self-determined moral agents.[22] A liberal democratic state recognizes its citizens as moral persons by granting them equal individual rights.[23] Fukuyama admires movements such as the U.S. Civil Rights Movement because they strive to complete this liberal project of equal recognition. They aim to achieve "equal treatment for members of the marginalized group as individuals, under the liberal presumption of a shared underlying humanity."[24]

The core argument of *Identity* is that this liberal idea has recently been perverted by an ultimately illiberal left, which forsakes a joint liberal republican project. By the end of the 20th century, as Fukuyama recounts, a new version of identity politics gradually took hold of modern liberal democracies. This version is heavily influenced by what Fukuyama calls the "therapeutic model"[25] of identity. Its core idea is that everyone has a "true inner self"[26] that is inherently valuable and deserving of recognition.[27] This recognition is vital to secure individuals' self-esteem.[28] Throughout his critique, Fukuyama also refers to the true inner self as one's "authentic inner self."[29] It is this self that individuals are looking for when they ask themselves "Who am I, really?"[30]

According to Fukuyama, social movements engaged in identity politics take up the therapeutic model and make recognitional claims for entire groups – those who have been "invisible and suppressed."[31] Their struggle is based on the idea that each group has its own identity which is inaccessible to outsiders, and which is intrinsically valuable.[32] Members of marginalized groups thereby "assert a separate identity"[33] and

[21] Fukuyama, *Identity* 104.
[22] Fukuyama, *Identity* 40.
[23] Fukuyama, *Identity* 40, 104.
[24] Fukuyama, *Liberalism* 61.
[25] Fukuyama, *Identity* 103.
[26] Fukuyama, *Identity* 9.
[27] Fukuyama, *Identity* 103 f.
[28] Fukuyama, *Identity* 103.
[29] Fukuyama, *Identity* 10, 25, 82, 163.
[30] Fukuyama, *Identity* 35.
[31] Fukuyama, *Identity* 107.
[32] Fukuyama, *Identity* 109.
[33] Fukuyama, *Identity* 107.

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elevate this identity over anything that "diverse individuals hold in common."[34] They see this identity as "an essential component" of their true, authentic "inner self."[35] This identity "demands social recognition",[36] which, in the logic of the therapeutic model, is vital to secure group members' self-esteem. In Fukuyama's view, the activism of "groups such as the Black Panthers"[37] is exemplary of identity politics. In contrast to the Civil Rights Movement, which fought for equal rights, the Black Panthers "argued that black people had their own traditions and consciousness."[38] As Fukuyama puts it: "The authentic inner selves of black Americans were not those of white people" and "black people need to take pride in themselves."[39]

Fukuyama has many quarrels[40] with identity politics. What he singles out as its "perhaps most significant problem"[41] is that it encourages the rise of identity politics on the right. In the age of social media, the right may easily frame the left's focus on ever more particular marginalized groups as a politics of illegitimate exclusion by "elites" who disregard "traditional values."[42] Moreover, identity politics essentially promotes an antagonistic conception of politics. Both left and right identity politics see politics as a struggle for the recognition of *one's own* identity.[43] This gives rise to what we would call "identity narcissism":[44] an overriding concern with what one considers to be definitive of one's own identity as opposed to a shared project of living together across differences. Fukuyama urges that the latter would require the construction of a "national identity" which supports "liberal values."[45]

[34] Fukuyama, *Liberalism* 62.
[35] Fukuyama, *Liberalism* 44.
[36] Fukuyama, *Liberalism* 44.
[37] Fukuyama, *Identity* 107.
[38] Fukuyama, *Identity* 108.
[39] Fukuyama, *Identity* 108.
[40] See Fukuyama, *Identity* 115 ff.
[41] Fukuyama, *Identity* 117.
[42] Fukuyama, *Identity* 120.
[43] Fukuyama, *Identity* 122.
[44] See also Charim, *Ich und die Anderen. Wie die neue Pluralisierung uns alle verändert* (Wien, 2018) 195.
[45] Fukuyama, *Liberalism* 84; Fukuyama *Identity* ch. 12.

B. Identity Politics and the Destruction of Traditional Social Norms

Deneen is one of several "illiberal"[46] political theorists who fundamentally reject liberalism's defining principle of equal freedom.[47] More specifically, Deneen claims that liberalism's universally binding normative principle, freedom, simply means that nothing is binding.[48] The political project of liberalism is primarily concerned with liberation: to remove as many constraints on the free exercise of individual choice as possible. Deneen holds that this is "illusory, for two simple reasons: human appetite is insatiable and the world is limited."[49] In identity politics, he sees one manifestation of liberalism's liberationist project – one he considers to be particularly harmful.

Like Fukuyama, Deneen offers a story with several stages of how we arrived at modern identity politics. He begins by describing an ideal of inclusion, which is allegedly prevalent in liberal societies, especially at "elite college campuses."[50] This ideal consists mostly of a concern for inequalities based on "'ascriptive' forms of identity", i.e., those based on unchosen "features" such as "race, gender, disability, or sexual orientation."[51] Deneen does not deny "the justified and necessary commitment to racial equality and respect owed toward people who have been historically marginalized and excluded."[52] However, he suggests that in contemporary liberal societies, another type of identity politics has developed, which he characterizes as "the assertion of the priority of individual and group experience of offense, harm, and injury as the criterion for assessing how to allocate political power

[46] On "illiberalism", cf. Laruelle, 'Illiberalism: a conceptual introduction' (2022) *East European Politics* 303.

[47] Cf., Holzleithner, 'Reactionary Gender Constructions in Illiberal Political Thinking' (2022) *Politics and Governance* 6 (7).

[48] This is not novel. Deneen himself cites Alexis de Tocqueville as his major source of inspiration (Deneen, *Why Liberalism Failed* xii). However, this argument is also inspired by a long tradition of religious critique of liberalism. In its basic outlines, it can already be found in the writings of Joseph de Maistre, cf. Holmes, *The Anatomy of Antiliberalism* (Cambridge/London, 1993) 16-18.

[49] Deneen, *Why Liberalism Failed* 125. Deneen's arguments have rightly been met with severe skepticism because he misconstrues or simply ignores large parts of the liberal tradition (cf., e.g., Rivera, 'Political Liberalism and Resentment' (2020) *Modern Theology* 420 (425 f); Kuruvilla and Roy, 'Patrick Deneen Fails to Understand the Liberal Tradition' (*Liberal Currents,* 26 February 2024) <https://www.liberalcurrents.com/patrick-deneen-fails-to-understand-the-liberal-tradition/> accessed 27 November 2024).

[50] Deneen, *Regime Change* 41.

[51] Deneen, *Regime Change* 44.

[52] Deneen, *Regime Change* 43.

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and resources."[53] Truth and shared standards of justice give way to a demand for respecting every point of view.[54]

According to Deneen, today's identity politics is premised on John Stuart Mill's conception of liberty. For Mill, it is crucial that people are free to develop their "individuality" unconstrained by "custom."[55] Real freedom is to conduct "experiments in living."[56] With this celebration of individuality comes a "minimalist"[57] principle of justice: Mill's harm principle, which holds that "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others."[58] In Deneen's interpretation, this means that individuals ought to be free of moral judgment as long as they don't interfere with others. The point of the harm principle is not so much to limit government authority but to delegitimize the moral force of tradition.[59] It is "nonjudgmentalism"[60] converted into a moral judgment, a principle of justice.

Identity politics develops when this conception of freedom is merged with the idea that individuals have identities which deserve recognition. Each individual may demand that others refrain from passing judgment on who they are. What counts as part of their identity is for the individual to decide, and, consequently, the subjective perception of offense is what counts first and foremost as a standard for justice: "What Mill's heirs have discovered is that their very ground for justifying political power – the invocation of 'harm' – can be extended nearly without limit when invoked as subjective claims based in identity".[61] Deneen's primary examples for this

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[53] Deneen, *Regime Change* 47.

[54] Deneen, *Regime Change* 45 citing David Brooks' *On Paradise Drive. How We Live Now (And Always Have) in the Future Tense* (NY, 2004).

[55] Mill, *On Liberty* (Oxford, 2015 [1859]) ch. III.

[56] Mill, *On Liberty* 56. Cf. Deneen, *Why Liberalism Failed* 146.

[57] Deneen, *Regime Change* 48.

[58] Mill, *On Liberty* 13.

[59] Deneen, *Regime Change* 50.

[60] Deneen, *Why Liberalism Failed* 146. In Mill, Deneen sees a celebration of eccentricity. This is a rather crude reading. Mill recognizes that neither a full absorption by social norms nor total freedom and unlimited self-creation are human possibilities, cf. Holzleithner, *Dimensionen gleicher Freiheit. Recht und Politik zwischen Toleranz und Multikulturalismus* (Habilitation Universität Wien 2011) 203 f.

[61] Deneen, *Regime Change* 52. Italics in original removed. Here, Deneen claims not merely that individuals and groups demand recognition for their identities in identity politics, but that harm and offence lie "in the eyes of the beholder" (Deneen, *Regime Change* 50). We are unsure what to make of this. If it is intended as a reconstruction of standpoint epistemology, it is more than seriously flawed. Standpoint epistemology's idea is that those who suffer from oppression are epistemically better

are the claims of those whose gender identity and sexual orientation do not conform to dominant social norms.[62] He complains, for instance, about an alleged coercion of gender recognition: "The increasingly visible willingness to *enforce recognition* of 'experiments in living' is experienced by those who refuse, or even mistake, the preferred pronouns of their interlocutors."[63]

Deneen argues that the Millian conception of liberty on which modern identity politics rests is profoundly disorienting because it is destructive of "guardrails."[64] The traditions that Mill sees as obstacles to human self-development can only seem so to the "ambitious."[65] Abstracted from this perspective, such traditions "protect the stability and order that most benefits ordinary people."[66] Whereas the elites, the highly educated, learn how to "navigate a world shorn of stabilizing norms",[67] how to use drugs and alcohol responsibly and "how to form families in an anti-culture"[68] which subtly discredits this institution, "ordinary people" are left to themselves.[69] In short, Deneen believes that traditional social norms are necessary for "ordinary people" to be capable of creating a meaningful life for themselves. In destroying them, identity politics leaves them disoriented, not free.

Moreover, according to Deneen, identity politics serves as an ideological narrative[70] by which the most powerful hide their power. They portray themselves as victims of the bigotry of those who insist on traditional social norms and thereby delegitimize guardrails whose absence gives them a "competitive advantage."[71] In the name of

situated to uncover oppressive structures than those who are privileged by them, not that feeling oppressed is the sole standard for being oppressed. For a recent discussion of standpoint epistemology, see Toole, 'Recent Work in Standpoint Epistemology' (2021) *Analysis Reviews* 338.

[62] Deneen's relationship to forms of gender and sexuality which diverge from a conservatively Catholic model are fraught, to say the least. On his constructions of gender, see Holzleithner (2022) *Politics and Governance* 6 (8). His views are especially hostile to trans persons, see McCabe, 'From the "Culture of Death" to the "Crisis of Liberalism". Recent Shifts in Catholic Politics' (2021) Supplement 23 *Journal of Religion & Society* 66 (75–76).

[63] Deneen, *Regime Change* 51.

[64] Deneen, *Regime Change* 5.

[65] Deneen, *Regime Change* 6.

[66] Deneen, *Regime Change* 6.

[67] Deneen, *Regime Change* 30.

[68] Deneen, *Regime Change* 9

[69] Deneen, *Regime Change* 8. See also Deneen, *Why Liberalism Failed* 132.

[70] A "noble lie", see Deneen, *Why Liberalism Failed* 152.

[71] Deneen, *Why Liberalism Failed* 134.

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identity politics, elites set out to enforce "radical expressivism"[72] over a recalcitrant "working-class electorate" and its "'traditional values.'"[73] This struggle is joined by large-scale corporations like "Apple, Amazon, and Facebook" which profit from the destruction of social norms.[74] The result is what Deneen undoubtedly views as a postmodern dystopia: "'woke capitalism.'"[75] In short, identity politics gives rise to "a form of increasingly tyrannical liberalism",[76] which forces its "liberationist agenda"[77] on "ordinary people" under the guise of a struggle against oppression.

C. Is "Who am I?" a Political Question?

Both Fukuyama and Deneen position themselves firmly against recent invocations of identity to ground political demands. This contrasts with a large body of literature in which various authors argue for the political relevance of identities.[78] In these writings, theorists usually explain the idea of identity as expressive of "identification" with a social identity.[79] Identification can be a self-reflexive process ("I identify with X") or an ascription by a third person (someone identifies you as X). Importantly, identification has implications for how one conducts oneself and how others evaluate one's conduct,[80] for social identities come with a "social script."[81] This script is a set of norms that is judged to be relevant to the evaluation of the individual's conduct by

[72] Deneen, *Regime Change* 60.

[73] Deneen, *Regime Change* 57.

[74] Deneen, *Regime Change* 56.

[75] Deneen, *Regime Change* 60.

[76] Deneen, *Regime Change* 48.

[77] Vermeule, *Common Good Constitutionalism* (Cambridge/Medford, 2022) 133.

[78] Here is a selection of some of the most influential voices: Young, *Justice and the Politics of Difference* (Princeton/Oxford, 2011 [1990]), Taylor, 'The Politics of Recognition', in Gutmann (ed.), *Multiculturalism: examining the politics of recognition* (Princeton, 1994) 25. For more recent discussions, see, e.g., Gutmann, *Identity in Democracy* (Princeton/Oxford, 2003); Appiah, *The Ethics of Identity* (Princeton/Oxford, 2005); Alcoff, *Visible Identities. Race, Gender, and the Self* (NY, 2006); Christman, *The Politics of Persons. Individual Autonomy and Socio-historical Selves* (Cambridge, 2009) ch. 9.

[79] Gutmann, *Identity in Democracy* 9; Appiah, *The Ethics of Identity* 66 f; Jenkins, *Ontology and Oppression. Race, Gender, and Social Reality* (NY, 2023) 161.

[80] Appiah, *The Ethics of Identity* 68 f.

[81] Regarding gender roles, cf. Holzleithner, 'Gerechtigkeit und Geschlechterrollen' (2016) *RphZ* 133 (133).

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herself and/or those around her. Having a gender identity, for instance, means that gender norms are relevant to the evaluation of an individual's conduct.[82]

Social identities can be oppressive. As emancipatory theorists have emphasized, the social norms which define social identities can be sources of marginalization. The fraught history of racist and colonialist ideologies in liberal democracies such as the U.S. illustrates precisely this point. Fukuyama, by contrast, paints a picture of classical liberalism which leaves it ultimately unmarked by identity issues.[83] There are various accounts of how identity-based oppression functions and in what ways it harms individuals who experience it.[84] We focus on two ways of being marginalized by dominant social norms: depreciation and unintelligibility.

First, depreciation: We are usually esteemed when we perform a given social identity well. Non-conformity with social scripts, by contrast, is often perceived as failure and met with blame or shame. But conformity does not always ensure esteem, because social identities also come with socially accepted patterns of behavior towards role occupants. These patterns can be depreciatory: the respective social norms make it okay to treat people as if they were of less worth than others. In these cases, individuals are marginalized not merely by the acts of other individuals, but by the social norms which constitute the social identities in question. They are *depreciated* by dominant social norms.[85] The implicit acceptance of sexual harassment is a case in point. Before consciousness-raising efforts introduced the term and criticized the behavior, sexual harassment was an acceptable way to treat women – regarded merely as a form of "flirting."[86]

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[82] On the binding force of gender norms cf. Holzleithner, *Recht, Macht, Geschlecht* (Wien, 2002) 152f. See also Jenkins, *Ontology* 159 f.

[83] Mutua, 'Liberalism's Identity Politics: A Response to Professor Fukuyama' (2020) *University of Pennsylvania Journal of Law and Social Change* 27 (35 ff).

[84] One influential account is Iris Marion Young's "cultural imperialism" which she uses to explain the harm of "double consciousness" (Young, *Justice* 58–61; on double consciousness, cf. DuBois, *The Souls of Black Folks* (NY, 2018 [1902]) 7).

[85] This may take the form of emotional reactions. See Ahmed, *The Cultural Politics of Emotions,* 2nd edn. (Edinburgh, 2014) 97on disgust. "Here, the bodies of others become the salient object; they are constructed as being hateful and sickening only insofar as they have got too close. They are constructed as non-human, *as beneath and below the bodies of the disgusted.* Indeed, through the disgust reaction, 'belowness' and 'beneathness' become properties of their bodies. They embody that which is lower than human or civil life."

[86] See Miranda Fricker's analysis of the introduction of the term "sexual harassment" (Fricker, *Epistemic Injustice. Power and the Ethics of Knowing* (Oxford, 2007) 149-153).

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Second, unintelligibility: As Judith Butler has emphasized, our social existence is tied to our occupying a discursively established identity.[87] Individuals are only "intelligible" if they are "established in language" as "subjects."[88] If we want others to recognize us, we must take up a position that is defined in existing culture. This implies that those who are not recognized as occupying a discursively defined social identity are "unintelligible."[89] They are not respected as having any status at all. They simply do not fit and, consequently, communication and cooperation appear to be impossible. If one's gender identity as non-binary, for instance, is not graspable in the terms of the dominant culture, one is rendered *unintelligible* by dominant social norms. One is not "considered to be 'real.'"[90]

In reaction to identity-based oppression, emancipatory theorists have argued that demands for the recognition of marginalized social identities are justified. The appropriation and affirmation of this identity serves to reverse cultural forms of domination. Iris Marion Young, for instance, has defended a politics of difference. By this, she means "struggles by the culturally oppressed to take over definition of themselves and assert a positive sense of group difference."[91] Young's politics of difference is a reaction to demeaning identifications by others. Ultimately, the aim is to get rid of oppressive social identities by reclaiming "the definition of the group by the group, as a creation and construction, rather than a given essence."[92] As Young emphasizes, her politics of difference is not about individuality or a deep self.[93] It is merely a way for culturally oppressed groups to counter their oppression.

Identity politics, as Fukuyama and Deneen portray it, differs from Young's politics of difference. They construe it as not merely concerned with oppressive social identities, but with affirming individuals' personal identity. Their critique presumes that identity politics is premised on the idea that persons may rightfully claim recognition for their personality. They must be recognized for who they are, rather than merely as "rights-bearing citizens."[94] And, indeed, this idea is arguably becoming more prominent in

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[87] Butler, *The Psychic Life of Power. Theories in Subjection* (Stanford, 1997) 28.

[88] Butler, *The Psychic Life of Power* 10 f.

[89] Butler, *Gender Trouble: Feminism and the Subversion of Identity* (NY, 1999) xxv. On Butler's notion of intelligibility, particularly in the context of gender norms, cf. pages 22 ff.

[90] Butler, *Gender Trouble* xxv.

[91] Young, *Justice* 61.

[92] Young, *Justice* 172.

[93] Young, *Inclusion and Democracy* (NY, 2000) 88, 99.

[94] Fukuyama, *Identity* 104.

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legal and political discourse. Judge Ganna Yudkivska, for instance, writes in her concurring opinion in the case of *Špadijer v Montenegro*[95] before the ECtHR:

> It is noticeable that, in recent years, the Court has dramatically expanded the protection of the personal sphere to include virtually all 'aspects of an individual's physical and social identity', in other words to include everything that, the Court believes, is of essential importance for a person.[96]

Here, identity refers to the self-conception of the person in question. It is about personal, not social identity. This idea is held to be central to the concept of a "personal sphere" as protected by article 8 ECHR. It seems to us that Fukuyama and Deneen would oppose precisely such statements as harmful instances of identity politics.

III. The Idea of Identity

In Section IV, we will argue that – contrary to what Fukuyama and Deneen suggest – personal identity is politically relevant. Indeed, some claims to be recognized for who one is are justified. But first: What does it mean to be recognized for who one is? Fukuyama himself suggests a specification when he speaks about individuals taking a group identity to be "essential"[97] to who they are. Who you are, really, is your essence: what you cannot change without altering yourself. In this section, we elaborate on this idea with the help of Harry Frankfurt's conception of the "essential nature of a person."[98] We then reconstruct criticisms of this idea and argue that it may be reformulated such that it adequately captures a central aspect of human practical experience.

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[95] *Špadijer v Montenegro* App no 31549/18 (ECtHR, 9 November 2021); decisions of the ECtHR can be accessed via https://hudoc.echr.coe.int/eng with their case number or party names. The case concerned an employee who was head of shift at a women's prison in Podgorica, Montenegro. She claimed that the relevant bodies had failed to protect her from bullying at work which affected her psychological integrity. The Court ruled that Montenegro had violated its obligations under Article 8 of the ECHR.

[96] *Špadijer v Montenegro* App no 31549/18 (ECtHR, 9 November 2021), Concurring Opinion of Judge Yudkivska, citing *Paradiso and Campanelli v Italy* App no 25358/12 (ECtHR, 24 January 2017), para. 159.

[97] Fukuyama, *Liberalism* 44.

[98] Frankfurt, 'Autonomy, Necessity, and Love', in Frankfurt, *Necessity, Volition and Love* (Cambridge, 1998/2010) 129 (138).

A. Wholeheartedness and Personal Necessity

Fukuyama and Deneen think of identity as something which defines us deep inside. What they seem to have in mind when they speak about "identity", or "individuality" is the idea of an identity which is emphatically one's own, that is, constitutive of who one is. Moreover, individuals or groups are taken to have first-person authority over their identity. Both Fukuyama and Deneen suggest that those who claim that their gender, race, etc. is a part of their identity which must be recognized assume epistemic authority over what this identity implies. In short, identity is self-essential and first-personal. It is the defining feature of any person, and only that person has authority over what it implies.

This idea of an essence which constitutes us as persons can be found in Harry Frankfurt's concepts of "wholeheartedness"[99] and "volitional necessities."[100] In Frankfurt's view, one particular aspect of being human is to be self-conscious about one's desires and motives.[101] We "care about what we are."[102] This means that persons "have second-order desires about what first-order desires they want" to have.[103] They want to want certain things. Wholeheartedness is the highest degree of commitment to a first-order desire.[104] Such a commitment can be reached by going over one's first-order desires while asking oneself which first-order desires are desires that one "really wants."[105] Importantly, our wholehearted second-order volitions are not only decisive for what we do; they are also decisive for who we are as a person. Frankfurt argues that a wholehearted decision for a first-order desire amounts to an identification with this desire:[106] "To this extent the person, in making a decision by which he identifies with a desire, *constitutes himself*."[107] Who we really are, then, is a matter of which

[99] Frankfurt, 'Identification and Wholeheartedness', in Frankfurt, *The Importance of What We Care About* (Cambridge, 1998/2009) 159.

[100] Frankfurt, 'Autonomy', 129 (138).

[101] Frankfurt, 'Identification', 159 (163).

[102] Frankfurt, 'Identification', 159 (163).

[103] Frankfurt, 'Identification', 159 (164). In Frankfurt's view, the will of persons is hierarchically structured. "First-order desires" are desires "to do or not to do one thing or another" (Frankfurt, 'Freedom of the will and the concept of a person', in Frankfurt, *The Importance of What We Care About* (Cambridge, 1998/2009) 11 (12)). "Second-order desires" are desires to have or not to have certain first-order desires (cf. Frankfurt, 'Freedom of the will, 11 (13 ff)).

[104] Frankfurt, 'Identification', 159 (165).

[105] Frankfurt, 'Identification', 159 (165).

[106] Frankfurt, 'Identification', 159 (170).

[107] Frankfurt, 'Identification', 159 (170).

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first-order desires we decide to make "fully" our "own."[108] These wholehearted decisions "create" a self "out of the raw materials of inner life."[109]

Moreover, wholehearted commitments engender "volitional necessities."[110] These necessities are "authoritative for the self."[111] They demarcate our field of action, for my volitional necessities set "volitional boundaries"[112] and "volitional limits"[113] for myself and thereby determine what I am (not) willing to do or must (not) do. They render certain actions necessary for me to pursue or reject because to do so is "integral to the realization"[114] of my personal essence – of who I really am. On the contrary, a person who acts against essential parts of their own will does not only relinquish their autonomy. She ceases to be the person she was up until the moment of "self-betrayal."[115] Her story does not continue because the person she had been "no longer exists."[116]

Frankfurt's conception of identity as a personal essence has the two properties which Fukuyama and Deneen deem essential to the idea of identity: it is constitutive of who one is and persons have first-person authority over it. In other words, they both *make* it by identifying wholeheartedly with some of their desires and *feel* it in experiences of personal necessity.

B. Wholehearted Selves, Ambivalent Identities

Frankfurt's account has inspired much criticism. David Velleman, for instance, argues that the concept of wholehearted identification is more apt to describe a person's "self-conception"[117] or "self-image"[118] than a person's self. A person's self-conception is her "sense of identity"[119] or her "sense of who [s]he is."[120] It is this sense

[108] Frankfurt, 'Identification', 159 (170).
[109] Frankfurt, 'Identification', 159 (170).
[110] Frankfurt, 'Autonomy', 129 (138).
[111] Frankfurt, 'Identification', 159 (175); Frankfurt, 'Autonomy', 129 (138).
[112] Frankfurt, 'Autonomy', 129 (138).
[113] Frankfurt, 'Autonomy', 129 (138).
[114] Frankfurt, 'Autonomy', 129 (139).
[115] Frankfurt, 'Autonomy', 129 (139).
[116] Frankfurt, 'Autonomy', 129 (139, footnote 8).
[117] Velleman, 'Identification and Identity', in Velleman, *Self to Self* (Cambridge, 2009) 330 (355).
[118] Velleman, 'Identification', 330 (355).
[119] Velleman, 'Identification', 330 (356).
[120] Velleman, 'Identification', 330 (356).

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which is rattled when someone experiences an "identity crisis."[121] In Velleman's view, the term "self", by contrast, does not refer to a unified personal essence but to "reflexivity – that is, the coincidence of object and subject"[122] in different contexts. This need not directly imply persons at all – a sentence may contradict it*self*. With regards to persons, "self" merely "refers to those past or future persons whom the subject can denote reflexively, as 'me.'"[123]

To see why this distinction is important, consider the example of fundamentalist Christians who, on account of their deep religious commitments, are unable "to condone homosexuality or even to wish that they could condone it."[124] If one were to follow Frankfurt in considering the attitudes with which people wholeheartedly identify as constitutive of their self, it seems that fundamentalist Christians would be "justified to resist any change of mind on the issue, on grounds of self-preservation."[125] Velleman, however, insists that people who are brought to question the doctrines of their religion will not necessarily lose themselves entirely. Surely, if they understand themselves first and foremost as religious believers, their self-conception will be significantly unsettled. Their identities are threatened in the sense that the questioning of their religious beliefs "threatens to enforce a major revision in their self-conceptions",[126] but this does not preclude that they can "still be themselves after changing their minds."[127] They may be disoriented but they do not cease to exist.

So far, this has not been much more than a revision of the status of Frankfurt's analysis of the identity of persons. He is talking about self-conceptions and not about the self. The substance of his view might still provide an entirely adequate analysis of individuals' self-conceptions.[128] Frankfurt is both right to suggest that we create them

[121] Velleman, 'Identification', 330 (356).

[122] Velleman, 'Identification', 330 (354).

[123] Velleman, 'Identification', 330 (357)

[124] Velleman, 'Identification', 330 (357).

[125] Velleman, 'Identification', 330 (357). Frankfurt himself invokes the idea of "self-preservation" (in quotation marks) in Frankfurt, 'Autonomy', 129 (139).

[126] Velleman, 'Identification', 330 (357).

[127] Velleman, 'Identification', 330 (357).

[128] Indeed, in the conclusion to his paper, Velleman emphasizes how close his own view is to Frankfurt's (Velleman, 'Identification', 330 (359 f)). It should be noted that Velleman uses the term "personal identity" to refer to the self's identity over time and not to a person's self-conception (Velleman, 'Identification', 330, (355)). This is consistent with the most influential discussions of personal identity over time in philosophy (see, e.g., Parfit, *Reasons and Persons* (Oxford/New York, 1986) part three). In this paper, however, we use "personal identity" to refer to a person's self-conception, because this is what Fukuyama and Deneen have in mind.

by identifying with some of our commitments, and in insisting that they play a guiding role: It is in light of them that individuals may act autonomously.[129] They define our "practical standpoint" – the starting point from which we act.[130] Identity is the self in self-government. It is both a matter of construction or "self-constitution",[131] and it provides the practical horizon for our actions. In the words of Charles Taylor, "it is the horizon within which I am capable of taking a stand."[132] Thus, we may reinterpret Frankfurt's theory of personal essences as a theory of self-conceptions. They contain wholehearted commitments which define our "essential nature as a person" and provide us with "volitional necessities." This might be the authentic self which Fukuyama and Deneen suspect to be the ultimate foundation for identity politics.

However, the idea of wholehearted commitment has also been subjected to criticism. Velleman worries that Frankfurt's conception "appeals to us only because its implicit ideal represents us as we wish we could be"[133] – as persons who are wholeheartedly committed to something in life. This ideal treats ambivalence, being conflicted about what to do, as "a disease of the self."[134] The cure to the disease, according to Frankfurt, is to make a "resounding"[135] commitment for one of the conflicting desires. The other desire must be "extruded entirely as an outlaw."[136] Velleman argues that this is a sort of protective fantasy that seeks to keep an "inner sanctuary of the self" free from conflict.[137] Even "folk wisdom" has it that this is not a particularly healthy way to deal with ambivalences.[138] Repression may make conflicts seem to go away, but it does not solve them.

Beate Rössler shares Velleman's worries. Moreover, she emphasizes that the problem of how to deal with ambivalence remains.[139] How can we deal with our inner conflicts productively? She suggests that to accept one's inner conflicts is to recognize

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[129] Frankfurt, 'Autonomy', 129 (131): Individuals "are in fact governing themselves to the extent that the commands that they obey, whether based upon rules or not, are their own commands." See also Velleman, 'Identification', 330 (359).

[130] Cf. Velleman, 'Identification', 330 (358).

[131] Korsgaard, *Self-Constitution. Agency, Identity, and Integrity* (Oxford, 2009).

[132] Taylor, *Sources of the Self. The Making of the Modern Identity* (Cambridge, 1989) 27.

[133] Velleman, 'Identification', 330 (341).

[134] Velleman, 'Identification', 330 (342).

[135] On "the resonance effect", cf. Frankfurt, 'Identification', 159 (168 f).

[136] Frankfurt, 'Identification', 159 (170).

[137] Velleman, 'Identification', 330 (347).

[138] Velleman, 'Identification', 330 (346).

[139] Rössler, *Autonomie. Ein Versuch über das gelungene Leben* (Berlin, 2019) 79.

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that the reasons against a particular course of actions persist even though we followed desires with which we identified when undertaking it. With Bernard Williams, Rössler describes the phenomenal experience of such acceptance as "regret."[140] We may lie awake at night struggling with our decision even though we would make it again.[141] Conflicts are only threatening to our autonomy, according to Rössler, when they threaten to paralyze us, to make us incapable of action.[142] She extends this thought to what she calls "the ambivalent self."[143] Our identities can be complex and home to internal contradictions without making us incapable of standing for something.[144] Quite to the contrary, some persons may precisely take that ambivalence to be central to who they are. They are "authentically ambivalent."[145]

Now it seems that there are good reasons to be skeptical about the depth and unity of identity in Frankfurt's conception. Wholehearted commitments that we take to be so central to ourselves that our ability to live with ourselves is utterly dependent on them are probably both unrealistic and undesirable. Thus, not everyone will have something that can be called a personal essence, and hardly anyone will (or should, for that matter) have a perfectly unified one. Our self-conceptions can be ambivalent and conflicted, giving us occasion for regret or for the exploration of contradictory aspects of our selves. But all of this is compatible with the fact that we need some conceptions of ourselves and that these conceptions will involve desires and commitments with which we identify. Some may be more central to these self-conceptions, others more peripheral. In fact, many of us do have desires, commitments, and relationships which play such a special role for our self-conceptions that, when asked, we might say that they define us – that we could not distance ourselves from them. They are fixed points in our practical horizon, and we do become aware of them in experiences of personal necessity. These commitments which we emphatically regard as our own, in their various degrees of depth and ambivalence, are what we will henceforth refer to as an "identity." It remains to be seen whether we are entitled to demand recognition for this identity.

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[140] Williams, 'Ethical Consistency', in Williams, *Problems of the Self. Philosophical Papers 1956–1972* (Cambridge, 1973) 166 (170); Rössler, *Autonomie* 81.

[141] Rössler, *Autonomie* 81 f; 87; Williams, 'Ethical Consistency', 166 (173).

[142] Rössler, *Autonomie* 83.

[143] Rössler, *Autonomie* 84 ff.

[144] Rössler, *Autonomie* 87.

[145] Benson, 'Taking Ownership. Authority and Voice in Autonomous Agency', in Christman and Anderson (eds.), *Autonomy and the Challenges to Liberalism: New Essays* (Cambridge, 2005) 101 (106); see Rössler, *Autonomie* 91.

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IV. Identity as a Political and Legal Concern

In the following, we propose an argument which grounds a claim to be recognized in one's identity in relational autonomy. This argument is based on the premise that individual autonomy is a political concern. As Joseph Raz says: "The specific contribution of the liberal tradition to political morality has always been its insistence on the respect due to individual liberty."[146] What place autonomy takes in normative political theory is, of course, a matter of much more dispute.[147] In this paper, we simply assume that individuals are justified to demand that the social conditions for their autonomy be secured as far as this is compatible with the like freedom of everyone else.

The outline of our argument is as follows: Identity is internally related to a particular form of self-respect – "basal self-respect."[148] We further argue that basal self-respect is linked to autonomy[149] and that the development of basal self-respect depends on supportive social relations.[150] We conclude that identity politics responds to a genuine political concern with personal identity. At the end of this section, we identify and briefly illustrate some ways in which emancipatory laws may take that concern into account in the legal sphere.

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[146] Raz, *The Morality of Freedom* (Oxford, 1986) 2. See also Shklar, 'The Liberalism of Fear', in Shklar, *Political Thought and Political Thinkers,* ed. by Hoffmann (Chicago/London, 1998) 3 (3); Holzleithner, 'Law and Social Justice. Intersectional Dimensions', in Davis and Lutz (eds.), *The Routledge International Handbook of Intersectionality Studies* (London, 2023) 251 (251 f).

[147] For the debate between political and comprehensive liberal theories and their respective conceptions of autonomy, for instance, cf. Nussbaum, 'Perfectionist Liberalism and Political Liberalism' (2011) *Philosophy & Public Affairs* 3.

[148] Dillon, 'Self-Respect: Moral, Emotional, Political' (1997) *Ethics* 226 (241).

[149] Other theorists have established links between self-relations, such as self-respect and self-trust, and autonomy. Cf., e.g., Anderson and Honneth, 'Autonomy, Vulnerability, Recognition and Justice', in Christman and Anderson (eds.), *Autonomy and the Challenges to Liberalism: New Essays* (Cambridge, 2005) 127; Schemmel, 'Relational Autonomy, Equality, and Self-Respect', in Stoljar and Voigt (eds.), *Autonomy and Equality: Relational Approaches* (NY, 2021), 103 (109); McLeod and Sherwin, 'Relational autonomy, self-trust and health care for patients who are oppressed', in Mackenzie and Stoljar (eds.), *Relational autonomy: feminist perspectives on autonomy, agency, and the social self* (New York, 2000) 259; Govier, 'Self-Trust, Autonomy, and Self-Esteem' (1993) *Hypatia* 99; Benson, 'Free Agency and Self-Worth' (1994) *The Journal of Philosophy* 650.

[150] Cf. also Schemmel, 'Relational Autonomy, Equality, and Self-Respect' 109, who makes a similar argument for self-respect. As we proceed to show in this section, basal self-respect is not the same as self-respect.

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A. Autonomy, Identity, and Basal Self-Respect

We think of autonomy as socially embedded, responsible freedom.[151] To be autonomous, you need to come up with an idea of what you want to do and why and then put it into action.[152] Autonomy in this sense depends on three conditions, elaborated by Elisabeth Holzleithner:[153]

> 1. An adequate range of life possibilities;
>
> 2. Emotional-intellectual and bodily capabilities to reflect available life possibilities, to decide for or against these possibilities, and to act upon these possibilities;
>
> 3. The relative absence of coercion and manipulation.

Following this conception, autonomy is relational: it is not a capacity with which we are just born or which we can develop on our own.[154] Holzleithner's three conditions of autonomy are "socially enabling conditions."[155] If and to what degree[156] we can be autonomous depends on social structures and the distribution of power and resources along these structures.

Conditions one and three are "external" conditions.[157] They concern the opportunities and constraints "on the outside", in the social world. The second condition contains "internal" conditions of autonomy: the ability to reflect upon possibilities is a process that takes place within us and builds upon emotional relations to ourselves.[158] Following Holzleithner, we stress that the second condition is not to be used as an excuse to deny a person's ability for self-determination if they are

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[151] To be autonomous is to be a "Subjekt verantworteter Freiheit"; Luf, *Freiheit als Rechtsprinzip: Rechtsphilosophische Aufsätze* (Wien, 2008) 284; Holzleithner, *Gerechtigkeit* (Wien, 2009) 88.

[152] Friedman, *Autonomy, Gender, Politics* (NY, 2003) 5.

[153] Holzleithner, 'Sexuality, gender, and the law: Queer perspectives in legal philosophy', in Ziegler, Fremuth and Hernández-Truyol (eds.), *The Oxford Handbook of LGBTI Law,* online edn. (Oxford, 2024) 1 (7) <https://doi.org/10.1093/oxfordhb/9780198847793.013.4> accessed 30 August 2024.

[154] On relational autonomy cf. Mackenzie and Stoljar (eds.), *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (NY/Oxford, 2000).

[155] Holzleithner, 'Sexuality', 1 (7).

[156] For a conception of autonomy as a matter of degree cf. Friedman, *Autonomy* 7, 24, 91–97.

[157] Cf. Mackenzie, 'Autonomous agency, we-agency, and social oppression' (2023) *The Southern Journal of Philosophy* 373 (380).

[158] Mackenzie, (2023) *The Southern Journal of Philosophy* 373 (380).

dependent on others,[159] for autonomy is "fundamentally relational."[160] All of us are dependent on (external) social relations to develop the (internal) competences required for autonomous action. Parents, friends, and educational institutions help us develop our mental and physical capacities in innumerable ways.[161]

To see why identity is relevant for autonomy, we must zoom in on the second condition. Key among the "emotional-intellectual capabilities to reflect available life possibilities, to decide for or against these possibilities, and to act upon these possibilities" is arguably self-respect. Robin Dillon holds that self-respect ultimately centers around questions of worth.[162] Self-respect can be understood as referring to "status worth", e.g., one's worth qua one's moral status as an autonomous person.[163] Following Stephen Darwall's seminal distinction, Dillon terms this kind of respect "*recognition self-respect.*"[164] However, self-respect can also be concerned with worth in the form of merit. Merit relates to one's "quality of character and conduct, which we earn or lose through what we do and become."[165] Dillon terms this kind of self-respect *"[e]valuative self-respect."*[166] Both attitudes are responsive to facts about oneself – one's status as an autonomous agent or the quality of one's actions or character traits.

However, there is yet another "deeper" layer of self-respect which is internally related to identity; this is what Dillon terms "basal self-respect."[167] Basal self-respect is an affective self-relation. Dillon argues that it can be understood as a "prereflective, unarticulated, emotionally laden"[168] framework, against which we interpret our being in the world. At its "heart" lies the "profound valuing of ourselves."[169]

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[159] Holzleithner, 'Sexuality', 1 (9).

[160] Holzleithner, 'Sexuality', 1 (9).

[161] Mackenzie, 'Three Dimensions of Autonomy: A Relational Analysis', in Veltman and Piper (eds.), *Autonomy, Oppression, and Gender* (NY, 2014) 15 (21 f).

[162] Dillon, (1997) *Ethics* 226 (228).

[163] Dillon, (1997) *Ethics* 226 (229).

[164] Dillon, (1997) *Ethics* 226 (229). According to Darwall, to have "recognition respect for persons is to give proper weight to the fact that they are persons." See Darwall, 'Two Kinds of Respect' (1977) *Ethics* 36 (39).

[165] Dillon, (1997) *Ethics* 226 (229).

[166] Dillon, (1997) *Ethics* 226 (229). Evaluative self-respect corresponds to what Darwall terms "appraisal respect", see Darwall, (1977) *Ethics* 36 (39).

[167] Dillon, (1997) *Ethics* 226 (241).

[168] Dillon, (1997) *Ethics* 226 (241).

[169] Dillon, (1997) *Ethics* 226 (242).

> When secure and positive, basal self-respect involves an implicit confidence, an abiding faith in the rightness of my being, the unexpressed and unquestioned (indeed, unquestionable) assumption that it is good that I am.[170]

In our view, basal self-respect is best understood as an "existential feeling."[171] Matthew Ratcliffe introduces existential feelings as "styles of anticipation that permeate one's engagement with the *world as a whole.*"[172] Rather than occurring within the world, they "constitute the world we inhabit."[173] Basal self-respect is the existential feeling which enables us to experience our being in the world affirmatively. To have a deep-seated sense of one's worth, accordingly, is to apprehend oneself in some positive light. This positive light comes in different shades and can be dimmed by oppositional existential feelings. One example of such an oppositional feeling is existential shame. Following Sandra Lee Bartky,[174] existential shame can be described as an affective framework for interpreting oneself and one's relation to the world. It is not so much that specific actions or experiences are felt to be grounds for shame. Rather, all (or most) possibilities for action or experience are apprehended as shameful.

Though Dillon does not make this explicit, basal self-respect is internally related to identity:[175] Recall that we characterized identity as a practical horizon for our being in the world. In our view, this is the best candidate for understanding the "I" in "that it is good that I am." What we must come to value to have basal self-respect – to experience our being in the world affirmatively – is no particular object. It is the (practical) horizon within which we experience our practical possibilities. Insofar as our practical horizon is characterized by deep commitments – in other words, by our identity – basal self-respect includes experiencing these commitments as valuable. But even then, basal self-respect is not thinking about these commitments in a detached manner and judging them to be good. It is experiencing them as valuable while living them. Basal self-respect is a prereflective "faith in the rightness of my being." It is a way in which we experience ourselves.

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[170] Dillon, (1997) *Ethics* 226 (242).

[171] Dillon introduces it as an "interpretative framework" (Dillon, (1997) *Ethics* 226 (241)).

[172] Ratcliffe, 'Existential Feelings', in Szanto and Landweer (eds.), *The Routledge Handbook of Phenomenology of Emotion* (New York, 2020) 250 (257).

[173] Ratcliffe, *Feelings of being. Phenomenology, psychiatry and the sense of reality* (NY, 2008) 53.

[174] Bartky, *Femininity and Domination: Studies in the Phenomenology of Oppression* (NY, 1990) 83 ff.

[175] She does, however, say that it "distorts one's very identity." (Dillon (1997) *Ethics* 226 (243)).

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Like the other kinds of self-respect, basal self-respect is part of the second condition of autonomy. It is necessary to reflect available life possibilities and to decide for or against them. Feeling ourselves as possible, as worthy of having desires and concerns, renders us capable of acting according to our own conceptions of the good. Without experiencing some minimal basal self-respect, I would not experience any of my projects as valuable enough to be carried out. Deep down, I would consider them to be worthless – precisely because they are mine. Of course, basal self-respect may be more or less diminished, and one is not kept from acting autonomously by occasional self-doubts. But a constant, substantial loss of basal self-respect may render one utterly immobile such that one's degree of autonomy is seriously affected.

B. The Justification of Identity Politics

There may be various reasons for a lack of basal self-respect. In fact, we should not think of it as something which is normally "there" anyways. Rather, basal self-respect is an achievement. Attaining it is hard, and individuals may be better or worse at attaining it – for all kinds of reasons. As an existential feeling, basal self-respect is an individual attitude and, as such, it is strictly speaking not a "*socially* enabling condition."[176] What is a matter of socially enabling conditions, and thus potentially of political concern, is the *ease* with which we can attain basal self-respect.[177] The relative ease (or difficulty) of attaining basal self-respect is constituted by the character of the social relations in which one stands. Supportive relations make it easier to attain basal self-respect, unsupportive relations make it harder. To adapt a sentence by Christian Schemmel: the ease of developing basal self-respect is "constituted by a set of supportive social relationships as its 'social bases.'"[178]

Differences in the ease with which one can achieve basal self-respect need not be an issue of justice. Just as our opportunities for action need not be exactly the same, justice does not require our social relations to be exactly alike. The difficulty of attaining basal self-respect is certainly an issue of justice, however, if it is part of oppressive structures which subordinate some individuals to others. Persons living comfortably according to dominant social norms usually need not ask to be

[176] Cf. Rawls, *Justice as Fairness. A Restatement,* ed. by Erin Kelly (Cambridge/London, 2001) 59 f who argues that "the social bases of self-respect", not "self-respect", are a "primary good."

[177] Christian Schemmel argues that it is the "robustness" of self-respect which is socially constituted (Schemmel, 'Relational Autonomy, Equality, and Self-Respect', 103 (117 ff). In our view, this is not precise enough. It is the ease – the strength and effort it requires to maintain self-respect in adverse contexts – which is the social basis for self-respect. However, we are willing to grant that the ease of attaining self-respect may be a constitutive part of its robustness.

[178] Schemmel, 'Relational Autonomy, Equality, and Self-Respect', 103 (104).

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recognized for who they are. Of course, no one is ever entirely free of doubt and judgment from others. But it is reasonable to say that recognition for who one is more readily available to some people than to others.

More specifically, the two forms of identity-based oppression, which we have introduced above, make it systematically harder for those affected by them to attain basal self-respect. If one is constantly depreciated, the message is that one's life is not valuable – regardless of whether what is depreciated has anything to do with how one understands oneself. Being rendered unintelligible is being told that something is wrong with who you are – it is simply incomprehensible how your life is supposed to be a human life at all. Thus, depreciation and unintelligibility significantly increase the difficulty of attaining basal self-respect, even when they "merely" target ascriptive social identities.

While it is detrimental to the social bases of self-respect in any case, identity-based oppression is particularly harsh when it concerns one's personal identity. It threatens to hollow out the social bases for basal self-respect. Individuals who experience the depreciation or unintelligibility of their defining commitments are told that their practical horizon, their very way of going about living in this world is either worthless or incomprehensible. It requires veritable "basal self-respect heroes" to attain and sustain basal self-respect in these circumstances. Thus, we submit that systemic depreciation, unintelligibility, and other forms of misrecognition of one's personal identity are a distinctive and important injustice.

In our view, then, identity politics is justified in a liberal democracy to counter social relations which enforce identity-based oppression because they make it systematically more difficult for the oppressed to attain basal self-respect. There is a well-grounded concern with personal identity which may drive identity politics, namely the concern of minimizing depreciation and unintelligibility based on one's identity. This identity politics would include precisely the measures that Fukuyama and Deneen are up against. To struggle against the systemic disadvantages due to the difficulty of attaining basal self-respect may include demanding recognition of one's identity from others. Oppressed groups may demand that their "lived experience"[179] be publicly recognized and affirmed as valuable to end marginalization. Recognition as an equal citizen capable of bearing rights is not enough. To end marginalization, in this case, requires recognizing others for who they are.

[179] See Fukuyama, *Identity* 110.

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C. Emancipatory Law for Egalitarian Social Relations

If our above argument is correct, "emancipatory law" – that is, law which "is intended to further autonomy with respect to all its conditions"[180] – must attend to claims based on identity. In this section, we explore some pathways that emancipatory law could take to attend to these claims. We limit ourselves to an illustration of some of the legal measures which might be justified on these grounds. It is beyond the scope of this paper to explore whether existing rights ought to be interpreted as including a concern with such recognition, as suggested by Judge Yudkivska in her concurring opinion cited above.[181]

In our view, the DEI programs mentioned in the introduction are one option for the state to accommodate claims based on identity. Recall that the basic idea of DEI strategies is to equalize opportunities, such as education and job opportunities, and access to services, such as health care and public family services, for marginalized social groups. At a university or college, for instance, DEI programs can include accommodation for students with disabilities and support for "college preparatory pipelines."[182] The latter are collaborations between a higher education institution and schools in areas where many students come from low-income households or are prospective first-generation college applicants. Some DEI programs also address the specific challenges and needs of minority groups. The DEI program of the Illinois Department of Children and Family Services (DCFS), for instance, has a focus "on identifying issues unique to the Latino, Asian-American, African-American, Native American and LGBTIAQ+ communities served by the department."[183]

As mentioned in the introduction, U.S. President Donald Trump has signed EOs targeting precisely such DEI programs both in the public and private sector. These orders have had an immediate chilling effect. Several U.S. companies have struck

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[180] Holzleithner, 'Sexuality', 1 (10).

[181] Besides Art. 8 ECHR, several legal and constitutional concepts have been interpreted to imply claims for recognition and respect, and it may be rewarding to analyze them in the light of claims to recognition of one's identity. We have characterized the difficulty of attaining basal self-respect as potentially a matter of oppression. Thus, anti-discrimination law and substantive equality, understood as non-subordination (MacKinnon, 'Substantive Equality: A Perspective', (2011) *Minn. L. Rev.* 1), may have some content which relates them to the concern with identities for which we have argued. Moreover, "dignity" has been interpreted by some as an "expressive norm" (Khaitan, 'Dignity as an Expressive Norm: Neither Vacuous Nor a Panacea' (2012) *OJLS* 1) to show respect. As such, dignity, too, may be interestingly related to the argument presented above.

[182] Cf., e.g., the University of Michigan's "Wolverine Pathways" <https://wolverinepathways.umich.edu/about-the-program/> accessed 3 April 2025.

[183] DCFS, 'DEI Programs' <https://dcfs.illinois.gov/about-us/oaa/affirmative-action-program.html> accessed 27 March 2025.

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language related to diversity, equity, and inclusion from official communications and reports;[184] schools, universities, and colleges across the U.S. have removed information about DEI programs from their webpages and student events which engage with topics such as racism have been cancelled.[185] Quite independently of any concern with identity, these political and legal attacks on DEI programs go against any reasonable understanding of the liberal democratic principle of equal freedom. However, they are particularly worrisome from an identity politics perspective. Though there are many different DEI objectives and strategies, depending on the community they address and the environment in which they are implemented, DEI programs are regularly attentive to systemic identity-based oppression. These programs are precisely meant to foster diverse, equitable, and inclusive social relations – for all. The fact that many of these programs focus on minority groups is not evidence of their supposedly central role in upholding an "identity-based spoils system."[186] It is a clear stance against systemic oppression, identity-based or not.

Beyond supporting DEI programs, the state could provide material support for "subaltern counterpublics",[187] or a "counterculture of compensatory respect."[188] Such countercultures can be understood as alliances of individuals or social groups who engage in activism or other forms of community initiatives in support or celebration of each other. The state may support countercultures, for instance, by providing funds for cultural and social activities of social groups and individuals who wish to share their stories and experiences with the public or who wish to foster visibility for their identity in the public sphere. Public funding for youth centers, Queer Cinema[189]

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[184] Goldberg, Krolik and Boyce, 'How Corporate America Is Retreating From D.E.I.' (The New York Times, 13 March 2025) <https://www.nytimes.com/interactive/2025/03/13/business/corporate-america-dei-policy-shifts.html> accessed 27 March 2025.

[185] Otterman, Hartocollis and Goldstein, 'Some Schools Act After Trump's D.E.I. Orders. Others Say They'll Resist' (The New York Times, 13 February 2025) <https://www.nytimes.com/2025/02/13/nyregion/trump-dei-executive-orders-schools.html> accessed 27 March 2025.

[186] Executive Order 14173 of January 21, 2025, Section 1.

[187] Fraser, 'Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy' (1990) *Social Text* 56 (67).

[188] Sennett and Cobb, *The Hidden Injuries of Class* (Cambridge, 1972) 85.

[189] For a collection of thoughts on and examples of Queer Cinema cf., e.g., Brunow and Dickel (eds.), *Queer Cinema* (Mainz, 2018) and Aaron (ed.), *New Queer Cinema* (New Brunswick/New Jersey/Edinburgh, 2004). Funds and prizes for films are regularly distributed and awarded by state ministries of culture. For an Austrian example, cf. Federal Ministry, Republic of Austria, Arts, Culture, the Civic Service and Sport, 'Innovative Film Austria 21/22' (*bmkoes.gv.at*, 2021) <https://www.bmkoes.gv.at/dam/jcr:c3e43b34-ccb7-4482-9d7c-448f65d83823/IF_2122_interaktiv_DoS2.pdf> accessed 30 August 2024.

or pride parades in celebration of LGBTIAQ+ history, culture and identities are examples of emancipatory state action in support of promoting egalitarian social relationships.

However, there may be concerns about the state's role in this regard. How much support is legitimate without law becoming "sectarian"?[190] Clearly, like other state measures, such support must be effective and the interest of supporting communities must be balanced with competing interests, such as different ways of allocating the necessary funds. More interestingly, however, there is a case to be made for legal institutions not being too directly involved in the creation of, e.g., queer youth centers or Queer Cinema. The egalitarian relationships these institutions and media productions render visible and promote are arguably forms of friendship, of deep appreciation of ways of life. This sort of appreciation ought not to be something expressed by the state. This is the core of the liberal idea that law "must be neutral on what might be called the question of the good life."[191] Rather, political institutions should limit themselves to providing the *material conditions of social recognition* for diverse ways of life under the conditions of equal freedom. They may distribute resources for public communication such that those who respect and esteem the identities of persons who suffer from identity-based oppression can communicate their respect and esteem effectively. In our view, this is what the state does when it allocates state funds to queer film productions or community spaces such as youth centers or multilingual "language cafés."[192] In doing so, it does not directly express recognition of the value of a given way of life. But it also does not ignore the fundamental importance that experiencing recognition for one's identity has for the possibility of living autonomously.

V. A Response to Critics

We have now introduced the normative grounds for identity politics and sketched some paths emancipatory law may take to combat identity-based oppression and to strengthen supportive relationships. Now we come back to the objections Fukuyama

[190] Rawls, 'The Idea of Public Reason Revisited' (1997) *The University of Chicago Law Review* 765 (779).

[191] Dworkin, 'Liberalism', in Dworkin, *A Matter of Principle* (Cambridge/London, 1985) 181 (191).

[192] Cf., e.g., the "Sprachcafés" (language cafés) organized by the local Viennese association "Lokale Agenda 21" which is supported by the local government of the city of Vienna (Lokale Agenda 21, 'Projektgruppe: Sprachcafé' <https://la21.wien/projektgruppe/sprachcafe/> accessed 28 March 2025).

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and Deneen have raised against identity politics. We argue that these objections should not ultimately lead us to reject it.[193]

A. Fukuyama

Fukuyama's main objection to identity politics was that demands for the recognition of the identity of oppressed groups lay the ground for right-wing identity politics. Identity politics of the right champions the cause of nations and religious communities which feel that they are not sufficiently recognized in contemporary liberal societies.[194] More specifically, Fukuyama has two worries here: The first is that the right may easily frame the left's focus on ever more particular marginalized groups as a politics of illegitimate exclusion by "elites" who disregard "traditional values."[195] This seems to be a realistic assessment: Just consider Deneen's critique. But surely, this is not so much a reason to reject identity politics as it is a reason to defend it against the elitism charge. We will try to do so in our response to Deneen in the next section.

Moreover, Fukuyama claims that identity politics is divisive because it gives rise to identity narcissism; an overriding concern with what one considers to be definitive of one's own identity as opposed to a shared project of living together across differences. As a consequence, social conflicts take the form of conflicts between identity groups. They are no longer understood as conflicts between divergent desires and interests regarding how to organize social cooperation. "[I]dentity claims are usually nonnegotiable";[196] conflicts around them cannot be resolved by discussion or compromise. Rather, those who can inspire stronger adherence to the group and are capable of mobilizing more "allies" will be more successful at advancing their interests.

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[193] We do not substantively respond to other objections here. One may, for instance, claim that our proposal is an invitation to another round of Oppression Olympics – who is worst positioned with respect to the social conditions for developing and maintaining basal self-respect? This objection seems to us to be misguided. Any claim to be seriously disadvantaged with respect to the conditions for developing and maintaining basal self-respect is no claim to be more oppressed than others. There are different forms of oppression and trying to rank them would be a serious misunderstanding (Rössl, *Intersektionale Rechtskritik* 55 f). We cannot see the problem regarding the fact that some people would have to claim that they are more or less seriously disadvantaged. This claim is involved in any opposition to oppression.

[194] Cf. Fukuyama, *Identity* Ch. 7.

[195] Fukuyama, *Identity* 120.

[196] Fukuyama, *Identity* 122.

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With this critique, Fukuyama seems to imply that identity politics rests on a conception of how to organize a society that comes dangerously close to what has been termed a "right to difference" in the European New Right. Basically, the right to difference is the right to defend one's (ethnic) difference from others.[197] In an early work, the New Right's key intellectual, Alain de Benoist, formulates it thus:[198]

> It is for this reason that it is important not merely to 'respect others' – half-heartedly – but to arouse everywhere the most legitimate desire possible: the desire to assert an identity that is unlike any other, to defend a heritage, to govern oneself according to that which one is.[199]

The proposed standard of justice is that each ethnic group must be recognized in their identity. If these groups conflict, there is no shared basis upon which they might come to an agreement – except, perhaps, the recognition that there is no shared basis. The conclusions drawn from this on the far-right are quite horrible. Benoist himself writes: "it is perfectly normal to defend one's own (ethnic) belonging above all else."[200] Fukuyama may suggest that left identity politics ultimately functions on something like a right to difference for authentic selves with no shared basis for organizing cooperation and resolving disagreement.

This claim is wrong, at least if it is to target the normative foundation for identity politics elaborated in this paper. As we have shown in Section IV, identity politics is normatively grounded in a concern for the freedom of individuals as far as it is compatible with the like freedom of all others while combatting hierarchical and oppressive social relations. Such an objective is a perfectly palatable candidate for shared concern among all citizens in a liberal polity. And it is very different from the New Right's right to difference which knows no normative standards whatsoever beyond asserting one's identity. Of course, this does not entirely rule out "identity conflicts." They will ensue with those who reject any normative principle which resembles the liberal ones on which identity politics rests. But conflict with anti-liberals is inevitable for any liberal, even for Fukuyama.

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[197] Benoist and Champetier, *Manifesto for a European Renaissance* (London, 2012) 34.

[198] On the European New Right and Benoist's place in it, see, e.g., Bar-On, *Rethinking the French New Right. Alternatives to Modernity* (London/NY, 2013). For a comparison between far-right identity politics and standpoint epistemology, see Steizinger and Ashton, 'Feminist Standpoint Theory vs. the Identitarian Ideology of the New Right: A Critical Comparison' (2024) *Social Theory and Practice* 127.

[199] Benoist, *View from the Right. A Critical Anthology of Contemporary Ideas. Volume 1. Heritage and Foundations.* Transl. by Robert Lindgren (London, 2017) 16.

[200] Benoist, *The Ideology of Sameness* (London, 2022) 21.

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There is yet another interpretation of Fukuyama's critique which is harder to reject. It worries that a political focus on identity strengthens a logic of identity conflict irrespective of whether it is grounded in concerns which could be shared by all citizens. If claims for the recognition of identities are more widespread, this could lead individuals to think of their concerns as constitutive of their personal essence. In other words, the political rhetoric of identity nourishes a "desire for identity",[201] which provides the starting point for far-right conceptions of politics. Recall Frankfurt's concept of wholeheartedness: concerns which are essential to you are ones which you cannot give up without betraying yourself. If more people think of their concerns as essential in this sense, they will be unable to give them up in the face of demands from others. To sum up, identity politics may lead citizens to change how they think about themselves such that they will become unable to resolve their conflicts by compromise and discussion.

We consider this version of the divisiveness critique to be much stronger than the first one. Indeed, it is not completely implausible to suggest that a trend toward emphasis on personal essences is observable and that this trend makes it harder to resolve political conflicts. However, this critique rests on a mistaken conception of identity: It is a misunderstanding to think that having an identity implies having commitments which you simply cannot give up. This was Velleman's critique of Frankfurt: Defending one's defining commitments is not a form of self-preservation. Identities can be much more conflicted and much less strong than the concept of a personal essence suggests. Caring about your identity need not make you a fanatic. Now Fukuyama may respond that, though perhaps it need not, it certainly can make you a fanatic.[202] Confusing personal essences and identities might be a misunderstanding that is widespread among (contemporary) humans. Consequently, an emphasis on identity may indeed prompt many to think of themselves according to the model of a personal essence. In this, we believe Fukuyama may be right. We should take this worry seriously when considering which roads to take for making claims based on identity. It is crucial to remember the misunderstandings that talk of identity might generate. We do not have a right to self-preservation of a fixed identity

[201] Benoist, *The Ideology of Sameness* 25.

[202] This claim requires further argument, and it would certainly be interesting to investigate the relationship between a personal essence conception of identity and fanaticism. For a nuanced conception of (individual) fanaticism, which links it to "fragility of the self" as one of its "four mutually reinforcing properties", cf. Katsafanas, *Philosophy of Devotion. The Longing for Invulnerable Ideals* (Oxford, 2022) 147-150, 161.

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regardless of its content.[203] Any political or legal measure that suggests this should be opposed on these grounds.

B. Deneen

Now we turn to Deneen: Recall that Deneen issued two related charges. First, demands for the recognition of identities ultimately serve to undermine all traditional social norms to precipitate an age of total freedom which undermines the conditions of human flourishing. Demanding that one's identity takes precedence over social norms which facilitate such public guidance will ultimately undermine all such social norms and leave those who are most in need of this guidance lonely and disoriented, not free. To this critique, it is tempting to reply that identity politics is much humbler. It does not aim to dissolve *all* social norms. No one is kept from living in traditional ways of life, pursuant to the social norms which constitute a family, for instance. And in supporting egalitarian social relations rooted in respect and esteem for identities, identity politics contributes to the construction of conceptions of the good and even social norms which may serve as "guardrails."

However, this reply would be too quick. Deneen would surely argue that what is crucial is not just having *some* social norms, but social norms which define a "common culture."[204] Through such a common culture, "the political order" is supposed to provide guidance for "ordinary people" to attain "the goods of human life."[205] Deneen seems to think that this common culture defines a normal path through life that reliably shows "ordinary people" how to flourish. This is why "fortifying" its underlying social norms and institutions is an urgent political concern.[206] In identity politics, Deneen sees an opponent of common culture: though identity politics does not aim to dissolve all social norms, the very point of opposition to depreciation and unintelligibility may be to undermine those norms which define what is normal in society.

However, Deneen's defense of normalcy relies on the view that there are at most a handful of life-courses which are right for humans to follow: those which are

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[203] Therefore, one ought to be careful to invoke a "right to identity" without qualifications, as done in multiculturalist theory by Margalit and Halbertal, 'Liberalism and the Right to Culture', (1994) *Social Research* 491 (506). For discussion, cf. Holzleithner, 'Interrogating Exit in Multiculturalist Theorizing: Conditions and Limitations', in Borchers and Vitikainen (eds.), *On Exit. Interdisciplinary Perspectives on the Right of Exit in Liberal Multicultural Societies* (Berlin/Boston, 2012) 13 (17 f).

[204] Deneen, *Regime Change* 231.

[205] Deneen, *Regime Change* 231.

[206] Deneen, *Regime Change* 235.

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compatible with "ancient and Christian understandings" of "self-governance" and "virtue."[207] Moreover, his insistence upon the need for guidance suggests that such a religious conception of the good is good for individuals irrespective of what they think about it. This is a staunchly anti-pluralist and paternalist view. Deneen's conception is insensitive to the plurality of ways of life that are lived in our societies right now and which people consider deeply important to who they are. If some conception of the good life, like Deneen's, required that everyone live in accordance with it – and importantly, conventional models of the family do not[208] – it would have to be oppressive.[209] It would be necessary to counter such oppression for the sake of guarding the equal freedom of all the other conceptions of the good. It is through them that we encounter one another in this life in so many interesting ways. This plurality is what makes human life a deep and enticing endeavor.

Deneen further critiques that identity politics is ultimately an ideology of elite domination. Identity politics serves as an ideological narrative by which the most powerful portray "those at the periphery" as "the true oppressors."[210] This objection is based on a serious misdescription. Deneen makes it seem as though it is only elites who engage in experiments in living and who claim that others must recognize their identity. This is clearly false if not insulting to those whom Deneen calls "ordinary people" insofar as it suggests that they do not have concerns and commitments which they consider to be emphatically their own as part of their practical horizon. The social bases of basal self-respect are a condition of autonomy which is equally important to all individuals. Hence, those who suffer identity-based oppression, irrespective of whether Deneen would characterize them as "elite" or "ordinary", are justified in engaging in identity politics under the conditions of equal freedom. Insofar as this is the case, identity politics is something that is neither done by nor primarily benefits so-called elites. If Deneen's claim, by contrast, is simply that there is some coercion involved in identity politics – that those who cherish the normalcy guaranteed by tradition are forced to give it up – then he is quite right. But this is, as such, not an argument against liberal identity politics. A liberal state, too, must stand for something.

[207] Deneen, *Why Liberalism Failed* xiii.

[208] Holzleithner, (2022) *Politics and Governance* 6 (12).

[209] Rawls, *Justice as Fairness* 34 terms this the "fact of oppression."

[210] Deneen, *Regime Change* 53.

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VI. Conclusion

In this paper, we investigated Francis Fukuyama's and Patrick Deneen's objections against identity politics. Their critiques raise intricate and important questions about identity politics' role in liberal democratic societies; by way of their objections, they challenge its proponents to critically reflect on what it is that they are standing for. With our argument, we take a stand for equal freedom and egalitarian social relations. We argue that the human experience of having an identity that one considers emphatically one's own is indeed of public concern.

The normative foundation for this concern is the principle of equal individual autonomy. More specifically, identity is politically relevant because of its relation to an internal condition of personal autonomy: basal self-respect. Basal self-respect is the existential feeling that it is good to be who I am. This "I" is my practical horizon, made up of the concerns, commitments and relationships that I understand as mine, some of which I may even consider to deeply define who I am. The *ease* of developing basal self-respect is socially constituted: Supportive relations make it easier to attain basal self-respect; unsupportive relations make it harder. Social relations which operate through depreciation and unintelligibility are particularly painful when they concern one's identity. Such identity-based oppression threatens to hollow out the social bases of basal self-respect. Countering this oppression is a concern of justice. Consequently, the state must strengthen egalitarian and supportive social relations which foster the development of basal self-respect.

In short, it is our contention that a liberal democratic society must not discard the idea of identity. Recognizing identity as a public concern need not mean forsaking a joint liberal project of living together across differences. Rather, differences in identities are precisely what we should work together to protect. Yes, identity politics requires us to discard oppressive social norms, and it may thereby uproot traditional ways of life. But this is necessary if we hope to live in democratic and pluralistic societies free from oppression – an ideal to which liberals should be emphatically committed. Hence, ignoring the idea of identity would not only be a missed opportunity for emancipatory law but for engagement with the richest source of democratic plurality – the persons within the people.

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