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Face-off: Group essentialism within facial appraisals

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Group essentialism, or the belief that social categories are expressly linked to innate or immovable differences, are often studied against neutral categories. However, in specific socio-political contexts, essentialism can be indelibly tied to social categories, particularly through ethnicity and race. Bio-somatic essentialism, as a sub-type, refers to the ways in which appearance can be linked to group essentialism. Sweden presents an interesting case for the examination of how bio-somatic essentialism can persist despite increasing racial and ethnic diversity in society. This article presents results from 265 participants who were asked to rate neutral faces of different races on how Swedish they appeared as well as their colorblind racial attitudes. Results show that increased colorblind attitudes impacted the relationship between group status and bio-somatic essentialism. Here, individuals with greater colorblind racial attitudes were more likely to endorse stricter bio-somatic essentialism. Overall, out-group men held the strictest group essentialism when compared to in-group women. Results found aid towards understanding how essentialism can be intersectionally understood, especially in reference to highly essentialized categories. Further, this article attempts to create more valid group constructions within the analysis, which has traditionally been lacking in Sweden.

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## (49) The Moral Justifications of Disability Discrimination in Health Care

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Much debate in the healthcare priority setting literature has concerned the disability discrimination problem of cost-effectiveness analysis. The problem occurs because cost-effectiveness, on the one hand, is an integral part of a justifiable scheme for the allocation of healthcare resources, but on the other hand, seems necessary to discriminate against disabled people.

More specifically, a cost-effective scheme for the allocation of health care resources discriminates against the disabled because, other things equal, interventions and treatments are likely to generate more health effects (by QALY or DALY measures) when given to non-disabled than to disabled patients.

In the philosophical literature, ethicists have discussed the disability discrimination problem intensively for the last decades. This has led to complex proposals as to when and why it is wrong to give lower priority to people with disabilities.

The study aims to investigate whether the extent to which people consider cost-effectiveness prioritization as wrongful discrimination depends on the reasons why people with disabilities are given lower priority. While the existing empirical literature identifies a reluctance toward giving lower priority to the disabled, it does not utilize the distinctions drawn in the philosophical literature.

To remedy this we recruit approximately 1100 respondents and conducted a experiment. The experiment is a between-subject design. We randomly assign respondents to one of five vignettes, each corresponding to a reason for giving people with disability lower priority. Each vignette is similar in the sense that it tells a story about two persons who need treatment for an eye disease called cataract, one of which has a mobility disability called Arthritis, and this person is not offered treatment. The reason emphasized in the decision differs between the vignettes. Specifically, the vignettes will differ in the following way: "In their assessment, the decision-makers emphasize that as an effect of their disability:

- patients with Arthritis have shorter expected lifespans than patients without it
- patients with Arthritis, have lower life quality than patients without it
- patients with Arthritis will be less productive of economic benefits to the good of society than patients without it
- for patients with Arthritis the treatment for cataract is less effective than for patients without it.
- for patients with Arthritis the treatment for cataract is more complicated and therefore more expensive than for patients without it.
- A control vignette where no particular reason is emphasized
- A vignette where no reason is emphasized and we talk about a condition instead of a disability (to test in comparison with the former whether use of the word disability matters.

Based on this we compare the extent to which people's judgements on whether disability discrimination in health care prioritization is permissible vary according to the particular moral reasons laid out as justifications.

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## (39) Responses to discrimination across different dimensions of discrimination

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The personal and societal consequences of discrimination are a threat to social cohesion and equal participation in society. Different strategies are possible, in order to deal with the consequences of discrimination on the individual level. In this paper, we study how different groups that are discriminated against differ in their responses to discrimination. Previous studies about responses to discrimination and stigmatization show that individuals implement different strategies to respond to experiences of discrimination and that context factors are relevant for the chosen strategies. These studies focus mainly on a single dimension of discrimination (e.g. racial or anti-queer discrimination). We build upon this research and complement it with a comparative approach, focusing on long-term behavioural responses to discrimination. We assume that different groups of people who are discriminated against have different resources, opportunities and limitations which create different spaces of possibility to react to and cope with experienced discrimination. These resources, opportunities and limitations are for example shaped by the (non-)existence of community structures and identification with a group, (non-)recognition as a vulnerable group, institutional possibilities for complaints or other legal options to react to experienced discrimination, cultural repertoires and familial socialisation. We assume that these resources, opportunities and limitations are distributed unevenly among people who experience discrimination in connection with different dimensions, in particular racist discrimination, sexist discrimination, anti-queer discrimination and classist discrimination.

To test our assumptions, we draw from original data from a population survey on experienced discrimination (inspired by the everyday discrimination scale), perceived discrimination and reactions to discrimination fielded in 2021 in Germany. Using only the cases of people who experienced discrimination and thus gave answers about their responses and coping strategies, we work with a sample of about 2.400 cases. We apply linear and multiple regression models to test if there is a connection between belonging to a certain discriminated group and the chosen reaction to discrimination. Keeping in mind that these groups are not distinct, we further want to explore intersectional effects of belonging to multiple groups. We find that while belonging to a group that is discriminated against does exert a small effect on the chosen strategies, the main driver of choosing a certain strategy is perceived discrimination. People who experience discrimination frequently use strategies of avoidance, like reducing social contacts. This applies to cis-women, queer people, people with low social status and racialised people likewise. However, there is some variance in the reactions to discrimination between these groups.

Besides strategies of avoidance, all groups also use other strategies, e.g. the demonstration of competence. Here we find a significant correlation between gender and the demonstration of competence as a response to discrimination. We present further results and discuss different explanations for the found similarities and differences. With this paper, we contribute to the research strand on responses to discrimination, taking multiple dimensions of discrimination into account.

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## Negative and Positive Affirmative Action

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Affirmative action continues to divide. Whereas defenders maintain that affirmative action is necessary in the unjust societies in which we live, opponents maintain that affirmative action is unjust, for one because it is effectively a form of reverse discrimination. The debate often ends in a stalemate. My aim in this paper is to stir the debate about affirmative action. I do so by putting forth a new distinction between two forms of affirmative action, namely *negative* and *positive affirmative action*. Positive affirmative action has to do with advantageous social goods, such as a place at a prestigious university, a job at a prestigious company or a seat in parliament. This is the type of affirmative action that is usually defended by proponents and objected to by opponents.

Negative affirmative action, on the other hand, has to do with disadvantageous social goods, such as a firing or a sentence. Whereas positive affirmative action tries to secure, for some reason, that people from disadvantageous groups get more advantageous social goods, negative affirmative action tries to secure, for some reason, that people from disadvantageous groups get fewer disadvantageous social goods. It is surprising that negative affirmative action has not received (more) attention. After all, that which makes it harder for members of disadvantaged groups to receive advantageous social goods likely also make it easier for them to receive disadvantageous social goods. Indeed, I will argue that this is the case. I will also argue that whereas some of the most prominent arguments in favor of affirmative action speak equally in favor of negative and positive affirmative action, at least one argument might speak more in favor of negative affirmative action. At the same time, some of the most prominent arguments put forward against affirmative action speak less (if at all) against negative than positive affirmative action. This is significant for several reasons. It means that opponents of affirmative action, even if they succeed in objecting to positive affirmative action, do not establish that affirmative action *as such* is objectionable. It also means that proponents of affirmative action can provide more by way of argument for affirmative action as such— indeed, more by way of arguments they have already put forward—than has so far been acknowledged. In this way, the distinction I put forward should be of significance to both proponents and opponents of affirmative action.

To clarify, my primary aim in this paper is not to defend affirmative action. My primary aim is to put forward the distinction between negative and positive affirmative action, and situate negative affirmative action in relation to the arguments usually put forward for and against affirmative action. However, the upshot of the latter will in some sense be an indirect defense of affirmative action: indirect in the sense that some of the arguments in favor of affirmative action will be stronger once we consider negative affirmative action, and some of the arguments against will be weaker.

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## (46) Disability, Autonomy and Definitions: Between Discrimination and Emancipation

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Discrimination against persons with disabilities takes various forms: inaccessibility of places and activities; segregation; non-recognition of legal status; exclusion from education and employment. These forms of discrimination could be addressed by claiming recognition of rights and opening up the question of how to achieve an inclusive society. But there is also a deeper way in which people with disabilities are discriminated against, and it concerns how the concept of 'disability' itself is defined. In fact, one of the most important revolutions made by disability rights activists since the 1970s concerns the very definition of 'disability': not as a medical-biological characteristic of an individual, but as a burden imposed by a society incapable of including people with impairments. The very distinction between 'impairment' and 'disability' marks the emergence of what is referred to as the 'social model of disability' (Oliver 1981), which has been followed by different strategies of definition, or 'models', of disability (Beaudry 2018).

In this article, I address the question of how the definition of 'disability' represents an area of struggle against discrimination for people with disabilities. In particular, I focus on the place that the concept of 'autonomy' plays in this field: I will explore some of the ways in which the association between the concept of 'disability' and the concept of 'autonomy' has produced both forms of discrimination and emancipation. The paper addresses this question in two parts.

In the first part, I will analyse how the concept of autonomy could be a source of discrimination for people with disabilities. I will take moral and political philosophy as a case study and argue that the concept of autonomy seems to crystallise a way in which people with disabilities have historically been excluded from moral and political personhood recognition on the basis of a lack of autonomy, with autonomy seen as a source of dignity, wellbeing or as a basis for moral status recognition. Adopting the lens of the ethics of care (Kittay 2008; 2011), this process of discrimination will be understood as an anthropology of autonomy and challenged by an anthropology of vulnerability and a relational conception of autonomy (Mackenzie - Stoljar 2000; Mackenzie et al. 2013).

In the second part, I consider the shift from autonomy as a source of discrimination to autonomy as a tool for claiming rights. Taking the United Nations Convention on the Rights of Persons with Disabilities (2006) as a case study, I show how the concept of autonomy has been used by activists to reshape the very definition of 'disability', which ultimately takes the form of a claim to autonomy in the very process of defining disability (Barnes 2016).

In conclusion, I raise some questions about the risk that the centrality of the concept of autonomy in the field of disability rights may reiterate a form of discrimination for people with severe forms of cognitive impairment, and consider whether a relational conception of autonomy may help mitigate this risk.

(P6) How source cues shape evaluations of group-based derogatory political messages

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Theories of social norms suggest that, except for prejudiced people, individuals should reject racially derogatory speech. The increase of derogation in politics, including by in-group members, suggests more complexity. We argue that source cues shape the application of norms. Specifically, group membership of the observer and that of the speaker are critical to understanding how norms manifest in politics. We test this theory in four experimental studies that compare the reactions of White and Black respondents to White, Black, and Muslim candidates. We find that both Black and White Americans punish White candidates who derogate Blacks or Muslims. Both punish the derogation less when issued by minority candidates, although differences emerge between White and Black audiences. Together, our results suggest that research must take the uneven socialization of White and Black Americans into account and consider how norms of racial equality matter for evaluations of political rhetoric and outcomes.

## (P5) On Discrimination against Persons with a Criminal Record and Formerly Criminal Record in the Job Market

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Can persons with criminal records and former criminal records be discriminated against in a morally reprehensible manner based on the characteristic of having a criminal record? To come closer to an answer to this question, another question will serve as an example, narrowing the first question to a specific area of discrimination. The question is: Can job applicants with criminal records and former criminal records be discriminated against in a morally reprehensible manner because of their criminal record? To answer this question, it is first necessary to clarify the definition of discrimination under which morally reprehensible discrimination against those with criminal records and those with former criminal records can apply. Such an application of different definitions of discrimination may not only be useful for particular application but may also serve to illustrate the different definitions. Although there are already publications that deal with the selection of job applicants and discrimination in the job market, discrimination against those with criminal records and former criminal records in the job market must be considered separately. This is because they are a special group of applicants who are often overlooked in general considerations of job applications. This is probably mainly because discrimination against persons with criminal records and former criminal records is intuitively not as clearly morally reprehensible as it appears to be in the case of ethnicity and gender. But first it is necessary to define what is meant by persons with a criminal record and persons with a former criminal record. Such a distinction is not common, but similar to German law, which is therefore initially considered as a guide. Persons who have an entry in the Federal Central Register are referred to as having a criminal record. Such entries are, after a certain period of time erased and the convicted person may call himself unconvicted after the sentence has been served and does not need to disclose the facts of the case. However, a distinction must be made, at least in social life, between one who is entirely unconvicted, who has never been designated as having a criminal record, and one who has a former criminal record, who henceforth is designated as unconvicted in the legal sense. This is because a formerly convicted person may be treated differently in social life than an entirely unconvicted person. Two groups of theories of discrimination - list approaches and situational relevance - are presented and considered as to whether their definitions apply to persons with criminal records and former criminal records. The definitions will not be critically examined according to their conception and application, but rather they will be applied to the question of whether persons with criminal records and former criminal records can be discriminated against on the job market based on that characteristic. Instead of one clear answer I will show that the answer to the research question varies depending on the taken definition of discrimination. However, the overview of different definitions of discrimination can show how serious a decision for a theory of discrimination can be for certain people, such as previously convicted persons. This is because, depending on the definition of discrimination, previously convicted persons may or may not be protected from discrimination. In this sense, the given example can be an illustration for one's own intuition for the correct definition of discrimination.

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#### (4) Just What The Doctor Ordered: When Pro-Trans Parents are Willing to Accept Anti-Transition Medical Care for their Children

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There is an intense ongoing debate about transgender (trans) medical care for children. However, we know little about how parents evaluate and choose treatment paths for their trans children. In this study, we explore how the prior attitudes of parents and the advice they receive from medical experts affects their treatment decisions. In initial studies from five countries, we find that unlike with other issues, parents with pro-trans attitudes are surprisingly willing to accept talk therapy as a treatment, under the guidance that their child's gender dysphoria feelings are temporary. We hypothesize that these effects could reflect a misrepresentation of the respondents' true beliefs – or a lack of certainty in them – or, alternatively, could be driven by specific unmeasured prior attitudes. These specific attitudes could represent how risky or reversible potential treatments are perceived to be (hormone therapy vs. talk therapy), or other factors, such as perceptions of societal prejudice. We will examine these explanations through a new survey experiment in two further countries, varying how the treatment options are described by doctors – *moderate and reversible* vs *strong and irreversible*. We argue that parents are more willing to accept advice which clashes with their prior attitudes when it is framed as moderate and reversible. We also explore other potential explanations, including the respondents' level of prejudice and their perceptions of societal prejudice, whether they perceive trans medical advice as politically biased, and the role of confidence in prior trans attitudes.

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## (29) Discrimination's Discontents

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In this paper, I aim to revive a line of thought about discrimination—one I call *Irrelevance*—that many deem unsatisfactory. I argue that extant views of discrimination would be improved by appealing to Irrelevance.

On Irrelevance, one discriminates in differentially and disadvantageously treating others on the basis of irrelevant considerations. This view, as it stands, is wildly unpopular. It faces numerous objections, including the pressing objection that it cannot explain why some instances of discrimination—like those borne by members of already disenfranchised groups—are paradigmatically discriminatory and especially morally bad (Hellman 2008; Scanlon 2008; Halldenius 2018).

I offer a diagnosis of why Irrelevance is vulnerable to these objections. I argue that most of the objections posed to Irrelevance target only one strand of views under the umbrella. There are two ways to conceive of Irrelevance: one, as coarse-grained, and two, as fine-grained. These objections straightforwardly apply to Irrelevance-as-coarse-grained. On coarse-grained views, irrelevance is a fixed, binary property—something either is or isn't relevant. There is little room for nuance in deciding what *makes* something relevant. I briefly discuss two views of this stripe: *moral irrelevance* (Nickel 1972; Flew 1990; Sunstein 1994) and *task irrelevance* (Tussman and tenBroek 1949). I argue that these views rely on contextually insensitive judgements. Given contextual insensitivity, they are inadequate to serve our needs in thinking about discrimination. Furthermore, Irrelevance has been pitched as a complete view of discrimination. So if the view misses important and intuitively paradigmatic cases, it ought to be abandoned.

When Irrelevance is fine-grained, however, there is room for nuance in deciding what makes something relevant. This nuance makes Irrelevance apt for combination with other views of discrimination. Recall the worry that Irrelevance cannot explain why some instances of discrimination are paradigmatically discriminatory and especially morally bad. It would be hard to deny that discrimination is morally worse when it compounds injustice, or perpetuates a pattern of inequality. When combined with other principles, such as a moral principle, Irrelevance is not vulnerable to the objections that have maligned Irrelevance. Here, I briefly discuss one plausible account of Irrelevance-as-fine-grained: evidential irrelevance. On this view, one discriminates in differentially and disadvantageously treating others on the basis of attributes evidentially irrelevant to a legitimate goal.

I argue that Irrelevance-as-fine-grained has a role to play in a plausible view of discrimination. It supports extant views of discrimination by accounting for cases that are only minimally morally wrong. On views that I call *Wrongs-First*, the wrongs of discrimination play a role in gating the concept of discrimination. These views explicitly, or implicitly, suggest that discrimination is to do with attributes that morality dictates ought not count. Discrimination may demean (Hellman 2008), harm (Lippert-Rasmussen 2013), disrespect (Eidelson 2015), subordinate (Moreau 2020), or render unfree (Khaitan 2015). I regard these views as '*wrongs-first*' because they identify the particular wrong discrimination brings about, and carve up would-be cases of discrimination in terms of whether they cause that injury. Each of these views does so differently. These views vindicate our intuitions about discrimination, and satisfy demands on ethos.

However, *Wrongs-First* relies too heavily on either past injustice or a presupposed notion of morally important social groups. Most importantly, it cannot account for cases that involve inane or idiosyncratic attributes—but as I hope to show, we can tell a story about why such cases ought to be regarded as discrimination, and improve our ability to target discrimination. In appealing to Irrelevance, these views can make sense of cases that spark a chain or pattern of injustice, even if the start of that chain or pattern involves only (initially) inane or idiosyncratic reasons for differential disadvantage.

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(32) Can Unequal Results Amount to Differential Treatment? Relational Egalitarianism and Indirect Discrimination.

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Many authors subscribe to a broadly relational egalitarian conception of justice to explain why discrimination is wrongful (Eidelson 2013; 2015; Hellman 2008; 2018a; 2018b; Sangiovanni 2017, 113- 74; Moreau 2020). Following a relational egalitarian approach, equality is about how people treat one another and how shared socio-political institutions treat individuals. In a word, for relational egalitarians, justice requires that all be treated as equals in society (for general overviews see Fourie, Shuppert and Wallimann-Helmer 2015; Nath 2020; Voigt 2020). Though anti-discrimination laws may not be sufficient to guarantee full social equality,<sup>1</sup> they remain essential tools to at least ensure that public actors or actors that have taken on a public role – such as employers, or people who provide goods and services to the public – treat all as equals in society (Khaitan 2015, 195-214; Moreau 2020, 209-48). Yet, this relational approach raises interesting puzzles once it is applied to instances of *indirect* discrimination.

In discrimination theory and law, it is typical to distinguish between two types of discrimination. Very roughly, direct discrimination refers to cases of differential treatment. A paradigmatic example is the case of a racist employer who refuses to employ a member of a racialized group. In contrast, indirect discrimination refers to cases of unequal results where these results cannot be attributed to an intention to discriminate or any objectionable mental state held by a discriminating agent. A typical example here, for instance, would be a university that requires of all applicants to pass a standardized test. If it turns out that fewer members of a racialized group pass the test and that the admission committee is unaware of this fact, then this test could amount to an instance of indirect discrimination. Accordingly, there appears to be a mismatch between an insistence on the idea that equality is about equal treatment, on the one hand, and the idea that indirect discrimination captures instances of disparate impact absent differential treatment. Yet, in this paper, I examine how relational authors have tried to explain how *indirect* discrimination can be captured by a relational conception of justice. I distinguish between three main strategies relational authors have used to deal with indirect discrimination. However, I argue that all fail to convincingly explain why indirect discrimination is wrongful.

First, Hellman (2008; 2018b) argues that indirect discrimination is wrongful because it violates a duty not to compound past or ongoing injustice. Hence, indirect discrimination is wrong because it entrenches the harm of direct, differential treatment. However, I argue that this approach tends to be too narrow in that it cannot capture cases where indirect discrimination precedes direct discrimination. In other words, Hellman's position relies on a doubtful causal mechanism stating that indirect discrimination is parasitic on prior instances of direct discrimination, while it need not be the case.

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1 On this point, see notably Moreau (2020, 209-248). Most notably, though we could say that everyone stands under a duty not to discriminate against others, anti-discrimination laws typically do not apply to private, interpersonal relations. For instance, a racist person who chooses to befriend members of their own ethnic group would arguably be discriminating against members of racialized groups. However, most would agree that the state would be intruding in private, individual choices if it were to intervene directly to prevent this type of private discrimination. I come back below to the question of which actors stand under the legal duty not to discriminate.

Second, Sangiovanni (2017) and Moreau (2020) both argue that indirect discrimination in fact amounts to a type of differential treatment. They argue that wrongful indirect discrimination amounts to instances of indifference (Sangiovanni 2017) or negligence (Moreau 2020). However, I point out that though this approach captures paradigmatic cases of discrimination, it remains too limited. There are some cases where a discriminator can simply be unaware of the impact of their actions and cannot be expected to know the full impact of their actions. Hence, there are possible cases of indirect discrimination that cannot be connected to indifference or negligence on the part of a discriminator.

Thirdly, and finally, some may be tempted to argue that though indirect discrimination may be a useful practical and legal construct, indirect discrimination is nonetheless not discrimination proper. For Eidelson (2013; 2015) notably, indirect discrimination in fact either amounts to what he calls “second-order direct discrimination” or to distributive inequalities. I argue that this strategy, though viable, mischaracterizes the way in which disparate impacts can emerge and fails to capture the idea that claims against indirect discrimination are normatively distinct from claims against distributive injustice. Hence, I argue that we have good reasons to keep the direct/indirect distinction as part of our discrimination toolbox.

In closing, I examine a fourth possible argument that relational egalitarians could develop to capture indirect discrimination. I build on a suggestion from Kolodny that indirect discrimination constitutes objectionable disparity of regard (2023, 185-90). I suggest that one way to interpret this claim is to say that relational egalitarians should ensure that actions by public actors meet a sufficient threshold of justifiability such as the “interpersonal justification” test (Anderson 1999, 322; Cohen 1995, 348; Cohen 2008, 35-46). Under this view, one could say that relational egalitarianism comes with stringent distributive obligations ensuring both that people have enough to be able to stand as equals in society and that all inequalities created by public actors are unjustifiable, unless there are good reasons, acceptable by all in principle, to favour an unequal distribution. However, I highlight that this view of relational egalitarianism is situated at a very abstract level and blurs the distinction between relational and distributive egalitarianism. Therefore, I conclude that relational egalitarians should either accept that their view cannot fully capture the wrongfulness of indirect discrimination or that relational egalitarianism is, in fact, much closer to distributive egalitarianism than many recognize.

The paper is divided into five main sections. First, I discuss the different ways in which people tend to trace the distinction between direct and indirect discrimination and briefly introduce relational egalitarianism. In sections 2 to 4, I discuss the different strategies relational egalitarians have used to capture indirect discrimination and show how each strategy is unsuccessful. Finally, I develop a positive proposal, but show that it leads to counterintuitive conclusions for relational egalitarians.

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## (10) Perpetrators and Victims of Discrimination: In Defense of Conceptual Symmetry

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In this presentation we explore the, perhaps provocative sentiment, that the concept of discrimination should be used in a symmetric sense rather than an asymmetric sense regarding which groups can be discriminated against. We focus on two opposing positions in the discrimination research literature: One claims that minority groups can discriminate against majority groups – they use the symmetric concept of discrimination, and the other claims that minorities cannot discriminate against majorities – they use the asymmetric concept of discrimination. The former believes that ‘discrimination’ is bi-directional, both those on the top and bottom of a social hierarchy can discriminate against each other. The latter believes that ‘discrimination’ is uni-directional and that only those on top of the social hierarchy can discriminate against those below.

The division is visible in mainstream discussions, too – for instance, was it discrimination when Whites were asked to walk in the back of a Black Lives Matter demonstration? Whether we use a symmetric or asymmetric concept of discrimination is a contentious public and academic conceptual issue, and the focus of the talk is exploring why we think we should use the symmetric discrimination concept. First, we describe what exactly conceptual symmetry entails and what it does not entail. Then, we recreate and outline arguments for the symmetric discrimination concept, namely the:

1. The Solidarity and Interest Convergence Argument
2. Challenges Stereotypes of Majority Group Members Argument
3. Fuzziness of Hierarchies Argument
4. The Folk Concept Argument

We also discuss three potent arguments against using the symmetric discrimination concept:

1. The Compassion Fatigue Argument
2. The Appease Those in Power Argument
3. The Global Context Argument

These arguments lead to some revisions, or some limitations to the symmetric concept of discrimination, but essentially, we argue that the pros of using ‘discrimination’ in the symmetric sense outweighs the cons.

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## (20) What counts as discrimination? A study on the assessment of formal complaints at a Dutch anti-discrimination centre

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Partly due to its subtle and interpersonal nature, discrimination is hard to detect. Attributions to discrimination are psychologically costly for victims, and one of the main perceived barriers to reporting is the fear of not being believed (Barreto & Ellemers, 2015; Stangor et al., 2003). People tend to have a prototypical notion of discrimination in mind when assessing a situation: the more similar the situation is to certain prototypes, the more likely this is seen as discrimination (for a review of prototypicality theory: Major & Sawyer, 2016). The degree of prototypicality of a situation depends on characteristics of both the event (e.g. its lack of subtlety or harmful consequences) and the perpetrator (e.g., their perceived intentionality).

Research on discrimination attributions to date has mainly been based on experiments with hypothetical scenarios or general survey questions, which are vulnerable to ecological validity issues or recall bias, respectively. We contribute to this literature by examining discrimination attributions from a unique angle. We gained access to an anonymized database of formal discrimination complaints (N=274) made by victims to a regional anti-discrimination bureau in the Netherlands, between 2018 and 2023. All reports used for the analysis concern racial discrimination, including discrimination on grounds of ethnicity and ancestry.

Assisting victims in the settlements of complaints and recording their experiences in detail in a secured online environment are among the main tasks of this type of organization. Its employees offer non-binding advice on whether the reported events can be considered discriminatory based on previous reports as well as national, international and case law. In their capacity as public officers with much agency in their daily work and exposure to limited supervision, case evaluators can thus be regarded as an example of street-level bureaucrats (Bursell, 2021). Anti-discrimination facilities host various of these evaluators, whose task is to decide whether discrimination has taken place or not, thereby (in)validating victims' experiences. However, we do not know whether the same ambiguity that victims experience in attributing discrimination also applies to case evaluators.

For each case, drawing on the complainants' own accounts, we coded features of the reported incidents that are typically seen as prototypical of discriminatory situations, namely: the status asymmetry between victim and perpetrator, the event frequency, nature (subtle or less subtle; formal or interpersonal) and type (verbal abuse, harassment, denial of opportunities), the setting in which it took place (e.g. workplace, public space, school), the perceived intentionality of the perpetrator, and the presence of bystanders. We then tested whether the likelihood that the case was assessed as discriminatory was higher for more prototypical cases and for cases with more prototypical targets and perpetrators.

Results from multinomial regression analysis show that subtlety decreased, while intent and status asymmetry increased, the likelihood that a case was assessed as discriminatory. Formality and the presence of bystanders were unrelated to the type of assessment. Since cases characterized by subtle or non-intentional acts and cases lacking clear information about the status-asymmetry of the actors involved are less likely to be assessed as discriminatory, victims

of such incidents might be hesitant to file a claim in the future and run the risk of further marginalization. Due to the harmful impact that non-prototypical forms of discrimination have on the victims and the associated risk that victims will not report discrimination in the future, SLBs are urged to be aware of the role that subtlety, intentionality, and status asymmetry occupy in their attributional processes. This awareness can be enhanced through additional training and conversations with other experts in the field. Specifically, given the potential negative impact of subtle discrimination on victims' psychological well-being (Jones et al., 2016), more attention should be given to the conditions under which subtle discrimination is most likely to occur.

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(P3) Not competent enough, too cold or rather too conservative?

Stereotype content and ethnic hierarchies in hiring discrimination

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Theories of discrimination give stereotypes a central place. For example, according to statistical discrimination theory, people discriminate due to a lack of information and rely on group-based characteristics or widely shared beliefs (i.e. stereotypes) that guide their behavior toward individuals belonging to those groups. In this paper, we draw on two key models of stereotyping developed in social-psychology (and shortly summarized below) to study whether stereotypes associated to ethnic minorities predict discrimination in hiring in the German labor market.

The Stereotype Content Model (SCM) and the Agency-Beliefs-Communion (ABC) model both try to identify fundamental stereotype content dimensions that people use to make sense of social groups and are thus *general* stereotype content models. According to the SCM (see Cuddy, Fiske, & Glick, 2008; Fiske, Cuddy, Glick, & Xu, 2002), warmth (or communion) and competence (or agency) are universal dimensions of social cognition used in interpersonal encounters to determine whether the ‘other’ has good or bad intentions (warmth dimension) and whether the ‘other’ has the ability to act upon those intentions (competence dimension). People perceived as warm and competent elicit positive emotions and are treated positively, while people perceived as cold and incompetent elicit negative emotions and are treated more negatively, discrimination being one type of negative behavioral outcome. The SCM was later challenged by the ABC model, according to which the primary dimensions used by people to spontaneously categorize groups are agency (similar to the competence dimension) and progressive beliefs, while communion is an emergent quality in the two-dimensional space of agency and beliefs (Koch et al., 2016).

With our study, we contribute to this literature by looking at the relationship between stereotype content and discrimination as a behavioral outcome. Focusing on a large set of ethnic groups, we investigated the content of ethnic stereotypes and its contribution to explaining ethnic discrimination in hiring. In study 1, we examined the content of the stereotypes that Germans ascribe to 38 ethnic minorities, drawing on a large-scale online survey (N=2,300). We instructed respondents to rate ethnic minorities with respect to different adjectives reflecting the warmth (or communion), competence (or agency), and progressive/conservative beliefs dimensions of the SCM and ABC model. Based on the results of multilevel factor and regression analyses, we computed group-level average values of the identified stereotype content dimensions (competence, beliefs, and warmth). In study 2, we used the group-level ethnic stereotypes found in study 1 to predict differences in employer responses to job applications. We drew on a large-scale field experiment on hiring discrimination, a so-called correspondence test, conducted in Germany (N=2,700 employer responses). The ethnic background of the fictitious job candidates was randomly varied in this field experiment, which allowed us to investigate how well ethnic stereotypes can explain ethnic hierarchies in hiring and which stereotype content dimensions mattered the most in employers’ evaluations. Finally, in study 3 we again used the group-level stereotypes from study 1 to predict ethnic discrimination with data from a correspondence test,

this time also randomly varying signals of warmth, competence and religious affiliation in the fictitious job applicants' profiles. We tested whether these three characteristics, that correspond to the stereotype content dimensions proposed by the SCM and the ABC model, moderated the impact of ethnic stereotypes on employer responses.

Our preliminary results of study 1 confirm the relevance of all three dimensions but suggest separating the competence/agency dimension into power and competence. In addition, our results are least supportive of the warmth dimension but stress the importance of ascribed progressive beliefs in stereotypes about ethnic groups. Finally, ethnic groups' ascribed competence correlates highly with progressiveness and communion ( $r > .80$ , respectively). Our preliminary results of study 2 confirm communion, capacity, and beliefs – but not power – as significant positive predictors of the likelihood that fictitious job candidates receive a positive response from employers in separate multilevel regression models, but not when added simultaneously to the regression model. The analyses for study 3 on the relationship between ethnic stereotypes and signals of competence, warmth and religiosity and its role for labor market chances are still pending.

We contextualize our preliminary findings, which seem to be more in line with the ABC model, in relation to theories of symbolic threat and the anti-immigrant discourse in Europe, with its focus on the conservative beliefs of minorities as a threat to ingroup values. Theoretically, we interpret our findings in relation to recent work from the proponents of the SCM and ABC model showing that the key difference between the role of these stereotype dimensions in social evaluation is that, while agency and beliefs are consensual, widely shared stereotype dimensions, the warmth dimension is relational: in other words, people may categorize groups perceived as more similar to the self in terms of agency and beliefs as also warmer (Koch et al., 2020). This might explain why, when instructed to think about the stereotypes people apply to the groups in general, people in our study primarily thought of traits associated with agency and beliefs.

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(Moved to 47 from 53)

## Visibility, education and perceived discrimination

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The literature on “colorism” that has so far focused on the consequences of skin tone variation among Blacks and Hispanics in America. Our paper focuses on the role of individual-level variation in “visibility” for explaining perceptions of discrimination among immigrants in Germany. We start out from two theoretical arguments. First, individuals who can be recognized on the basis of visible cues such as skin tone or religious markers such as a headscarf should be exposed to higher levels of discrimination. This argument is in line with recent findings that individual level variation in “racial appearance” triggers labor market discrimination in the European context. Due to the social-psychological and perceptual dynamics at work, discrimination based on visibility should also be more persistent with regard to those characteristics that have been shown to reduce discrimination, most importantly high levels of education. And second, according to the “integration paradox” better-educated individuals are more likely to interpret ambiguous negative incidents as discriminatory, because they have higher aspirations for equal treatment and greater sensitivities to unequal treatment. We thus expect that levels of perceptions of discrimination are particularly high when high exposure to discrimination and high aspirations for equal – and awareness of unequal – treatment coincide, namely among visibly distinct and highly educated individuals.

We test these arguments based on survey data that was collected among recent Turkish and Syrian immigrants to Germany. This data set uniquely captures newcomers’ visibility as an individual-level variable. We show that visibility and high levels of education interact in shaping perceptions of discrimination. Results reveal, *first*, that even within the same origin groups, respondents whose foreign roots are recognizable for others based on visible cues such as skin color or hair covering report substantively more experiences of discrimination than those who can be recognized based e.g. on their accent or name. Hence, the finding that phenotypical difference triggers discrimination among minority members in Europe also seems to hold for subjective perceptions of discrimination as reported in surveys. *Second*, migrants with higher levels of education do not generally report more discrimination than those with lower levels of education. Instead, it is the subgroup of visibly distinct *and* highly educated migrants that reports particularly high levels of discrimination. This finding is robust across different coding and modelling strategies.

With respect to change over time, our findings are mixed. Most importantly, perceptions of discrimination only *increase* among visibly distinct and highly educated Turks and not among Syrians. This result is in line with the finding that Turks perceive more discrimination than equally visible Syrians, even though the latter face greater social distance from natives, according to survey data. We argue that this reflects differences in both groups’ macro-societal reception context. Many Turkish newcomers have contacts with other Turks who have been living in the country for a long time or who were even born there. Those embedded in these – often family-based – networks may be more and over time increasingly so aware of the decade-old exclusionary and migration-skeptical public debate about Turks and other migrants from predominantly Muslim countries. This may increase their awareness of discrimination over time above and beyond their levels of education. Previous research suggests that perceptions of discrimination are strongly shaped by knowledge about such debates. Syrians, in turn, are rather new to the country, not only as individuals but also as a group. The fact that most of them arrived as refugees shaped their early encounters with majority members – at a time when many Germans were actively welcoming and supporting refugees. These differences in the reception



context seemingly shaped both groups' perceptions of discrimination above and beyond the individual level variables that we considered in our analyses.

The main empirical challenge of our research lies in systematically assessing variation in migrants' visibility and its role in shaping perceptions of discrimination. One limitation to our research is that we cannot fully exclude that migrants' perceptions of their visibility are a consequence rather than a cause of their experiences of discrimination. However, this objection may not be as valid as it might seem. First, we were able to partly validate respondents' self-assessed visibility by using a skin-tone scale. We are confident that rating one's own skin tone by comparing it with a numbered scale is less influenced by social experiences than, for example, questions about one's ethnic identity. Second, we examined the extent to which the levels of visibility our respondents reported are related to the amount of time they had already stayed in Germany. The risk time for exposure to discrimination increases over time. If these experiences did have a reverse influence on respondents' self-assessment of their physical visibility, the share of those who perceive themselves as visibly distinct should be greater among those who have been staying in Germany longer. This, however, is not the case.

In sum, we believe that our strategy to capture migrants' visibility in surveys provides a sufficiently reliable basis for a first look into its role in perceived discrimination among immigrants of European and Middle Eastern background. More objective but also more intricate and expensive assessment of respondents' physical visibility should be implemented if this line of research is pursued further. Overall, capturing migrants' visibility in surveys remains a challenge. As social scientists, we are deeply uneasy to think of it as an "objectively" measurable characteristic. However, not only our study reveals, that it shapes exposure to discrimination even among non-Black immigrants to a European country like Germany. Taking this within-group variation in migrants' visibility into account is thus key in understanding the dynamics of inclusion and exclusion in diverse societies.

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## (12) Who is the majority group? Signaling majority group membership in audit studies conducted in multilingual contexts

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In correspondence audits, ethnic majority and minority membership is typically signaled to employers and housing agents through applicants' first names and surnames (Gaddis, 2017a). There is, however, growing evidence that, in addition to conveying ethnicity or race, name-based treatments also signal social class background, age, immigration status, and are associated to different psychological traits. Research on name perceptions and its effects on the measurement of ethnic and racial discrimination in experimental studies is almost entirely based on the US context. Outside of the US, high levels of internal linguistic diversity among the native majority group are the norm rather than the exception and this feature complicates the selection of name-based treatments to signal majority group membership and effectively measure ethnic discrimination, ancestry and language, e.g., China, Russia, or South Africa.

High internal linguistic diversity in the majority reference group often translates into distinctive first names and surnames and is associated with long-standing cultural, socioeconomic and political divisions among the autochthonous population (Keating, 2001). In these contexts, the selection of name-based treatments to signal majority group membership is far from obvious, as names tend to correlate with characteristics that are productivity relevant—in particular, language skills. The level of discrimination in the labor market against ethnic minority groups as measured in correspondence audits is hence heavily dependent on who we identify as the majority group in a given context.

To illustrate this complexity, we rely on data from a correspondence audit (study 1) and an online survey on name perceptions (study 2), both conducted in Catalonia, a multilingual region in northeastern Spain. Catalonia is the second most populated region in Spain with 7.8 million inhabitants as of 2022. The native majority group is highly diverse in terms of (1) language use, with Catalan and (Castilian) Spanish being both widely spoken and recognized as official languages in the region; and (2) ancestry—visible through surnames—with a substantial share of the population born in other Spanish regions or with parents/grandparents born in other regions of Spain. Catalonia also has a sizable ethnic minority population of immigrant descent, i.e. 21.2 percent of residents were foreign-born as of 2022, mostly from countries such as Morocco, Colombia, Ecuador, Romania or Pakistan. The so-called second generation has also been growing in size, although there are no official statistics on their number.

The results of the correspondence audit (study 1)—the first of its kind in Catalonia and the rest of Spain—show that the level and extent to which we detect discrimination in hiring against ethnic minority applicants crucially depends on the names selected to identify the native

majority group of reference within the region. In the online survey on name perceptions (Study 2), we find that names signaling majority group membership—different combinations of Catalan and Spanish first names and surnames—differ widely in terms of perceived social class and perceived linguistic competence in Catalan.

Based on the findings of study 2, the patterns of discrimination observed in study 1 are interpreted in light of statistical and attention discrimination theories. According to statistical discrimination theory, employers have limited or incomplete information about applicants' productivity during the initial screening process and thus rely on ascriptive traits to infer their productivity. Given that proficiency in the country's language(s) is a key component of workers' human capital (Chiswick & Miller, 2015), employers' beliefs and expectations regarding applicants' proficiency in the main language(s) spoken in a territory is likely to impact their hiring decisions. We argue that native majority applicants in study 1 were not considered equally productive by employers and that subjective differences in expected productivity were most likely related to employers' contrasting stereotypes about the social class and proficiency in Catalan and Spanish languages of native applicants with names conveying Spanish and Catalan ancestry.

This article illustrates the complexity of selecting names to signal majority group membership in multilingual countries, where use and proficiency in the country's main languages is often associated to ancestry and, hence, distinctive first names and surnames. The approach taken here is of clear relevance to other work on ethnic discrimination in contexts with comparable autochthonous diversity in Europe (e.g., Belgium, Switzerland, Russia, United Kingdom) and elsewhere (e.g., Canada, China, South Africa).

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## (42) Does truth and reconciliation commissions affect views on discriminated minorities?

### The case of Norway

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Truth and reconciliation commissions (TRCs) have been proposed as an important tool to improve reconciliation after civil conflicts and governmental discrimination of minorities. However, to what extent such commissions succeed in this is largely unknown. To examine this issue, we investigate whether the public release of the Norwegian TRC's report on historical injustices in the government's treatment of the Sámi and other national minorities in Norway had short run causal effects on public opinion. We conduct a survey two weeks before and after the release of the report to measure if views on the importance of understanding the past, prejudice, and support for government policies for minority rights. By examining differences in views before and after the release of the report, we can provide credible estimates of the effects of the report on attitudinal changes over this period. The survey further includes a conjoint experiment to examine if changed attitudes have effects on respondents' willingness to prioritize minority rights when making political choices.

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## (Keynote) Varieties of Discrimination

### **Susan Fiske**

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Discrimination is more ambivalent and ambiguous than people think. Yet this variety follows predictable patterns of active and passive harm, mixed with active and passive help. For example, an older person might receive active help but passive neglect, whereas a bully might receive passive help but active harm when possible. Our theory-driven model has practical implications.

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## (28) "Who's the surgeon?"

### Professions, Gender Stereotypes, and Gender-fair Language in Italian Speakers

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Although gender equality has made significant progress in the last fifty years, inequalities persist in the labor market, both in terms of pay (Blau & Kahn, 2017) and occupational segregation (Levanon & Grusky, 2016). These two phenomena are linked, as women tend to be underrepresented in more rewarding and socially prestigious occupations. Gender stereotypes can be both a cause and a consequence of occupational segregation. On the one hand, the characterization of certain professions as masculine or feminine partly reflects the actual concentration of men and women in those professions. On the other hand, cultural beliefs about the essential traits associated with each gender largely shape individuals' education and occupational choices (Levanon & Grusky, 2016; Breda et al., 2020) and these entrenched beliefs may persist even in the face of changes in the occupational structure (Ridgeway, 1997). Taking a multi-level approach to gender inequalities (Risman, 2004; Ridgeway, 2011), this study aims to investigate the determinants of gender stereotypes in the mental representation of occupations.

Our primary focus is on the role of language as a tool for the construction and deconstruction of gender (Butler, 2004; Deutsch, 2007; Risman, 2009). Language has a significant impact on mental representations, particularly concerning the consequences of the "overextended masculine." The overuse of masculine gender terms to refer to individuals of unknown or mixed gender tends to reinforce masculine representations in the minds of listeners or readers (Gabriel et al., 2008; Garnham et al., 2012; Gygax and Gabriel, 2008; Gygax et al., 2008, 2012, 2019). Consequently, both public and scientific debates have emphasized the use of gender fair language (GFL), also known as gender-inclusive or gender-neutral language, as a possible tool to reduce gender stereotypes (Gygax et al., 2021; European Parliament, 2018; Sabatini, 1987). Several studies indicate that the use of GFL leads to increased female mental representations, such as when estimating gender distribution within a group (Braun et al., 1998; Brauer and Landry, 2008) or in image recognition (Stahlberg et al., 2001). Furthermore, when job positions are presented using GFL, both women (Hentschel et al., 2018; Stout and Dasgupta, 2011) and boys and girls (Vervecken and Hanover, 2015) perceive them as more suitable for themselves.

Our study aims to bridge the literature on GFL with studies on the "specialist riddle," which highlight the challenge of developing female representations for stereotypically male professions. The riddle goes as follows:

"A father and his son have a car accident. The father dies. The son is rushed to the emergency room. The attending surgeon looks at the boy and says: 'I cannot operate on him. He is my son!' How is that possible?"

Although the most plausible (while not unique) explanation is that the surgeon is the mother of the boy, research consistently indicates that people rarely provide this solution, due to difficulties in activating mental representations of female surgeons (e.g. Belle et al. 2021, Kollmayer et al. 2018).

Our study makes a two-fold contribution. First of all, to the best of our knowledge, we are the first to test the specialist riddle among Italian speakers. To date, the riddle was mainly tested in English (e.g., Belle et al., 2021; Kollmayer et al., 2018; Reynolds et al., 2006; Skorinko, 2018; Stoeger et al., 2004). This is important first of all for linguistic structural reasons: while in English personal nouns tend to be gender-neutral, in Italian they have a grammatical gender, making it potentially more challenging to activate a female representation (see Kollmayer et al. 2018 for similar reasoning on the German language). Yet - similarly to other countries where the riddle was tested - also in the Italian context, the most plausible solution is unequivocally ‘the mother’: according to data from the First Report on Women in Surgery of the Italian Society of Surgery), almost half of all physicians are women (42.5% in 2016) and even among surgeons, women’s presence is significant (48.3% among residents in the period 2008-2015, *ibid.*). As a second contribution, we investigate whether variants of the riddle that employ GFL strategies facilitate the activation of female mental representations, thereby making it easier to solve the riddle. We developed four distinct riddle variations that were translated into Italian, aligning with our four experimental conditions:

- “Chirurgo” condition: this variant of the riddle closely resembles the original riddle, using the word “chirurgo” (masculine form) - in its generic reading - to translate the word “surgeon.”
- “Mother” condition: this variant serves as the control condition. In this version, the mother tragically passed away, making it more likely for the surgeon to be the father.
- “Persona che opera” condition: in the third variant, we sought to avoid the issues associated with the masculine translation. Instead, we used a neutral and traditional GFL expression, “persona che opera” (person who operates). Despite having a feminine grammatical gender, “persona,” is an epicene term. An epicene word does not convey information regarding the gender of the referent.
- “Chirurg\*” condition: this variant employs a neutral and innovative GFL expression: “chirurg\*”. While this spelling is not recognized in standard Italian grammar, it has been commonly used in written texts for years.

We will measure the effect of the “Chirurgo” condition by comparing the difficulty of answering the classic riddle with a baseline given by the mother variant. We will also compare the effect of the “chirurgo” variant with those of the two GFL variants “persona che opera” and “chirurg\*”. We hypothesise that 1) “persona che opera” will make it easier to imagine that the surgeon might be a woman than “chirurgo” and that 2) the use of the term “chirurg\*” will further reduce the difficulty of solving the riddle. Finally, we are interested in testing generational differences in the difficulty of solving our versions of the riddle. We hypothesise that adolescents, who have been exposed to more egalitarian gender norms during their formative years, might be more likely to indicate that the surgeon is the mother. We have currently collected the data on adolescents and we are planning to complete the study during the summer.

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## (37) Investigating Emotion Regulation as a Cause of and Mitigation Strategy for Prejudice

**Amanda Friesen<sup>1</sup>, Jordan Mansell<sup>2</sup>, and Mathieu Turgeon<sup>1</sup>**

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The established relationship between emotion and prejudice is complicated by the fact that humans are not passive emitters of emotion but can act upon and regulate their emotional states. Given the pervasiveness of anti-prejudice norms, an explanatory gap exists between how experiencing negative emotion toward outgroups leads to prejudicial attitudes. One explanation is that the development of prejudice is a consequence of individuals' failure to appropriately regulate their affective responses to outgroup members. Research on emotion regulation suggests that expressive suppression, the constraint of emotional expressions, in response to outgroup members could be responsible.

We study the regulation of emotion as a psychological system influencing prejudice towards ethnic outgroups and address the following research questions: 1) Do higher levels of emotional arousal and expressive suppression in response to outgroup members predict negative attitudes towards these groups? 2) Does training individuals to cognitively reappraise their emotions reduce their negative emotions and consequently prejudicial attitudes towards outgroups? To address these questions, we recruited a sample of Canadian adults in the London, Ontario, metro area to participate in a series of studies. First, they completed a series of surveys, including self-reported emotion regulation, group attitudes, and other personality and demographic measures. Next, participants were invited to a physiology lab study, set up in a community center in their area. During this portion, participants observed a series of in- and outgroup faces, while connected to sensors capturing electrodermal response, EKG, and skin temperature. Participants also rated the neutral expression faces on a series of emotions. Several months later, participants were invited to participate in a multi-week intervention activity involving emotion reappraisal, and finally, they returned to the lab field site in the community center to repeat the psychophysiology study of in- and outgroup faces.

Ultimately, we are testing the connection between emotion regulation and suppression and prejudicial attitudes, and whether cognitively reappraising these emotions can lead to prejudice reduction, as measured by self-reported attitudes and physiological responses to outgroups. Our findings have the potential to inform and develop better anti-prejudice policies and programs to move beyond acknowledgment of implicit or explicit biases to address root causes of discrimination.

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### (33) Political bias in hiring: experimental evidence on discrimination based on partisan cues

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Do employers discriminate based on partisanship? Partisan bias---a preference for in-partisans and against out-partisans---is rampant, leading to discrimination based on partisanship in both the political and the non-political sphere. So far, the discrimination literature on hiring has focused on socially salient characteristics such as gender, ethnicity, and social class. However, given the significant role partisan identification plays in individuals' interactions, preferences for dating, and marriage partners, it is likely that partisanship might also influence the hiring process. Yet, we know very little about whether this is actually the case. To extend our knowledge of whether and how discrimination in hiring based on partisanship exists, this paper leverages a novel survey experiment. Against this backdrop, the aim of this study is twofold: (i) to measure the effect of partisanship in a hypothetical hiring situation, and (ii) to scrutinize the potential mechanisms behind this discrimination in terms of perceptions of competence, warmth, open-mindedness, and social skills.

I hypothesize that employers would be more likely to favour candidates in the hiring process who share their political affiliation (Hypothesis 1). This might be the case of at least two reasons. First, employers might believe that candidates who share their political affiliation might be a better fit in their company (*homophily hypothesis*). Second, studies show that employers might treat political parties as much as their favourite sports, therefore, perceiving political victories in the same way as personal victories (*competition effect hypothesis*). Considering the social perceptions that might explain discrimination, I hypothesize that the candidates who share the same political affiliation with employers will score higher on competence, warmth, open-mindedness, and social skills compared to other candidates (Hypothesis 2). This might be perceived as a *halo effect*, where positive evaluation in one dimension (competence) could be extended to another dimension (warmth). This resonates with research in both sociology and psychology that suggests that individuals use their feelings to measure how 'good' they perceive others.

In the first stage of the survey experiment, respondents are asked to choose between two fictitious applicants for job vacancies based on their CVs. For each vacancy, the main feature manipulated in the CV is voluntary work in a *political party* (with treatments (i) mainstream right-wing party, (ii) mainstream left-wing party, (iii) far-right party, or (iv) in an apolitical organization). All other features of the candidate (education, skills, gender, age) are randomized in the resumes, and will match the qualifications and the expertise required by the vacancy. In the second stage of the survey experiment, the respondents are asked to rate the candidates on several dimensions relevant to social perception (competence, warmth, open-mindedness, and social skills). This, in conjunction with respondents' own partisanship, allows for an unpacking of the underlying mechanisms, explaining potential discrimination based on partisanship.

This study is conducted both the United Kingdom and Denmark, respectively. While the United Kingdom is a relatively politically polarized country compared to other European countries, Denmark is considered a moderately polarized country, therefore, making for a compelling comparison vis-à-vis establishing the potential scope conditions of discrimination in hiring based on partisanship.

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## (8) Religion, Religiosity and Perceived Trustworthiness: Experimental Evidence from a Vignette Study in Germany

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Trust is a key factor in building social and economic relationships, and thus also essential to immigrants' social and economic integration. Previous research has shown that people are more likely to perceive in-group members as trustworthy, which may put ethnic and religious minorities at a disadvantage relative to native peers. In this study, we investigate the role of religion and religiosity as highly salient group boundaries in the European context in driving perceptions of trustworthiness.

Based on social identity theory, we expect that people will perceive same-religion and same-religiosity Alters as more trustworthy. However, the common perception that Muslim immigrants in European societies are more religious than their non-Muslim counterparts poses a theoretical puzzle. On one hand, since traditional religious beliefs often run counter to liberal values in modern societies, Muslims' religiosity is argued to contribute to an additional "burden" of prejudice directed at religious (but not secular) Muslims. Islamophobia may heighten the salience of the religious boundary and lead natives to perceive religious Muslims as less trustworthy. At the same time, research in social psychology suggests that religious individuals are more likely to engage in prosocial or "moral" behavior. By implication, religious Muslims should be perceived as more trustworthy than their secular peers.

We test how the interplay of religion and religiosity affects perceived trustworthiness using a survey experiment embedded within the German Internet Panel (N=3600), which consists of a representative sample drawn from the German population. Our survey operationalizes trustworthiness as the probability that a hypothetical "lost wallet" will be returned by a fictitious finder. We vary both the religious heritage (Muslim vs. Christian) as well as the level of religiosity (highly religious vs. secular vs. atheist) of the putative finder, and thereby examine how religiosity influences the perceived trustworthiness of both Christians and Muslims. Data collection will take place in July 2023, and we expect results by September 2023.

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(50) Institutionalized disparities: the importance of market intermediaries in unequal access to housing

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Research on housing market discrimination has historically focused on single instances of unequal treatment. Popular methods like the correspondence tests measure the act of discriminatory behavior at a specific moment in time, for example, getting an appointment to view the dwelling. However, reducing unequal access to housing to single instances of discrimination ignores the multi-layered process of renting out a property and neglects the dynamic and cumulative forms of discrimination. This study builds around market intermediaries (e.g., employment agencies in labor markets or real estate agents in housing markets) who affect discrimination by influencing the set of candidates that other actors down the line choose from (e.g., HR managers, property owners). Because most selection processes are phased procedures, discrimination can be amplified by decisions made by distinct actors within the same procedure. Discrimination in one occurrence, at a key decision point, can reinforce discrimination in a following. We illustrate this phenomenon in a selection experiment with 225 private owners.

Multiple candidate pools are presented to property owners to measure the relation between the composition of the pool and the actual selection decision. Subsequently, additional information on the candidates enables us to elaborate on the mechanisms of discrimination. With the use of logistic multilevel analysis, we find ethnic discrimination in the first selection stage and a cumulative decrease in chances to be invited in ethnic majority dominated candidate pools. Our findings highlight how discrimination in one phase, due to either inadequate information or personal bias, can drive persistent disparities in consecutive phases, accumulating the biased selection procedures of the gatekeepers in the first place.

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## (13) On Being Targets of Discrimination

**Marion Godman** and Jens Tyssedal

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Accounts of wrongful discrimination in political philosophy and theory focuses on whether it is wrong in virtue of harming, disrespecting or demeaning individuals and groups. These accounts however all face a fundamental dilemma concerning whether or not to include a group criterion delimiting who can be a target of discrimination and who cannot. In short, either a criterion is included or it is not. This article explores both horns of the dilemma and thereby questions whether wrongful discrimination requires membership in specific groups or if it can be based on any (arbitrary) trait of members.

One view, increasing in prominence and associated with Frej Thomsen, Benjamin Eidelson, and to some extent Deborah Hellman, rejects the necessity of a group criterion. However, this article argues that this view encounters several problems, including conflicts with anti-discrimination laws and practice, and the prevailing belief in the unique moral significance of differential treatment of distinct groups. Instead, that the views that do adopt a group criterion, such as advocated by Tarun Khaitan (comparatively disadvantaged group) and Kasper Lippert-Rasmussen (socially salient groups), are on the right track. Nevertheless, their particular proposed group criteria are undertheorized and exhibit weaknesses in explaining the normative significance of certain identities.

Drawing from the existing literature on wrongful discrimination, three key lessons nevertheless emerge regarding the development of a robust group criterion for discrimination. First, the historical and cultural features of a group is part of what makes something discrimination or at least wrongful discrimination to begin with. In particular, there is the possibility that the history and particular troubled history may have some role in explaining why some groups fulfil a criterion and others do not – such as if often hinted at in Hellman's account of discrimination as demeaning. Second, that the groups in question should have enough in common or be groups in a sufficiently thick and substantial sense that they can be identified as groups across a range of contexts (i.e. they are contextually invariant), as Lippert-Rasmussen's social salience criterion suggests. To this, we add as an important desideratum that the group criterion does not seem arbitrary and that it can be properly normatively motivated.

The article proposes a new group criterion that meets the aforementioned desiderata where relevant groups *are social identities that have certain ontological and normative features*. To develop the ontological part of this criterion, the article draws on theories of identities as *social kinds*<sup>2</sup> (chiefly inspired by John Stuart Mill and Ruth Millikan). This means that identities cannot be *gerrymandered* or *idiosyncratic* groups because in order to be a member of a group that faces discrimination you must first share *more than a single trait* or properties with other members of that group and second that you must do so *non-accidentally*. The first feature is an element of what makes social identities invariant and robust across contexts (and yet allows for disagreements about the extension while maintaining the extension); the second part (that the properties shared is not an accident rules out idiosyncratic, single trait and gerrymandered groups

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<sup>2</sup> Some kinds that are targets might at least initially be natural kinds but this is not typical and requires separate elaboration that is not essential to our argument

for one important reason: because for social identities that are kinds there is something that unites, or is shared between members over and above the list of typical features (even if we may not know what is shared or disagree about what those features are (for recent proposals of non-accidental features of social kinds see Mallon 2016; Godman 2020; Reijula 2021).

The normative component of our proposed group criterion requires that the targeted groups have either a history of past or ongoing injustice or else that they demonstrate strong indications of impending (historical) injustice *qua* their social identity. This criterion is thus disjunctive. Either the members of the social groups and identities have shared experience of some historical or ongoing injustice – including genocide and slavery, but also colonisation, being deprived citizen rights (women) and so on. The moral wrongfulness of such injustices toward certain groups is supposed to be accounted for independently of the wrongfulness of discrimination or else, of course, the account would be circular. This normative criterion explains and makes explicit *why* a certain *group or identity is vulnerable to* differential treatment since one might argue that such discrimination will *amplify andacerbate* already experienced injustices.

The other side of the disjunct allows that for some groups instead there is good reason to think that a group will become a kind with shared features due to a predicted injustice. That is, in some cases we have presumptive evidence of a group becoming potential targets since a policy, legislation or conflict is predicted to lead to an injustice thus leading members to both sharing properties as well as a shared experience of an injustice.

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## CANCELLED

### (22) Discrimination as a Public Wrong

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Theories of antidiscrimination law seek to answer what Tarunabh Khaitan calls the ‘purposive question’, namely: “what is the point of antidiscrimination law... what is its justifying aim?”<sup>3</sup> Methodologically, such theoretical quests begin by identifying the fundamental characteristics of this body of law and proceed to provide an account of the normative foundation of such characteristics. In practice, theories of antidiscrimination law typically focus on the kinds of acts that constitute unlawful discrimination, the entities subject to legal duties not to discriminate, and the grounds protected under antidiscrimination law. Based on such features, theorists identify ways in which discrimination wrongs individuals and claim that protecting against those wrongs is the justifying aim of antidiscrimination law. Discrimination is thus conceived as a “private” wrong, that is a violation of duties owed to certain individuals,<sup>4</sup> and the aim of antidiscrimination law is to protect against such wrongs.

This Article challenges this prevailing approach by bringing to bear antidiscrimination law enforcement mechanisms – a structural feature of antidiscrimination law that warrants further theoretical attention. A comparative survey of US, Canada and UK demonstrates that despite divergences, antidiscrimination laws typically include enforcement mechanisms that are public in nature, culminating in equality commissions’ authority to initiate investigations and bring legal claims against alleged discriminators, without regard to the victims’ choice in the matter. For instances, public officials may pursue a claim against an alleged discriminator even when the victims of the discrimination do not want to vindicate their rights due to failing to perceive the act as discriminatory, not wanting to give up some benefit connected to the discriminatory act, seeking to avoid a draining legal process and its consequences, or forgiving the discriminator. From the opposite end, public officials may decide not to pursue a claim in court, despite victims’ wishes that they do, if for example they are willing to participate in lengthy litigation but do not have the financial means for it. Thus, public enforcement mechanisms of antidiscrimination laws pose a puzzle for theories that conceptualize discrimination as a private wrong and accordingly imply that victims of discrimination should have the right of action to vindicate their rights.

The Article addresses this yet unexplored conundrum by delving into the justification of public enforcement of antidiscrimination law. Methodologically, it deploys insights from the rich literature on public enforcement in the context of criminal law. The Article elaborates on this methodological approach, which is unique in special jurisprudence, and refer to it as special jurisprudence borrowing. Substantively, the Article advances the claim that conceptualizing discrimination as only a private wrong may justify public enforcement on instrumental grounds.

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<sup>3</sup> Khaitan calls this the ‘purposive question’ of antidiscrimination law: “what is the point of discrimination law, i.e. what is its general justifying aim?” Tarunabh Khaitan, *A Theory of Discrimination Law* (Oxford University Press 2015). At 91.

<sup>4</sup> Sophia Moreau, *Faces of Inequality: A Theory of Wrongful Discrimination* (Oxford University Press 2020). At 166. Notably, Moreau argues that discrimination can be a private wrong, a group wrong, or both, whereby according to Moreau a group wrong is a wrong toward all members of the disadvantaged group, such as in the case of wrongful discrimination that lowers the status of the group.

However, this justification is left wanting, not least because it fails to explain the power to override victims' preferences vis-à-vis enforcement. Instead, it argues that public enforcement is justified and even warranted on principled grounds which go to the heart of the nature of discrimination. Specifically, it develops the view that discrimination is *also* a public wrong, that is a wrong that should be appropriately enforced by public officials. This is either because discrimination involves a wrong against community values that call for public condemnation, or because discrimination not only wrongs the discriminate or the group to which the discriminatee belongs but society as a whole.

## (11) Human Rights, Intersectionality and Discrimination

**Stella Gonzalez-Arnal<sup>1</sup>, Martha Zapata Galindo<sup>2</sup>**

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Human rights help to prevent and address discrimination. They were designed to address single cause discrimination. However, it is now acknowledged that discrimination might have multiple causes (Atrey, 2019) and that it is important to address these multiple causes in order to prevent further injury (Bouchard & Meyer-Bisch, 2016). In this paper we will explore: firstly, how intersectionality could help human rights to address intersectional discrimination; secondly, the limitations of the intersectional paradigm in this context; and finally, whether there is an alternative understanding/model of intersectionality that overcomes those limitations.

We will argue that the use of an intersectional framework (Crenshaw K. W., 1989; 1991) helps i) with the diagnosis of blind-spots in the application of human rights (O'Conneide, 2020) by showing how intersectional forms of inequality impact on human rights ; ii) with addressing more effectively the effects of multiple/interdependent violation of human rights (Bouchard & Meyer-Bisch, 2016) (Campoy Cervera, 2021); iii) with understanding that the different categories of oppression/discrimination are co-constituted, which will help to alleviate the effects of multiple/interdependent violations of human rights.

Although we favour the use intersectionality in the Human Rights system, we will reflect critically on how it has been (partially) incorporated in this area. We will review Crenshaw's early input in developing intersectionality in Human Rights in relation to gender and race (Crenshaw K. W., 2002; 2021) and we will identify the influence of her input in later developments in this area. We discuss some the weaknesses and strengths of this understanding of intersectionality (Yuval-Davis) (Truscan & Bourke-Martignoni, 2016). We will propose some improvements to that prevailing model of intersectionality that address some of those weaknesses so as to make the intersectional framework more effective in helping the Human rights system to address and prevent multiple (intersectional) discrimination

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## (9) Does Candidate BMI Predict Real-World Election Outcomes?

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According to the Center for Disease Control and Prevention (CDC), obesity prevalence among adults in the United States is 41.9% as of March 2020. The vast majority of Americans are either obese or overweight. A wealth of research demonstrates that overweight and obese individuals experience discrimination and stigmatization in hiring and promotion (Caliendo & Lee 2013), healthcare settings (Phelan et al. 2015), the dating sphere (Chen & Brown 2005), and even in the criminal justice system (Schvey et al. 2013). Less understood is the role of body weight bias in how voters evaluate political candidates. This is notable given the pervasiveness of rhetoric regarding “fitness” for office and the way in which the health of candidates is speculated about in the media and popular culture. In the lead up to the 2020 election, Donald Trump retweeted a weight-based attack on former Georgia gubernatorial candidate Stacey Abrams. Trump then became the target of a comment on his own weight when Speaker Nancy Pelosi stated that Trump was “morbidly obese,” in reference to a question about his choice to take hydroxychloroquine to prevent COVID-19, despite the drug not being approved for that purpose.

Weight-based attacks in politics often question the competence and ability for overweight and obese candidates to do their jobs and meet the significant demands of political office. This is unsurprising given that the stigma around obesity chiefly stems from stereotypes that heavier people are self-indulgent (Guerrieri et al. 2007), lazy (Hinman et al. 2015), and less intelligent (Crandall 1994). Assessing candidate qualifications and deciding who to vote for is often challenging and time consuming. Though it would be ideal for voters to base their evaluations on relevant factors, such as incumbent performance and policy positions, we know that voters often rely on cues, heuristics, and snap judgments that are entirely unrelated to how a candidate would perform in office (Healy, Malhotra, & Mo 2010; Kahneman 2011). Some of these snap judgments are based on candidates’ physical appearance, something that presumably should have no role in voter evaluations (Laustsen & Petersen 2018; Poutvaara, Jordahl, & Berggren 2009; Stulp et al. 2012). This can be particularly true in low-information elections like midterms, local and state races in the United States.

In this paper, we ask: “Does body weight predict electoral success and perceptions of legislative competence?” We present results from an original dataset that ties together the perceived weight and real-world electoral performance of roughly 4,000 candidates for the United States Congress in 2022. To create this dataset, we first obtained proprietary data on all 2022 candidates for the U.S. Congress from Ballotpedia. Second, we scraped photographs of these candidates online. Third, we displayed these photographs to a nationally representative online sample of Americans, who we tasked with evaluating the candidates’ weight, legislative competence, and other characteristics in an incentivized manner. We also presented coders with a candidate choice experiment in which they are randomly assigned pairs of photographs they have just evaluated and are asked to choose which of the candidates they would vote for. Finally, we collected individual-level, regional-level, and election-specific, data to evaluate moderators of weight-based discrimination and the mechanisms through which such discrimination might operate.

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## (6) The Face of Politics: Utilizing Convoluted Neural Networks to Unveil the Influence of Facial Traits on Electoral Success

Asbjørn Kristensen Lindholm<sup>1</sup> and **Christian Bjørnholt Hjorth**<sup>1</sup>

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This paper contributes to the literature on appearance-based voting, by analyzing how facial traits of political candidates may influence election outcomes. Particularly, we consider whether facial traits of political candidates are employed as heuristics, both among the electorate in the intraparty selection of candidates and among partisan elites in the intraparty nomination of candidates. Consequently, influencing the electoral success and ballot paper placement of the candidates.

We draw on evolutionary psychology in proposing the potential ancestral relevance for inferring the character of others in general, and particularly when inferring certain capabilities in our leaders, or the modern instantiation hereof: Candidates. For investigating the above, we consider the influence of the facial traits: Attractiveness, trustworthiness, and dominance. Our paper utilizes data from the Danish local elections of 2021 and the general election of 2022, totalling 7080 candidate pictures, vastly exceeding the data volume of similar studies. Our upscale in the data volume is facilitated by the utilization of convolutional neural networks trained on data from Peterson et al. (2022)., allowing us to algorithmically assess facial traits of candidates.

In the case of attractiveness and trustworthiness, our results indicate that these facial traits are linearly associated with both a candidate's ballot paper placement and electoral success, although insignificantly in the case of trustworthiness and ballot paper placement. For the facial trait dominance, we find the effect to vary by the ideology of a candidate, translating to a greater electoral success among right-wing candidates relative to left-wing candidates.

To further test the robustness of our findings, we tried using Kernel Regularized Least Squares over Omitted Least Squares as our estimator, thus supplementing with a nonparametric estimator. We also use alternative measurements for electoral success and ballot paper placement, as used in previous studies. Overall, the findings were quite robust to the functional specification and choice of measurement. However, the main concern was the possibility of a confounding variable driving the effect, which we also investigated using sensitivity contour plots, showcasing varying levels of robustness towards an omitted variable bias in the estimates.

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## (Keynote) Implicit Bias and Intersectionality

**Jules Holroyd** <sup>1</sup>

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Prominent recent work on discrimination has focused on the role of implicit biases. A widely used tool for measuring implicit biases is the implicit association test: roughly, a test that measures the automatic associations between target social groups, and stereotypes. Recent studies have tried to look at how biases might be involved in intersectional discrimination: discrimination that occurs due to the intersection of multiple axes of oppression (such as gender and race and age etc). In this presentation I point to two key limitations of this research: first an inadequate conceptualisation of intersectionality is applied to biases; and second, problematic assumptions are made about how social concepts combine. This enables us to identify recommendations for how to better investigate intersectional implicit biases in future.

(The presentation is based on co-authored work recently published in *Philosophical Psychology*: "Implicit Bias, Intersectionality, Compositionality").

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## (54) How Do Lifestyles Create Distinction? An Experimental Approach

**Mads Meier Jæger<sup>1</sup>**

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Theoretical models of cultural stratification highlight highbrow vs. lowbrow (e.g., opera vs. heavy metal) and omnivore vs. univore lifestyles (i.e., broad vs. narrow tastes) as crucial factors that shape social distinction. However, we still do not know much about how lifestyles create such distinctions, defined as perceptions of socioeconomic position (SEP) and personal traits that lead to preferential treatment and discrimination. To fill this gap, I conducted two vignette experiments to examine the effect of lifestyles on perceptions of SEP and personal traits. First, both experiments show that people associate a highbrow or an omnivorous lifestyle with higher SEP than a lowbrow or a univorous lifestyle. The substantive effect of lifestyle is large and comparable to that of ethnic and occupational status. Second, people associate a highbrow or an omnivorous lifestyle with better personal traits than a lowbrow or a univore lifestyle, for example better taste, competence, and sociability. Third, the variance in people's ratings of SEP, a measure of the certainty with which they link lifestyles to SEP, is lower when comparing a highbrow to a lowbrow lifestyle and an omnivorous to a univorous lifestyle. This result suggests that a highbrow or an omnivorous lifestyle demarcates boundaries in social space more clearly than a lowbrow and a univore lifestyle. The empirical results corroborate theoretical arguments that lifestyles shape social distinction and discrimination by signaling where you belong, who you are, and how you differ from others.

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### (34) Race or Racial Proxies? What Racial Discrimination Is (Not)

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Discrimination against racial and ethnic outgroup members is a pervasive phenomenon. In the public debate, such differential treatment is often viewed as a product of race and, for good reason, such racism is socially unacceptable in contemporary societies. In this article, we aim to take a step sideways from this broad debate and ask a more fundamental question: Is racism rooted in race or is it rather based on (perceived) proxies for race? This distinction is important. If discrimination is based on (perceived) proxies for race rather than race per se, it is less clear that what many regard as race discrimination is in fact differential treatment on the basis of (perceived) race. Hence, this distinction has important implications for the way we conceptualize race discrimination.

We first discuss the concept of race and racial discrimination before empirically de-coupling objective racial cues from non-deterministic proxies of race. Specifically, to test our argument that racial discrimination may be based on racial proxies, we design a pre-registered between-respondent vignette experiment containing two versions. In the first version, respondents are presented with a short vignette containing information about a person which makes it easy for the respondent to inferentially classify that person racially (e.g., his father is from Ghana and his mother from Norway). This information is supplemented with a picture of the person, which varies on scale from very Ghana-looking to very Norway-looking from respondent to respondent. The respondent is then asked to rank the person in relation to a series of qualifications. If proxies for race is what drive differential treatment, we expect differences in ranking despite the respondents all having the same identical race-determining information supplied in the vignettes. In the second version, we keep the photo constant but vary the vignettes and, thus, the implied racial identity of the person in question. Again, if proxies is the main driver, we should see that people respond in the same way across different variations of the vignettes and, thus, the implied racial identity of the person in question vary. The experiment will be fielded in the fall of 2023.

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### (3) Neighboring Identities and Political Attacks

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Identity and membership in social groups are powerful forces in politics, producing effects such as partisan bias, racial affinity, welfare chauvinism, and many others. Much existing research focuses on how people respond more strongly to hostile political environments and political attacks on their own group than on other groups. Can "neighboring" identities produce responses that are just as strong? By neighboring we mean membership in related social groups with potential logical, social, or psychological connections, but not actual membership in the target group. For example, partisans of coalition partners, nationalities of the same region, or native-born members of primarily immigrant ethnic communities. We study this last example, focusing on how anti-immigrant attacks affect both immigrant and non-immigrants in Canada and the United States. We conduct two experiments on Latinx-Americans and South Asian Canadians, and randomize exposure to a stylized campaign video critical of immigrants or Latinos /South Asians or a control condition. Results show strong treatment effects on both emotional responses and candidate evaluations. There is some evidence of a difference between targeted and neighboring identities, with immigrants reacting slightly stronger to the discriminatory anti-immigrant ad. However, the difference is quite small, and swamped by the much larger general treatment effects on all respondents. Together, these results point to the importance of neighboring identities, and how social and psychological connections can produce effects as large as actual membership.

## (44) Do Citizens Discriminate Against Women Political Leaders? Evidence From a 20-Country Conjoint Study

Claire Gothreau<sup>1</sup>, **Lasse Laustsen**<sup>1</sup>

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Due to the persistent underrepresentation of women in politics around the world, it would be logical to conclude that citizens discriminate against women running for office. However, the empirical evidence of gender bias is mixed. Early research suggested that men do outperform women in the electoral sphere. However, recent work suggests that once party and the advantages of incumbency are controlled for, women tend to perform equally as well as men (Schwarz and Coppock 2021). Furthermore, much of the existing work has been conducted in the United States or a select few other Western nations. To evaluate whether citizens prefer male leaders, we conducted a 20-country comparative study spanning all inhabited continents based on a conjoint experimental design. The conjoint presents participants with two political candidates that vary on traits such as gender, occupational background, age, number of children, and immigrant background. For each pair of candidates, participants choose which candidate they prefer. The design allows us to estimate the average effect of gender on candidate preference, while simultaneously measuring the effects of other relevant candidate attributes that may also impact preference. Additionally, we test the potential moderating effect of macro-level variables like current levels of women's representation in parliament, as well as the moderating effect of respondent-level variables such as sexist attitudes and social dominance orientation.

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## (14) Duties of trust, discrimination, and justice

Désirée Lim

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Trust – that is, the seemingly straightforward idea of being able to trust others, while in turn being trusted by them – has been characterized by Chiara Cordelli as a paradigmatic “relational resource”. Specifically, relational resources are the goods that are “distinctively produced by, and accessed through, interpersonal relationships and associations”, and necessary for pursuing our ends and purposes (Cordelli 86). Arguably, trust is essential to our individual freedoms to the extent that it provides us with a sense of security, allows us to delegate our tasks and responsibilities, and furnishes us with stable and predictable patterns of expectations that we can have of others (ibid). The question, then, is how exactly we should achieve a just distribution of trust, under which all persons have the fair equality of opportunity to trust (and be trusted in kind). *Contra* Cordelli’s explicitly Rawlsian approach, which espouses a “basic structure” of trust-building and enhancing institutions that must be regulated by principles of justice, my paper argues for the importance of developing a *non-ideal* approach to social trust: one that takes seriously the real-world conditions under which trust has become unevenly distributed, and is in this sense *prior* to Cordelli’s account. Not only must we investigate the root causes of social distrust, but we must also analyze the means through which it can be remedied. In turn, this may impose duties of justice that relate particularly to trust.

I proceed in this order. First, I note that historical injustice – in particular, a history of *wrongful discrimination* – is often the driving factor of distrust and the underlying reason behind its perpetuation. I add weight to this hypothesis by turning to the sociological literature on social identity theory, which treats trust and distrust as “relational constructs that depend on the delineation of in-groups and out-groups” (Bertsou 220), where in-groups tend to perceive other members as honest and cooperative (Messick and Brewer 27-28) while perceiving out-groups as suspicious, hostile, and therefore untrustworthy (Bertsou 220). Furthermore, I pay particular attention to Erving Goffman’s influential conception of “spoiled” social identities (3), where members of particular out-groups are reduced from “whole and usual” persons to tainted and discounted (ibid), and therefore subject to discriminatory treatment that others are not. Secondly, I analyze how wrongful discrimination frequently manifests through treating out-groups as *untrustworthy* at both the interpersonal and institutional levels. Using a concrete case, I turn to African-Americans’ well-documented distrust of the medical establishment. I show how past medical atrocities perpetrated against African Americans (e.g. the infamous Tuskegee experiment), as well as medical professionals’ tendency to distrust the testimony of African-American patients and under-treat them as a result, leads to a vicious cycle that must be corrected with due attention to historical-social injustice and its present-day manifestations.

Thirdly, I consider how this vicious cycle of distrust may be broken. As hinted above, I propose two interrelated *prima facie* duties of justice: the duty to *trust* members of socially salient groups who have been historically discriminated against, and the duty to *be trustworthy* to such individuals. At the interpersonal level, the former involves an ongoing deliberative shift in our beliefs, expectations, and attitudes towards persons we may otherwise regard as

“untrustworthy”, while the latter comprises a similar shift in broader social norms and practices to *earn* the trust of marginalized groups who tend to be treated as dangerous and disingenuous (e.g. the Black Lives Matter movement). At the institutional level, I focus on the role-responsibilities of agents of basic institutions, such as street-level state bureaucrats, police, and medical professionals. As I will show, such institutional agents may also have duties to trust *and* act in a trustworthy manner vis-à-vis members of groups who have been subject to wrongful discrimination on the basis of “spoiled” social identity. Before concluding, I take stock of (and do my best to respond to) two important objections: (a) that trust must be deserved rather than assumed to be a social good to whom everyone is entitled, and (b) that endorsing the duties of trust I have suggested may expose us to undue risk at the interpersonal level, or worse still, sow greater overall distrust in basic institutions due to increased public concern about abuse and exploitation of relevant systems.

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(23) Are stereotypers wronged when stereotyped? On personal, doxastic wrongs and structural, doxastic injustice

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*Abstract:* Recently, several philosophers have defended the view that injustice can result simply from what we believe about one another. Generally, such philosophers take the doxastic wrong in question to be a personal wrong. In the case of non-doxastic wrongs, sometimes an act, which would otherwise have constituted a personal wrong, does not constitute one because of what the victim of that act is doing. I suggest that something similar can be the case when it comes to doxastic wrongs. If one stereotypes others, one forfeits one's doxastic right not be stereotyped by them. But even if a situation of reciprocal stereotyping might not involve any personal doxastic wrongs, it still appears to involve doxastic injustice. To explicate this view, I argue that it makes sense to describe a situation as one involving structural, doxastic injustice even in the absence of any personal, doxastic wrongs. Hence, the article makes two contributions to the ethics of belief. First, it offers a novel analysis of doxastic injustice in cases involving doxastic rights forfeiture. Second, it introduces the notion of structural, doxastic injustice.

*Keywords:* doxastic wrongs, ethics of belief, injustice, moral encroachment, Rima Basu, Mark Schroeder, structural doxastic injustice, structural injustice.

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## (Keynote) The Changing Nature of Discrimination in the United States

**Douglas Massey<sup>1</sup>**

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Discrimination against Black Americans has been built into the social and economic structure of the United States since before the nation's founding. While racial discrimination may be a constant, the mechanisms of discrimination have changed over time as the legal structure of America's racial regime has changed. In this talk, I explain how during the 1990s and 2000s, discrimination in lending shifted from exclusion to predatory inclusion with the ultimate outcome being the same: curtailing the accumulation of wealth by Black households.

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## (26) A new test for discrimination: the existential but-for test

### Dean McHugh

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In this talk we apply a new insight into the meaning of *because* to a landmark US discrimination law case, *Bostock v. Clayton County*.

Title VII of the US Civil Rights Act of 1964 provides that

“It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual ... because of such individual’s ... sex.”

The meaning of this statute hinges on the meaning of a small but complex word: *because*. In ordinary life it is often clear what *because* means, but cracks in our understanding appear under the weight of legal scrutiny. Take the 2020 US Supreme Court case, *Bostock v. Clayton County*. Gerald Bostock worked for Clayton County, Georgia. In 2013 he joined a gay softball league and mentioned it at work. A few weeks later he was fired for “conduct unbecoming a county employee” ([Court opinion](#), p. 3). Bostock took his employer to court, arguing that the firing was illegal under Title VII.

While Title VII mentions sex discrimination, it makes no mention of sexual orientation. The question before the US Supreme Court was whether Gerald Bostock was fired because of his sex. One might initially think that, since sex and sexual orientation are distinct traits, it is possible to fire someone because of one trait without firing them because of the other. However, in a 6–3 majority, the Court held that discrimination on the basis of sexual orientation constitutes discrimination on the basis of sex, and therefore violates Title VII. The landmark ruling immediately extended employment protection to millions of LGBTQ Americans.

As soon as the Court's Opinion was published, however, it came under attack. Some legal scholars have gone so far as to declare that “*Bostock* was bogus” (Berman & Krishnamurthi [2021](#); see also Brett Kavanaugh’s dissent, Cain [2021](#) and Cohen [2022](#)).

Was *Bostock* rightly decided? The standard legal test for causation is the *but-for* test; in legal parlance, *but for the cause, the effect would not have occurred*. In contemporary terms: if the cause had not occurred, the effect would not have occurred. As Justice Elena Kagan put it at oral argument:

“What you do when you look to see whether there is [sex] discrimination under Title VII is, you say, would the same thing have happened to you if you were of a different sex?”

Under the but-for test, then, we have to ask whether the following sentence is true.

- (1) If Gerald Bostock had been a woman, he wouldn't have been fired.

When we imagine what would have happened if he were a woman, intuitively there are many possibilities to consider. If Gerald Bostock were a woman, he could have been a woman who is attracted to men, in which case he would have kept his job, or he could have been a woman who is attracted to women, in which case he still would have been fired (given that the employer had a blanket rule against gay people in general). Samuel Alito and Brett Kavanaugh raise this point in

their dissents, which emphasise the possibility that, had Bostock been a woman, he could have been attracted to women, in which case he still would have been fired. They use the existence of this possibility to argue that sex discrimination does not constitute sexual orientation discrimination. And sure enough, given this possibility, we cannot say that (1) is true. If Gerald Bostock had been a woman, he might have been fired, he might not. The but-for test appears to fail, or is at least inconclusive.

However, we propose that the *but-for* test is an incorrect approximation of the meaning of *because*. Take the following naturally-occurring examples. (For further examples see McHugh 2020; ‘Are causes ever too strong?’).

(2) He has an American passport because he was born in Boston. [Source]

(3) Reyna received a Danish passport because her mother was born in Copenhagen. [Source: The Bolton News]

These sentences are perfectly acceptable. Now look what happens when we apply the but-for test:

(4) If he hadn't been born in Boston, he wouldn't have received an American passport.

(5) If Reyna's mother hadn't been born in Copenhagen, Reyna wouldn't have received a Danish passport.

These are clearly unacceptable. When we imagine, say, Reyna's mother not being born in Copenhagen, there are intuitively many places where she could have been born instead. In some of these cases, Reyna would still have received a Danish passport, in others not.

The conclusion we draw from these data is that *because* does *not* require that, had the cause not occurred, in **every** case we consider, the effect would not have occurred; rather, it is enough that if the cause had not occurred, in **some** case we consider the effect would not have occurred. Accordingly, we may distinguish a *universal* but-for test (the current legal standard) from an *existential* but-for test – the test we propose in this talk.

The plain meaning rule – which Alito and Kavanaugh accept – requires interpreting Title VII according to the meaning of the words it actually contains; in this case, the meaning of *because*. The data above show that our interpretation of Title VII will be more faithful to the meaning of *because* if we adopt the existential but-for test in place of the universal but-for test.

This switch to the existential but-for test serious ramifications for the outcome of *Bostock*. All parties agree that if Gerald Bostock had been a woman, there is a possibility in which he would have kept his job; namely, if he had been a woman attracted to men. This is not enough to pass the universal but-for test – as Alito and Kavanaugh's dissents make abundantly clear – but it is enough to satisfy the existential but-for test, which as we have seen better reflects the meaning of *because*. According to the existential but-for test, *Bostock* was not “bogus” but rightly decided.

(Moved to 45 from 25)  
On the nature of stereotypes

**Gülden Alaz Meriç<sup>1</sup>**

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Stereotypes underlie many of social discriminations and implicit biases. Since Lippmann coined the term in 1922, stereotypes have been defined in various ways by scholars of different views. I group these views into three: i) image-based views, ii) schema-based views and, iii) dispositional views. Within image-based views, stereotypes, following Lippmann, are taken as the pictures in our heads. Here, the role of the media as the constructor of these mental images (e.g. the reiterant image of Bin Laden during the 9/11 attacks as the “Muslims are terrorists.” stereotype) is strongly emphasized. Within schema-based views, stereotypes are taken as schemas which include information about people, their groups, social life and the relation of these three: how people (may) act in social life in conformity with the groups they are the parts of. Within dispositional views stereotypes are taken as the parts of people’s temperaments, that is to say, their dispositions. The defenders of this view point out the inconsistency between what people deliberately say (e.g. “I am not racist.) and how they act (e.g. racial implicit biases), and how this inconsistency manifests itself in the Implicit Association Test (IAT). Although these views illuminate many aspects of stereotypes, they are mainly individualistic. That is to say, the images in our heads, the schemas we have and our dispositions can be quite different from each other. However, stereotypes are social constructs that are shared by people from different backgrounds. As reported by the recent studies, while individuals can change their discriminatory attitudes due to various reasons, the discriminatory attitude remains at a fairly constant level in the overall society. This means that far from being an individual phenomenon, stereotypes are social through and through. Therefore, I propose an expectancy-based view that takes the social nature of stereotypes to the forefront. I propose that stereotypes are normative generalizations which prescribe what groups are expected to do. For instance, when a group of people is generalized by a stereotype, (e.g. “Women are emotional.”), they are also automatically expected to act in a certain way (e.g. Women cry in difficult situations.) or they will follow certain career paths (e.g. Women as caregivers). The women stereotype implies what women should do by accepting they are emotional. This is the prescriptive nature of the stereotypes, a side that has been neglected by the current individualistic approaches. Based on these, I define stereotypes as the prescriptive generalizations about the groups of individuals which contain socially accepted expectations. As a result, some individuals are being included while the others are being excluded by means of stereotypes even though they may be far from being factual. I will present my view in three main parts. In the first part, I will summarize the current views and definitions to show what they tell us about stereotypes, what they illuminate about stereotypes and why they are not enough to define stereotypes. In the second part, I will explain the parts the stereotypes differ from other kinds of generalizations and what makes stereotypes prescriptive. That is to say, I will explain the reason why “Gloves are the clothes for hands.” is not a stereotype while “Women are emotional.” is. The third part will be on the reason why stereotypes exist. Here, I will show how two basic functions of the human brain, categorization and prediction, cause stereotypes’ existence and how people in a way, produce stereotypes automatically. This part is significant in the sense that showing that stereotypes are the automatic products of our brains support the claim that even though certain stereotypes cease to exist, due to the brains’ categorization and prediction

powers, people will go on categorizing the data in the social environment and predicting what some people are like, how they may behave. In the last part, I will give my definition and show how my definition fits with the current findings about the social side of the implicit attitudes and the basic functions of the human brain.

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## (35) Paternalistic Racism

**Søren Flinch Midtgaard<sup>1</sup>**

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The paper considers the somewhat special case of *paternalistic racism*, to wit, X's differential treatment (worse or better) of Y relative to a comparator Z because Y has (or X believes Y has) a certain racialized feature P whereas Z does not (or X believes so). More generally, paternalistic racism is an instance of the interesting and underexplored phenomenon of *paternalistic discrimination*. Paternalistic racism is interesting in part because it constitutes a counterexample to a certain account of why racism is a wrongful form of discrimination: the idea that racism is a form of noncognitive discrimination located 'in the heart' of the discriminator (implying ill-will on the part of the discriminator). Against the backdrop of this counterexample, the paper explores how a satisfactory account of the wrongness of discrimination (when it is wrong) may capture the case of paternalistic racism in a satisfactory manner, and be plausible for other reasons. I defend the thesis that a respect-based account can do the job. Yet to account appropriately for the wrongness of paternalistic discrimination, including paternalistic racism, or for the specific disrespect at issue in that regard we need to draw both on recent work on the wrongness of paternalism and on an analysis of the wrongness that arises when discrimination and paternalism intersect.

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#### (40) Online hate speech, prejudice, and discriminatory intentions among adolescents: a randomised controlled trial

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Adolescents spend an ever-increasing amount of their lives online, where hate speech is highly prevalent. Online hate speech (OHS) is a form of communication that expresses hatred or degrading attitudes toward a collective or towards an individual based on their social identity. Previous research has claimed that adolescents' socialization within such discourses can lead to a process of normalization and emotional desensitization (Soral et al. 2017; Álvarez-Benjumea 2022). The limited empathy towards OHS victims can ultimately raise exclusionary attitudes towards the groups the victims belong to.

Recent scholarship in social psychology and political science shows that pushing people to 'step into the shoes' of others, namely outgroups or minorities, can significantly alter their attitudes and behaviours towards that group (Adida, Lo, and Platas 2018; Brockman and Kalla 2016, 2020; Kalla and Brockman, 2021; Paluck and Green 2009; Paluck et al. 2021; Williamson et al. 2021). Drawing on such insights, we investigate the potential of 'perspective-taking' interventions in rising sensitivity to OHS and, in turn, increasing empathy towards its victims. In collaboration with two NGOs, we co-designed an educational intervention inducing high-school students to take the perspective of OHS victims. We expected the intervention to: (1) increase sensitivity towards OHS; (2) increase stated behaviours to counter OHS; (3) decrease prejudice towards social groups that are often victims of OHS; (4) decrease discriminatory intentions towards such groups. Specifically, we focus on racism, body shaming, and their intersections. We contribute to the growing literature on perspective-taking by extending its scope to online discourse and to adolescent targets. Moreover, our intervention takes place in a real-world setting (school class) with the joint presence of majority and minority individuals, thus increasing the realism of standard perspective-taking interventions.

We conducted a pre-registered randomised controlled trial by randomising the timing of access to the intervention, which involved 1,073 high schoolers (aged 14-19), nested in 51 classes of 3 high schools in Turin, Italy. To increase chances of balance, we conducted a cluster randomisation with blocking across schools and grades and stratification on class characteristics. Half of the students (the 'treated' group) were exposed to the intervention in November-December 2022 and the remaining half (the 'control' group), received the delayed treatment in January-May 2023. The delayed treatment, necessary for ethical and feasibility reasons, unfortunately, prevents us from investigating medium-term effects. Since the schools are located in 3 distinct neighbourhoods and offer different technical and vocational tracks, the student body composition differs considerably, allowing us to explore the heterogeneous effects of the intervention by gender, socioeconomic background, and ethnicity. The intervention was comprised of 3 in-person meetings of two hours each, delivered during school hours by trained educators, with a learner-centred and interactive approach. The main topics covered during the intervention were adolescents' social media usage, causes and consequences of OHS, and resources and skills to counter it.

In order to understand the dynamics of the intervention and the behaviour of the key actors involved (educators, students, teachers), we additionally conducted non-participatory observation of ten classes, selected so as to achieve variation in terms of student body diversity and educators' teams.

Preliminary findings reveal that the intervention successfully decreased indifference towards OHS and increased emotional empathy towards social groups that are often victims of OHS. More generally, the intervention decreased outgroup bias for both majority and minority students: native (migrant) students increased their warm feelings towards Black (White) and normo-weight (over-weight) students felt warmer towards over-weight (normo-weight) people. We argue that the mixed setting of the intervention might explain this emotional erosion of the ingroup-outgroup boundary. The positive effects of the intervention did not translate into active behavioural reactions to counter OHS. However, our survey items are limited to individual reactions, while the qualitative observation reveals that students often wished for collective reactions and more structural measures to reduce OHS (e.g., political activism, platform regulation).

At this stage (May 2023) we have not yet analyzed the quantitative data relative to the outcomes of discriminatory intentions towards OHS victims, but we are confident that by October 2023 we will be able to present results on this aspect too.

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## (P1) Methodological nationalism and discriminatory migration policies

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My paper explores the way in which methodological nationalism, a widespread cognitive bias which affects our understanding of the world, leads to the adoption of discriminatory migration policies and is therefore morally problematic. Since the early 2000s, social scientists have underscored that the way in which people in western societies tend to think about migration is characterised by a cognitive bias: the false assumption that states are the natural and necessary form of contemporary social organisation. This cognitive bias, referred to as *methodological nationalism*, has important implications for our understanding of migration. It gives rise to a state-centered approach which naturalises national communities, exaggerates the differences between citizens and migrants, and leads to the perception of international migration as exceptional and potentially threatening to the unity of the state.

While widely criticised in the social sciences, methodological nationalism goes broadly unnoticed in other contexts. This affects the arguments that people make about migration, both in academia and in society in general. In the field of migration ethics, scholars such as Alex Sager, Alison Jaggar, Amy Reed Sandoval, and Christopher Bertram have recently started to question the assumptions that underpin normative arguments about migration. These critics of methodological nationalism argue that (a) many arguments about migration are characterised by methodological nationalism, and (b) people who think about migration should try to overcome this methodological nationalism.

However, while scholars have demonstrated the presence of methodological nationalism in the way that scholars and people in western societies more generally tend to think about migration, the second remark still stands in need of justification. Descriptively, it might be true that states are only historically contingent forms of social organisation and that the perception of migrants as foreigners overemphasises national belonging over other forms of identification. But does this mean that we should drop the perspective of methodological nationalism? After all, when we think about migration in a normative way, we are not only concerned with how the world *is*, but also, primarily, with how the world *should be*. If national belonging constitutes an important value, then why should we not adopt a state-centered perspective that prioritises the links between citizens and perceives migrants as foreigners?

In addition, recent research on epistemology shows that humans inevitably generalise and resort to cognitive biases in their attempt to make sense of the world. A given hermeneutical framework is morally problematic not simply because it is biased – any framework is inevitably biased – but because its adoption has morally problematic implications. Therefore, to properly criticise methodological nationalism, it is necessary to demonstrate that it is not only an empirically inaccurate, but also a *morally problematic* way of looking at the world.

In my presentation, I argue that methodological nationalism does have morally problematic implications because it contributes to the adoption of discriminatory migration policies. I begin by briefly explaining the notion of methodological nationalism, clarifying some common misconceptions, and arguing that it is present not only in academia, but also in broader social contexts (section 1). I then set out to explore the connection between methodological

nationalism and the adoption of discriminatory migration policies. Since what constitutes discrimination is a thorny issue, especially when it comes to questions of migration, I identify some minimal features that would make an act or policy discriminatory (section 2.1). Based on these features, I argue that, regardless of whether states have a right to control their borders, contemporary migration policies are indeed discriminatory, both toward migrants and toward members of other socially salient groups (section 2.2). I claim that methodological nationalism contributes to the enforcement of discriminatory migration policies in three ways: First, by prioritising one's identification with the state, exaggerating the differences between members of the state and migrants, and exceptionalising migration, methodological nationalism lends credibility to xenophobic arguments in support of discriminatory migration policies (section 3.1). Second, methodological nationalism obscures potentially shared experiences of mobility between migrants and citizens. This erodes the grounds for the development of widespread social identifications between migrants and citizens, making it less likely that citizens would protest against discriminatory laws in solidarity toward migrants and demand the abolition of discriminatory migration policies (section 3.2). Last, methodological nationalism prevents us from reframing questions about migration in a way that would enable people who reject discriminatory policies to counter anti-migrant narratives (section 3.3). In the final section, I consider the normative implications of my arguments for migration ethicists and other people (section 4).

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Consider paradigmatic cases of morally wrongful discrimination, such as discrimination that is based on race, sexuality, or gender. What, if anything, makes such forms of discrimination characteristically wrongful? Here's a few proposals.

According to one influential account, discrimination is wrongful when, and because, it is *harmful* and this harm is not allocated in accordance with a desert-prioritarian principle (Lippert-Rasmussen 2013). However, a potent objection to this view is that discrimination seems wrongful in the characteristically discriminatory way even when it is harmless (Eidelson 2015; Parr and Slavny 2015).

According to another influential account, discrimination is characteristically wrongful because it manifests disrespect for people's moral personhood (Eidelson 2015; see also Alexander 1992). But this account has also been met with challenges, the most forceful suggesting that the disrespect account, counterintuitively, allows for cases of wrongful discrimination that seems intuitively no worse than non-discrimination (Thomsen 2023; Lippert-Rasmussen 2018). More generally, the disrespect-based account seems insufficiently flexible: Even those who do not recognize the independent moral significance of (dis)respect should be able to say that some discriminatory acts are wrongful.<sup>1</sup>

Arguably, for any promising account we find in the current literature, there seems either to be cases of intuitively wrongful discrimination that are not picked out as such by this account, or cases of intuitively *non*-wrongful discrimination that are deemed objectionable by this account, and typically both. One possible - and common - inference from this is that there is no one flaw that is characteristic of discrimination. On this view, different cases of discrimination are morally objectionable for different reasons. We could thus interpret the above-mentioned accounts as posing sufficient conditions for discrimination being wrongful, but none of these being necessary. This view is referred to as 'pluralism' in the literature (compare Lippert-Rasmussen 2021).

This solution is not ideal, though. *Why?* Because discrimination, when it is objectionable, seems to have a characteristic normative 'sting'. This sting may be the thing that is referred to when people complain that they were discriminated against, or use the term 'discrimination' in a pejorative sense. It is an explication of this phenomenon Eidelson seems to have in mind when he sets out to develop an 'account of discrimination as a kind of moral wrong' (Eidelson 2015: 74). And it seems to be what Lippert-Rasmussen has in mind when asking what makes discrimination wrong because it is "discriminatory" (2013: 104). An ideal account should be able to explain what this characteristic flaw consists in, and correctly predict that this flaw is present whenever an (accurate) complaint of discrimination is being voiced.<sup>2</sup> And this, it seems, is something pluralism cannot do, since this view denies that there is any one moral factor that explains what makes discrimination characteristically objectionable.

In this paper, we'll propose an account of what makes discrimination characteristically normatively deficient. The starting point for this account is the following observation: Discriminatory acts could have a distinctive normative profile, but that profile needn't be

specifically *moral* in nature. In the literature, there is a tendency to collapse the aim of *i*) finding an account that accurately predicts the moral status of discriminatory acts and the aim of *ii*) explaining what makes discriminatory acts normatively distinctive. Of course, that collapse is understandable given the assumption that what is characteristic of discrimination is some moral property or factor. But if we do not take this for granted - and it's not obvious why we should - such a collapse seems uncalled for.

On the back of this, we propose an account of what makes discrimination characteristically normatively deficient according to which discrimination has this status when it is *biased*. We'll construct this account based on the recently proposed *norm-theoretic account of bias* due to Kelly (2022). According to Kelly's view, bias consists in a *systematic* violation of a norm. Thus, on this view, bias presupposes the existence of an independent norm, but the flaw of being biased can be accounted for independently of any specific norm.

In the paper, we'll sketch the details of this account of what makes discrimination characteristically objectionable - the Bias Account. As we will see, this account has several important virtues. *First*, and most importantly, it presents a unified and novel answer to the question of what makes discrimination characteristically objectionable. *Second*, it is not vulnerable to the kinds of objection that plague extant accounts because it is non-committal on the moral status of any specific discriminatory act. *Third*, the account stands out because of its flexibility evinced by its ability to explain what goes wrong in cases of discrimination where nothing of moral importance is at stake.

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## (36) Gender Differences in Self-presentation Strategies: A Vignette Survey Experiment in Human vs. AI Recruitment Processes

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Mastering the art of persuasion is instrumental in all aspects of life, and particularly so in high-stake competitions such as job application contexts. Recent evidence of the gender gap in self-promotion e.g. in schools, IT job platforms, or grant proposals raises concern about whether and how such self-promotion gap exhibits itself in the language choice of male vs. female applicants in their job application packages. Along with the persistent struggle to tackle gender discrimination in hiring, the growing adoption of automated recruitment systems makes it urgently crucial to understand how men and women self-present in hiring contexts.

Nevertheless, there exists very limited evidence in implicit gender information in job application packages, and much less so on how such strategies adapt to algorithmic hiring trends. Current field and lab studies in labor market discrimination predominantly use correspondence testing with structured, fictitious resumes and disproportionately focus on the labor demand side i.e. employer recruitment patterns. By default, this setup implicitly assumes homogeneous labor supply behavior, keeping constant the self-promotion aspect of job applicants. As labor matching fairness and accuracy requires a comprehensive understanding of both the labor market supply and demand, this research seeks to answer two related questions:

1. Do men and women self-present differently in recruitment contexts?
2. Do men and women self-present differently, in the face of automated recruitment systems?

Our research employs a vignette survey experiment with a large balanced sample of working adults between 18 and 54 in the US (N = 1500) and the UK (N = 1500) across a wide range of occupations on Prolific experiment platform. Subjects are randomized into two groups, where they are asked to imagine that they are actively applying to a job and answer a series of open-ended questions. These are the most common behavioral interview questions used in a wide range of occupations to measure the soft skills of applicants. In the control group, participants are told that their answers will be evaluated by professional recruiters. In the treatment group, they are told that their answers will be evaluated by automatic screening systems. Finally, we measure beliefs about their absolute and relative performance, as well as counterfactual beliefs about their interview chances in human vs. automated recruitment systems. This setup emulates the real-life recruitment contexts, with high external validity to assess the role of automated screening in self-presentation strategies across genders.

We use a combination of supervised and unsupervised machine learning methods to investigate the manifestation of gendered language in the text data. First, we extract the text variables with a dictionary-based approach based on: (i) the speech elements in persuasiveness studies and (ii) Linguistic Inquiry and Word Count and its external dictionaries on gendered language usage. To predict the likelihood of certain text patterns in male vs. female applicants, we use logistic regression on these variables, controlling for relevant demographic characteristics. Second, we use traditional word embedding and recent contextual embedding language models to examine the similarity between certain word usage with male vs. female applicants. Finally, we use text variable outputs from the best-performing language models alongside demographic data as control variables to estimate the magnitude of self-evaluation difference and beliefs about interview chances between the two scenarios: human recruiter vs. automated screening systems.



Our study contributes a large-scale experimental text data set and systematic analysis of gendered patterns of self-presentation in recruitment contexts, as well as attitude changes in the face of automated screening systems. By using universally adopted behavioral interview questions in the study, our findings provide actionable self-promotion strategies to advise and train job seekers. For recruiters, concrete findings on the linguistic styles across genders for various occupations could inform diversity and inclusion training. For recommender systems, our findings could alleviate the algorithmic bias resulting from perpetuated gendered patterns embedded in application packages e.g. by incorporating weights of different persuasion tactics across candidates.

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## (P4) How (not) to Mitigate the Acceptance of Illegal Discrimination

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Combining experimental methods with normative theories has the prospect influencing how laypeople think and act (see, e.g., Feinberg and Willer 2019 on the effectiveness of moral reframing and Bunel and Tovar 2021 on moral suasion effects). Whereas experimental philosophical research provides insights into the broad field of moral thought and theory, the main objective is often to describe the moral landscape rather than to prescribe it. This holds true for research investigating the limitations of intuitions (see Kumar and May 2018 on intuition debunking), laypeople's moral concepts and principles (see, e.g., Heiphetz and Craig's 2021 work on dehumanization), and the patterns of cognition underlying moral thought and reasoning (see, e.g., Cushman, Young and Greene 2010). Such descriptive aims contrast much of the research in normative political philosophy, which seeks to answer what we ought to do about societal and political issues. I use experimental methods to shed light on how to change people's moral acceptance of illegal discrimination and do so by conducting a survey experiment with 2000 participants, which first investigates which moral principles laypeople rely on when assessing discrimination. The results indicate that people consider the disrespect, harm and generalizations involved in the discriminatory action. The experiment next investigates whether reframing illegal discrimination as violating the identified principles effectively convinces people about the wrongfulness of discrimination. The results are surprising because appealing to the harm, disrespect or generalization involved in discrimination might have unintended consequences for people's moral assessments.

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(48) Ethnic differences in children's sports participation; causal evidence of discrimination in Norway

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Across Europe, including Scandinavia, organized sports is considered an excellent arena for social inclusion and integration of immigrants and their children. Generally, rules are the same internationally, which reduces the need for a common tongue, while enabling social interaction. However, despite the praise of sports as a platform for inclusion and integration, there are distinct differences in the rates of participation among children of native-born parents, and children of foreign-born parents. This difference is more pronounced between girls, as compared to boys. These differences have primarily been explained by differences in interest or ability to participate among the different groups. However, another possible explanation is that there are differences, or discrimination, in the access to organized sports, depending on the ethnic background of the family of the child who wishes to participate. Although differences in interest and ability to participate, dependent on ethnicity, has been a focus of research, there has been no explicit research looking at potential differences in access to children's sports. With this in mind, we conducted an experiment to find out whether there exists discrimination in the access to children's sports in Norway.

In February of 2022, we conducted a field experiment among Norwegian football clubs, sending 949 emails pretending to be parents of a child who wanted to try out playing football, and asked if it would be able to join the team for a trial training session. These emails were identical, except for certain details, which were randomized. These details included ethnicity, sex of the parent, and sex of the child. The specific nationalities we signaled were Norwegian, Pakistani and Somali, meaning that we specifically used African or Asian names. Which club received which email permutation was randomized. Using block randomization at the regional level, we were able to uncover whether certain regions were more discriminatory than others, as well as on the national level.

Field experiments have previously been applied in a plethora of contexts to examine whether ethnic discrimination occurs, most notably in hiring. Within this context, a great majority of such studies have uncovered that ethnic discrimination does occur, and that this discrimination endures over time. However, the context of hiring differs qualitatively from the context of children's football in multiple dimensions. These two contexts are each examples of a system of differentiation and a system of equality. Within a system of differentiation, competition is a natural and accepted part of the social domain. For example, when someone applies for an open position, it is understood that the employer will select one person to fill that position, meaning that all but one person will not get the job. This mechanism gives the employer an opportunity to differentiate who the position is offered to, including on illegitimate grounds, meaning that discriminatory behavior can be concealed as selecting the most fitting candidate. However, in a system of equality, competition is *not* a natural or accepted part of the social domain. Such systems include access to health care, access to education, and access to children's football. All

those who are need, or are interested in, access, are supposed to be allowed access. For example, it is unlikely that a child would be told that there is not enough room on the team for one more player, especially for a trial training session. This means that differential treatment cannot be concealed as in a system of differentiation, as the mechanism for the selection of only one candidate is not present. It is exactly this mechanism that makes the randomized field experiment a good theoretical fit for examining the occurrence of discrimination in systems of differentiation. This does, however, make the theoretical fit of the method in systems of equality seem out of place, as this mechanism is not present. However, previous studies have found causal links between ethnicity and rate of access in systems of equality, including in the access to adult amateur football, as well as in the access to transfer schools for children in elementary schools.

Our results show that, on the national level, the rate of response for emails with names signaling an ethnic majority background is substantially higher (~85%) as compared to the rate of response for emails with names signaling an ethnic minority background (~70%), showing that there is a causal effect of ethnicity on the chance of receiving a response. Additionally, we found that the chance of receiving a response changes depending on the proportion of African and Asian immigrants in the municipality of the football club, but only for emails signed with an ethnic minority name. For emails signed with an ethnic majority name, we found no such effect. Additionally, we found significant results of ethnic discrimination in 5 of 19 regions. We found no significant effects of either the sex of the parent or the sex of the child at either the regional or the national level. These results will be visualized using confidence curves, making inferences about sample size, significance and confidence intervals accessible and understandable in the form of figures, reducing the emphasis of reporting these results in tables.

These findings show that there exists ethnic discrimination in the access to children's football in Norway, and that the rate of discrimination varies with the proportion of non-Western immigrants in the clubs municipality. This means that the differences in participation in organized sports between children of native-born and foreign-born parents, at least in part, is due to a difference in access, and not only due to a difference in interest or ability to participate. In addition, these results give further proof of the applicability of randomized field experiments in systems of equality, uncovering discrimination in contexts where it, theoretically, should not exist, and without built-in mechanisms of concealing it. This brings into question to what degree the mechanism of selecting a limited amount of candidates, only present in systems of differentiation, needs to be present for uncovering discrimination in access to social domains.

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(7) Parasite stress does relate to social dominance orientation across societies: The crucial role of group status.

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Tybur et al., (2016) suggested that the relationship between pathogens and politics reflects intragroup motivations rather than intergroup motivations. This contrast was based on their report from a survey of 11,501 participants across 30 countries that cross-national parasite stress related to traditional group norm adherence (intragroup), but was unrelated to the endorsement of intergroup hierarchy, as measured by social dominance orientation (SDO). This null effect was particularly surprising given the array of prior evidence showing that environments with more infectious diseases and experimental reminders of diseases increase intergroup conflict/prejudice. However, the authors did not control for group status, as indexed for instance by race/ethnicity, although decades of prior research demonstrate that both the levels and effects of SDO are fundamentally moderated by group status (e.g., Sidanius et al., 2001, Kunst et al., 2017). Ignoring these behavioral asymmetries thus may mask true effects. Here we used a sample 40 times larger ( $N > 500,000$ ) and almost double the regions previously used (58 territories), and show using multi-level modelling that parasite stress does relate to SDO, especially when we control for dominant versus subordinate group status. We replicate this effect across the 50 US states ( $N > 350,000$ ). Moreover, and in line with the social dominance and parasite stress theory literature, we show that infectious diseases relate to stronger racial bias, but only when we control for participants' racial group. These results suggest that omitting crucial controls can distort the psychological and political literature and demonstrates that parasite stress is related to both intragroup and intergroup aspects of human interactions and political ideology.

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## CANCELLED

### (38) The Effect of Exclusion on European Muslims' political behavior

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Over the past two decades Muslim citizens in advanced democracies have formed an emerging yet viable political force. A well-documented fact is that Muslim minorities tend to vote for left-of-center parties in greater proportion than non-Muslim citizens. In Western Europe, this immigrant–native gap in the vote for leftwing parties exceeds 30 percentage points and is so stable that it has been described as an “iron law.” Interestingly, it endures despite immigrants' integration into the host society, which is expected to militate against group voting. Why, then, do Muslim immigrants continue to vote as a group? And what factors account for their leaning towards the left? These two questions are addressed in this article.

We argue that exclusion moderates the effect of integration on the vote choice of Muslim immigrants, as it limits the scope of mobilization opportunities and strengthens the saliency of group identity in the voting calculus of the individual. The empirical analyses consist of two studies. Study 1 presents a panoramic view of Muslims' voting behavior in 18 democracies in Europe, combining existing survey data from 2002 to 2020 with novel regional and country-level data on social and political exclusion of Muslim minorities and sub-national data on the incorporation of Muslim candidates in party lists. Study 1 explores the relationship between Muslims' vote choice, different dimensions of integration into the host society at the level of the individual and social exclusion (both perceived and objective measures). To the best of our knowledge this analysis of the electoral behavior of Muslims in Europe will be the most extensive is scope undertaken to date. In Study 2 we utilize online experiment in Germany to test the effect of exclusion on political behavior via an experiment. In Study 2 will fortify causality and reveal the mechanisms behind immigrants' voting in the face of hostility. In this survey we exclusively sample the largest (in size) Muslim minority in Germany. We randomly expose participants to scenarios involving social and political exclusion, under three research conditions: a video news report about violence toward their group (Muslims); a video news report about the success of a radical-right party; and a control condition. The object is to study how exposure to social (violence) and political (the ascent to power of the radical right) exclusion affects Muslims' vote intentions. After randomization, respondents are asked a series of questions designed to measure their social identification and voting preferences

Overall, these two studies show that as immigrants feel more discriminated against by their host society, they are more likely to vote for left-of-center parties. We also show that as the radical right – which is known for its anti-immigrant positions – garners more support, immigrants are likelier to vote for left-of-center parties. Finally, we demonstrate that experiences of violence against immigrants and economic exclusion are manifested in stronger group voting by immigrants. This article sheds light on a phenomenon that has already reshaped the electoral landscape in Europe by rendering ethnic identity a crucial dimension of party competition.

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### (31) Objective Social Meaning vs. Deliberative Failure: An Experimental-Philosophical Analysis

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What makes discrimination wrong, when it is? The philosophical answers to this question particularly emphasize either harm or disrespect as central wrong-making features of discrimination. A recent experimental-philosophical study shows that these harm- and respect-based accounts are supported by the views of the broader public. Specifically, the study suggests that, according to lay people, both disrespect and harm make discrimination wrong (Hallson et al, unpublished manuscript). However, there are different accounts on what makes discrimination disrespectful. In this follow-up study, we zoom in on two of the most developed proposals: Hellman's (2008) objective meaning account and Eidelson's (2015) deliberative failure account. By identifying discrimination cases where the two theories provide different assessments, we investigate whether both respect-based theories find support when studying the views of the broader public.

According to *the objective meaning account*, discrimination is wrong when and because it is demeaning. In brief, discrimination is demeaning when the discriminating agent has power to actually lower the social standing of the discriminatee (the power dimension), and the discriminatory act expresses that the discriminatee is inferior to others (the expressive dimension). Consider, for example, a case where the "Governor of South Carolina decides to fly the Confederate flag over the State House with the intent of building a sense of loyalty to the state and thereby increasing social cohesiveness" (Hellman, 2003: 101). According to Hellman, because of the historical context of race discrimination in the South, this action expresses a disrespectful social meaning. This applies irrespective of the Governor's good intentions (ibid).

According to *the deliberative account*, discrimination is wrong when and because the discriminator does not appropriately emphasize the discriminatee's equal moral worth or autonomy in their deliberations behind the discriminatory act (Eidelson 2015). In contrast to the objective meaning account, the deliberative account of the wrongness of discrimination does not rely on the social meaning expressed by the discriminatory act in the cultural and historical context. For example, Eidelson writes that "one does not fail to satisfy the relevant criteria [for disrespect] *simply* by acting in ways that are conventionally disrespectful, such as failing to shake someone's hand in a culture with which one may be unfamiliar. To disrespect someone is to fail to take account of the normative significance of some facet of her moral standing; and it is just not up to a culture to decide what constitutes such a failure" (Eidelson, 2015: 86).

Informed by this philosophical disagreement, we will use a vignette-based survey experiment on a representative American sample to test empirically whether lay people's views on the wrongness of discrimination vary with i) the objective meaning expressed by the discriminatory act (which would support Hellman's theory) and/or with ii) the deliberative failures on part of the discriminating agent (in support of Eidelson's theory).

## **CANCELLED**

(5) Associational religious discrimination: concept, extent, justification, funding and remedy.

### **Nahshon Perez**

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Discrimination conducted by religious associations is a deeply contested topic; while some scholars (such as Michael W. McConnell) strongly defend the right of religious associations to discriminate against women, LGBT people and many other protected categories in the selection of clergy, members and even employees, other scholars (such as Chiara Cordelli) strongly argue that religious associations should not be eligible to such exemptions, and should follow the same non-discrimination rules that apply to other organizations, especially in the context of employment rights. In this heated debate, the definition of discrimination, its extent, the justifications suggested for it, the source of funding for such religious associations and the proper remedies appropriate in such cases, are all deeply controversial, and require careful untangling and clarification, before 'jumping' to direct evaluative conclusions vis-a-vis such policies.

Discrimination conducted by religious associations, as can be expected from such a contested topic, is at times debated by important courts such as the ECtHR and the U.S. Supreme court. In cases such as *Martinez* (ECtHR)<sup>1</sup> and *Hosanna-Tabor* (U.S. Supreme court),<sup>2</sup> a version of the 'ministerial exception' rule was created: the principle is that religious associations can discriminate and that they win an exemption (immunity) from laws that prohibit such discrimination. Such cases raise many questions: what exactly is the discrimination at play? What is the extent of this exemption from the general prohibition against discrimination? What are the justifications for such a policy of exemptions? What is the remedy in such cases - that is, is the exemption a 'carte blanche', or can a court of law defend, say, the right of the association to religion, but limit the economic consequences of such discrimination? Finally, examining religion-state policies in many European countries and somewhat surprisingly also in the U.S. under the Roberts' court, it can be observed that many religious associations enjoy substantial governmental funding. This raises the question of how to classify religious associations thus funded. Arguably, at some threshold of funding they become private-public religious associations, which arguably decreases their right to win exemptions from general prohibitions against discrimination.

In this paper we shall attempt to clarify various aspects of this heated debate, and to suggest some preliminary evaluative and prescriptive principles, as follows.

First, the definition of discrimination appropriate to such cases is arguably a simple comparative one. That is, religious associations are enacting policies that would be illegal if conducted by other associations, governments, or most large for profit organizations in most democratic countries. In the mentioned *Martinez* ECtHR case, the Catholic church and the government of Spain dismissed Martinez, a priest, violating his right to privacy and employment rights; in *Hosanna Tabor*, this Lutheran church and school won an exemption from a disability legislation, by refusing to re-employ a teacher (Cheryl Perich) who was on health related break. Such discriminatory acts and the corresponding exemptions would be illegal for other associations, governmental organs,



or large for profit organizations. For the purposes of this abstract, we shall leave aside the justifications for rejecting discrimination thus understood.

Second, the extent of the exemption is debatable. Does it include religious clergy only, or does it include all members and employees of the religious association? Here various options were suggested, from a narrow view that allows exemptions only as applicable to the selection of clergy, to a wide view that allows the association to have autonomy in any aspect of its conduct. The decision between narrow and wide views is dependent on the justification provided for the exemption.

Third, what is the justification grounding the noted exemption? Two such major justifications can be identified in the relevant literature: freedom of conscience and association and church autonomy. The first is based on the individual right to freedom of conscience, which, in the aggregate, is translated to a version of freedom of association. The second, church autonomy, is based on the worry from brutal governmental intervention in the affairs of religions. The former will most likely justify a narrow view of the noted exemption, the latter, the wider view.

Fourth, in Europe and growingly in the U.S. religious associations are better conceived as public private religious associations or PPRAs (given the funding they receive from the government). Once so conceived, it raises the difficult issue of which set of rules should apply to such associations - should they be treated as religious associations or as mundane governmental organs? This seemingly technical, descriptive point, is crucial, as religious associations might be eligible for the noted exemption, not so governmental organ.

Fifth and last, what is the proper remedy for cases of discrimination conducted by religious associations? Arguably, the remedy should correspond to the justification and extent of the discrimination. If the goal of the exemption is to protect the freedom of individuals to associate according to their faith, the exemption should be tailored to this goal, and further implications and costs associated with the exemption should be prevented or (if enacted) to be compensated for or reimbursed; if the goal of the exemption is to protect the religious association from governmental intervention, economic costs of discrimination will be deemed legitimate, and no remedy will be required.

To conclude, discrimination conducted by religious associations is a hotly debated topic, for example, in the noted Martinez ECtHR decision, the decision was reached in a 9-8 split decision among the judges. However, in order to properly evaluate the legitimacy of religious discrimination, we need a better understanding of the kind of discrimination enacted, its extent, the justifications suggested for it, the kind of religious associations enacting this discrimination, and the remedies requested. Once these are clearly presented, the evaluative step can be tailored to the parameters of the framework thus carefully described.

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## (P7) Conjoint Experiment on Lifestyle Distinction

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In Pierre Bourdieu's theory of misrecognition, it is posited that there exists a widely shared cultural hierarchy in individuals' consciousness, which ascribes status to cultural activities. Additionally, it suggests that individuals engaging in high-status cultural activities are erroneously associated with favorable economic, cultural, and social traits. These two prerequisites must be met for cultural capital to function as a tradable currency for economic and social advantages. This paper expands upon empirical research on the misrecognition model by causally identifying the cultural hierarchy and demonstrating its impact on trait attribution at the micro-level. Previous experimental studies have primarily focused on traits related to *competence* and *warmth*, drawing from the social psychological literature on stereotyping. Furthermore, we delve into traits derived from the sociological legacy of Max Weber and Pierre Bourdieu, specifically examining *respectability* (i.e., admiration with respect to ability, quality, and achievements) and *polish* (i.e., embodied and socially learned mannerisms). Additionally, we compare the influence of lifestyle with other established determinants of status attribution, including socio-economic position, gender, and ethnicity.

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## Correcting Misperceptions about Ethnic Discrimination: The Limits of Awareness Raising to Promote Support for Equal Treatment Policies

**Merlin Schaeffer<sup>1</sup>, Krzysztof Krakowski<sup>2</sup>, and Asmus Leth Olsen<sup>1</sup>**

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This study examines the extent to which mainstream citizens are aware of ethnic discrimination in their society and whether informing them about correspondence study findings can increase recognition of this issue and support for equal treatment policies. Using a survey experiment among a representative sample of 4,800 mainstream Danes, the authors elicited mis-perceptions of the extent of discrimination that Muslims face in access to work, housing, education, and political representatives. The authors then tested whether informing citizens about the results of correspondence studies increases their recognition of the issue and support for equal treatment policies. The study advances over prior information treatment designs, by testing the importance of 3 ideal-types of framing, based on the assumption that citizens require framing that helps them comprehend the significance of social science evidence. The 3 ideal-types of framing tested were: an independent scientist framing the evidence as credible, a lawyer framing the evidence as a breach of the law, or a potentially affected minority framing the evidence as causing them grief. Moreover, the experiment utilizes two control groups to disentangle the effects of priming respondents on the topic under investigation from the effects of the correction and its framing. The results indicate that most citizens are aware of the discrimination that minorities face and even tend to over-perceive its extent. Furthermore, communicating correspondence study results corrects and converges perceptions about the extent of ethnic discrimination but does not change recognition of the problem or support for equal treatment policies. The mere priming of the topic of discrimination also has no effect, apart from increasing donations to minority support groups. In conclusion, these findings suggest that awareness-raising initiatives are unlikely to be successful in promoting support for policies that promote equal treatment. We conclude by discussing that lack of support for such policies is likely driven by other factors, such as concerns that they may infringe on mainstream privileges.

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## (27) Can we estimate teacher grading bias using standardized tests?

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A series of papers uses administrative data on school students' grades to assess whether teachers discriminate against certain demographics. Often, standardized test grades are subtracted from teacher grades and then regressed on student-level variables. However, it is unclear under what circumstances such an estimation strategy is valid. We conceptualize teacher bias as a direct causal effect of student-level attributes on teacher grades, fixing student ability. Standardized tests merely proxy for student ability; additionally, there may be confounders of ability and teacher grade. Accordingly, teacher bias is nonparametrically unidentifiable. However, we suggest behavioral and parametric assumptions that ensure identification using difference-in-grades estimators. Estimators based on regression control for test grades are shown to be biased even under these strong assumptions. We then develop a parametric sensitivity analysis that allows researchers to investigate the quantitative consequences of departures from critical assumptions. We illustrate our method using administrative data from Denmark.

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## **CANCELLED**

### (52) Input and Output Discrimination

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One salient concern regarding artificial intelligence (AI) systems is that they may involve (objectionable) discrimination. This concern is usually related to the risk that the input and (as a result) the output of such systems may be inaccurate. However, the concern is sometimes present when the input and output are accurate (or when it is reasonable to believe that they are since they reflect the best available evidence). For example, a major source of waste in health care is due to "no-shows", namely, patients who do not arrive (at all or in time) for their appointments. One way of addressing this problem is overbooking. Obviously, overbooking involves a cost. However, since no-shows are a serious problem, and overbooking is often the most effective remedy, it is frequently considered. One effective way to determine which patients are most likely to miss their appointments, and accordingly to decide when to overbook, is based on the predictions of AI systems. However, it is often thought that this may involve discrimination. As a result, various measures are considered to address this concern, often in ways that decrease the effectiveness of the overbooking strategy. These include removing facts such as race or sex from the input data of AI tools, adjusting the optimization model such that the average waiting time of blacks and whites, for instance, is the same, and abandoning such AI tools completely.

For example, when the administrators at a certain health institution considered using such an AI tool, they concluded that "the potential for explicit discrimination was obvious because the predictive model included personal characteristics such as ethnicity, financial class, religion, and body mass index that, if used for overbooking, could result in health care resources being systematically diverted from individuals who are already marginalized". They first decided to address this concern by adjusting the relevant AI tool such that its input data would not include the above personal information. But then they had another concern regarding its output, namely, that the "new model, even stripped of personal information, would not eliminate the potential to propagate societal inequity... Prior no-show – a variable included... [also] in our revised version – is likely to correlate with socioeconomic status, perhaps mediated by the inability to cover the costs of transportation or childcare, or the inability to take time away from work". Therefore, they decided to discard the relevant AI tool completely and instead use the less effective methods of phone or text reminders.

This response is controversial. However, it appears to be common. Indeed, the above case is cited also by others as an example of the proposition that even algorithms that learn from accurate and fully representative data can perpetuate discrimination. More generally, it is uncommon to include factors such as race and sex in the input data of AI systems, and it is common to discard the output of such systems when it correlates with such factors or to adjust it such that it does not involve such a correlation.

The concern that even discrimination that is based on accurate data is objectionable is relevant in many contexts since factors such as race or sex are often related to facts that are morally significant, such as the likelihood of repaying a loan or violating the law. Moreover, this concern may seem sensible given common assumptions regarding the moral and legal status of discrimination, including the assumption that it may be wrong to discriminate even when there

are good reasons to do that. Legally, actions based on the predictions of AI systems whose input data includes factors such as race or sex ("input discrimination") may appear to violate the prohibition on "direct discrimination" (or "disparate treatment"), even when these factors are indicative of facts that are morally significant. And actions based on predictions that are correlated with factors such as race or sex ("output discrimination") may appear to violate the prohibition on "indirect discrimination (or "disparate impact"), even when these factors are correlated with facts that are morally significant.

Nevertheless, the above concern is misplaced in an important respect. There may indeed be reasons against discrimination even when it is based on accurate data. Moreover, such reasons may be common since AI systems are usually constructed in a way that reflects only some of the relevant considerations. However, these reasons are not always present, and when there are, they may not be decisive. Therefore, input and output discrimination should not be avoided always. The outline of my argument for this conclusion is as follows. First, discrimination should be avoided when it is wrong *overall*, namely, when there is a decisive reason against it. In contrast, discrimination that is not wrong *overall* should not necessarily be avoided, even if there are reasons against it. Second, discrimination in the senses that are often considered in the AI context (input and output discrimination) is not necessarily wrong overall. The latter sense (output discrimination) includes also actions that are based on an output that is incompatible with statistical ("fairness") measures that are commonly considered in the AI context (for example, comparing the rates of false negatives and false positives for groups that are defined in terms of factors such as race and sex). Therefore, discrimination in these input and output senses should not be always avoided.

The answer to the question of when discrimination *is* wrong overall, and thus *should* be avoided, is, unfortunately, complicated due to doubts and controversies regarding the nature and force of the pertinent reasons, including the pertinent normative criteria and the facts that are relevant according to these criteria. However, trying to avoid this complexity by relying on simpler formulas, such as if the action involves input or output discrimination, or violates various statistical measures, is misguided since it would result in sanctioning discrimination that should be avoided and proscribing discrimination that should not.

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## (P2) Persuasion or Polarization? Understanding the Effects of Rhetorical References to Identity Politics

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At its core, contemporary “identity politics” is about rectifying injustices experienced by disadvantaged groups and minorities. Achieving this goal requires advocates of minority rights to convince others – especially members of the majority – of their positions. However, we know little about which arguments are most effective in advancing minority causes. In this experiment, we examine how different types of political arguments affect citizens’ preferences for policies that advance minority causes as well as their affective evaluation of such minorities. We randomly assign the type of argument (“identitarian” vs. “common humanity”) as well as the sender of the argument (minority member vs. majority member) across a number of issues associated with identity politics. By measuring issue preferences and group affect before and after the intervention, the design allows us to test how individuals respond to different arguments and senders based on their predisposition toward minority causes and individuals. Our results will have important implications for understanding the roots of the potentially divisive nature of identity politics.

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## CANCELLED

### (2) Discrimination in the Funding of Religious Needs: The Case of Muslims in Israel

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Some countries, notably France and the US, are committed to a strict separation of state and religion. In these countries, questions regarding discrimination in the funding of religious needs never arise, because *no* religious group receives support from the state. But, in most countries, public money is allocated for religious purposes, such as the maintenance of houses of prayer. Since countries almost always host more than one religious group, the question arises as to what would be entailed by a just distribution of state involvement in religious affairs, or, in other words, an answer to the question of whether there is any discrimination in this distribution.

The purpose of my presentation is to point out some philosophical and practical challenges in determining whether or not a given country discriminates among its religious groups in the provision or funding of religious services, taking Israel as my case study. Israel defines itself as a Jewish state, and its “Ministry for Religious Services” is in charge of the provision and funding of such services for Jews, either directly or through local councils. For instance, the state pays the salaries of rabbis, supports the building of synagogues, builds ritual baths (*mikves*) and pays the salaries of the women who operate them (the *balaniyot*), issues *kashrut* certificates, affirming that the food served in some restaurants or produced in some factories is *kosher*, appoints and pays the salaries of its two chief rabbis, and so on. But it does so not only for Jews but for the other religious groups in Israel as well. “The Branch for the Non-Jewish Religions” in the Ministry of Interior deals mainly with the Muslim community on which I shall focus, but also with the much smaller Druze and Christian communities. In the case of the Muslim religious communities, the state allocates money for the building and maintenance of mosques, it pays the salaries of many Imams, as well as the salaries of the Muezzins, those officially in charge of calling the Muslims to prayer five times a day, and so on.

Interestingly, although Israel defines itself as a Jewish state, thereby apparently legitimizing some kind of preference to Judaism or to Jews, as far as *religious* services are concerned, the Supreme Court has always taken it for granted that benefits should be allocated in a fair and egalitarian manner among all citizens. Thus, in the eyes of the Supreme Court, the funding of religious services is not understood as part of the Jewish mission of Israel, but operates under the general title of providing required services to her citizens, just like education, sports, transportation and so on.

But does Israel live up to the expectations of the Supreme Court? Does it indeed allocate the budget for religious services in a non-discriminatory manner? (For the sake of the present paper, let’s focus on funding and put aside questions concerning other forms of state involvement in religious affairs.) Here are some difficulties in answering these questions.

1. It is not always clear how to define religious needs. For instance, the Ministry of Religious Services gives money to associations that work in the field of Jewish – not necessarily *religiously* Jewish – and Zionist education, which wouldn’t naturally fall under the heading of religious activity.



2. Muslims have fewer religious needs than Jews by which I mean fewer forms of ritual or practice that could benefit from state support. For example, Jewish women who are observant need ritual baths to purify themselves after their monthly period, and for such baths to function properly, trained employees are needed. Thus, when the state builds and maintains *mikves*, that is a helpful provision of a religious service. However, nothing analogous exists for Muslims. Does that mean that when the state gives money for *mikves* without giving the same sum of money to Muslims, it discriminates against the latter? The more theoretical question is whether the funding of religious needs should be *per capita*, namely, the budget for religious needs should be allocated to all religious groups in proportion to their size, or be allocated according to the authentic *needs* of each religious group.

3. At least in Muslim communities in Israel – and I suspect among in minority religions in other countries too – the religious associations are not always properly registered and the money often comes from charity (*Zakat* in Arabic) and is not (or is under-) reported, hence hard to follow. That also explains the reluctance of Muslims to collaborate with us in our research on religious services to Muslims in Israel.

4. At least in Israel, while some information is available, the budget for religious affairs is not fully transparent. The funds are provided by different government bodies and it is impossible to follow the funding all the way and ascertain its use in practice.

In light of these difficulties, we compared the religious funding of Jews to that of Muslims in the following three ways:

- a. By comparing the entire budget of the Ministry of Religious Services, which deals with the religious needs of Jews, with the entire budget of the Branch for Non-Jewish Communities which deals with non-Jews;
- b. By comparing all the money allocated to the religious needs of Jews in the budgets of all ministries with all the money allocated to the religious needs of Muslims in the budgets of all ministries;
- c. By comparing the budget allocated to Jews with the money allocated to Muslims for specific religious needs; houses of worship, clergy, and burial.

Regrettably, all comparisons show discrimination in the distribution of public funds between Jews and Muslims, when taking in consideration the proportionate size of both groups, and assuming a per capita model of distribution. The one exception is the money allocated to the salaries of imams vs. rabbis which requires further investigation. I conclude by offering a practical proposal that might improve the state's engagement in Muslim religious needs and also lead to a more egalitarian distribution of funding.

## (15) Is there a Christian penalty in secular hiring contexts? Evidence from a field experiment in the Netherlands

Lex Thijssen<sup>1</sup>

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Previous field-experimental research provides unambiguous evidence for hiring discrimination based on ethnicity, gender, health status, and sexual orientation (Baert 2018). So far, the impact of religion on hiring outcomes *among native majorities* has received much less scholarly attention – especially in highly secularized Western European countries (Basedau, Gobien, and Prediger 2018). However, a small body of research suggests that people sometimes experience exclusion and stigmatization in other life domains because of their Christian religious orientation, particularly in more secular contexts (e.g. Uzarevic, Saroglou, and Muñoz-García 2021). These findings are in line with the religious values conflict model, suggesting that *both* religious and non-religious people demonstrate prejudice towards ideologically dissimilar others (Brandt and Van Tongeren 2017).

Using field-experimental data from the Netherlands (Lancee et al. 2021), this study focuses on the role of religion in the labor market by investigating whether openly Christian and non-Christian fictitious job applicants are treated differently in hiring situations. In doing so, we do not only investigate the overall impact of being openly Christian but also how its impact differs by gender. Indeed, based on previous research on the motherhood penalty and traditional gender-role attitudes (Basedau et al. 2018; Correll, Benard, and Paik 2007), it could be expected that the Christian penalty is stronger for women than for men. Preliminary results provide support for this line of reasoning. For women, we find that openly Christian job applicants receive 8 to 9 percentage points less callbacks than non-Christian job applicants. For men, we find no evidence for a Christian penalty, however.

Furthermore, this study investigates the idea that the effect of a Christian affiliation differs between more and less secularized regional contexts – as proxied by the percentage of non-religious and highly educated people in a region. Preliminary findings provide no unequivocal support for the religious values conflict model but indicate complex and gendered patterns of discrimination against openly Christian job applicants across regions with different religious compositions. Whereas openly Christian women were penalized by employers in all regions, openly Christian men were not penalized in more secular contexts. Moreover, men sometimes even benefitted from being openly Christian in more religious regions.

Altogether, these results shed new light on the role of religion in hiring and its intersections with gender and regional context.

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## (24) What are subjective measures of discrimination good for?

**Morgan Thompson<sup>1</sup>**

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Many social and political projects require us to track and measure racism and racial discrimination across a variety of domains, such as housing, employment, and health. Institutional racism can be measured at the population-level, such as examining the impact of residential segregation on health outcomes. Predominantly though public health researchers measure racial discrimination using self-report surveys (i.e., subjective measures) such as the Schedule of Racist Events scale, Experiences of Discrimination scale, and the Everyday Discrimination Scale (for exceptions, see the meta-analysis by Groos and colleagues 2018). There are a number of benefits to using subjective measures: they are quick and easy for participants, combine with self-reported health outcome surveys, and privilege the perspectives of victims of discrimination.

However, subjective measures of discrimination can be impacted by perceptual biases, as even their proponents agree (Williams et al. 2019). Some individuals may under-report when the researchers are white (Krysan and Couper 2003). Perceptions may also differ among individuals, resulting in over-reporting (vigilance bias) or under-reporting (minimization bias) (Lewis et al. 2015). These potential biases have led to some skepticism about whether subjective measures of discrimination are useful for measuring discrimination at all.

Proponents defend subjective measures by demonstrating their reliability and validity *in general* and thus, the “rigor” of the scientific methods employed in the research (Krieger 2012). While I agree that subjective measures can have validity for measuring discrimination, I argue more clarity is needed to bolster this argument. First, clarity is needed about the relationship of *experiences of discrimination* to the general discrimination concept (minimally: differential treatment of or outcomes for salient social groups). Experiences of discrimination cannot be necessary for some event to be discriminatory. Environments, material objects, or institutional policies can be discriminatory without necessarily producing experiences of discrimination among particular populations. Experiences of discrimination also cannot be sufficient for some event to be racially discriminatory. When operationalizing experiences of discrimination as ‘unfair treatment’, many white people will report having experienced unfair treatment on the basis of race, but arguably these cases should not count as racial discrimination.

Second, it must be recognized that validity of some measure with respect to a construct is evaluated relative to particular purposes and can come in degrees. I propose that subjective measures of racial discrimination are valid to the extent that they produce data that is fit for purpose (Bokulich and Parker 2021). Because racial discrimination is a multi-faceted construct, experiences of discrimination can function as a proxy for some of manifestations of discrimination. Particular strengths of subjective measures are to provide evidence subject to different biases than governmental or population-level data (e.g., police reported suspected traffic violations) and evidence about stages where field experiments cannot be conducted (e.g., discrimination during employee on-boarding). Other appropriate contexts

include investigations of psychological moderators of racial discrimination and individual outcomes, where mixed methods are crucial for interpretation, and cases of institutional discrimination that is perpetrated by an agent.

This view is beneficial because it fits with recent calls for more mixed-methods in research on structural racism (Adkins-Jackson et al. 2021). However, it extends calls for mixed-methods beyond integrating qualitative and quantitative studies to more broadly integrate findings from different methodologies (e.g., subjective measures and population-level studies using Census data). Further, it calls for both systems-level and person-level intersectional analysis (Dotson 2014). Rather than viewing subjective measures as predominantly measuring interpersonal racism (e.g., the Race-Related Stress Brief scale; Chapman-Hilliard et al. 2020), they can be used as a bridge between the interpersonal and institutional for cases where the institutional discrimination is perpetuated by an agent.

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This theoretical study elaborates intergroup contact theory by focusing on how national political debate affects face-to-face interaction. Specifically, party elite messages about intergroup relations stimulate awareness of group membership among contacted majority members, which in turn amplifies the impact of intergroup contact on prejudice. Yet contact quality also matters. Party elite messages enhance the ability of pleasant contact experiences to reduce prejudice, whereas they enhance the ability of unpleasant contact experiences to increase prejudice. These elaborations extend the so-called categorization model by further emphasizing the need for paying greater attention to the cognitive dimension of intergroup contact. The cognitive dimension includes conversation among the participants about political issues related to intergroup relations. Party elite messages stimulate such conversation. However, political conversation among the participants may also enhance the impact of party elite messages on the contact-prejudice relationship. More generally, this theoretical study presents a novel politics-centered model of intergroup contact.

(1) Does personal responsibility for one's state of affairs affect our perception of what discrimination is?

**Lydia Tsiakiri<sup>1</sup>**

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Despite being ethically and legally condemned, discrimination remains a frequently occurring phenomenon. An endless list of victims and perpetrators could be invoked, with most of us easily detecting its presence. After all, in its most generic definition, discrimination is merely the disadvantageous differential treatment of the other who has or is believed to have some particular features. Yet, what about controversial cases where the presence of additional factors, like one's responsibility for her condition, seems to obfuscate our judgment and highlight our insufficient understanding of discrimination? For example, could obese people complain that they are discriminated against by the British NHS because of its reluctance to provide them access to elective surgery before they acquire Body Mass Index (BMI) 30? Could poor people complain that they are discriminated against because of their limited access to opportunities, a fact that perpetuates their status? This paper discusses discrimination considering the factor of responsibility. In essence, it theoretically addresses the question: Does the aspect of responsibility for one's condition determine/alter our perception of what discrimination is? More specifically, the article assesses whether one's differential treatment because of a feature or condition for which she is responsible is wrongfully discriminatory or not. To provide a plausible response to that, I initially examine this action's compatibility with Kasper Lippert-Rasmussen's (2013) definition of discrimination. Remaining in the same vein, I then test this action's compatibility with those accounts – i.e. the harm-based, and the respect-based ones – that attempt to define what makes discrimination wrongful. Finally, I apply and discuss my inferences through the lens of two case studies – the responsibility-sensitive scarce healthcare resources' allocation and one's access to poor welfare opportunities due to her inherited low socioeconomic class/income. Overall, the article aims to suggest that the most prevalent accounts of wrongful discrimination should be mindful of the presence or absence of responsibility for a person's condition revising the list of the most fundamental elements/ conditions required for them to apply.

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## (21) The Long Arc Toward Justice: Has Racism Declined, or Not?

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In 1964 Martin Luther King gave a sermon in which he declared that “*the arc of the moral universe is long, but it bends toward justice.*” More than 50 years after the civil rights movement, it’s time to take stock: Has racism really declined, or not? The aim of this paper is to provide a multidisciplinary overview of the empirical evidence about time trends in racism in Europe and the US. While racism is a multidimensional concept, previous research is limited because it usually focuses on trends in only one dimension of the problem. This study aims to paint a ‘bigger’ picture. For this purpose, we conducted a systematic literature review on quantitative studies from different disciplines, covering time trends in four dimensions of racism: 1) discriminatory behaviour on labour and housing markets (field experiments), 2) explicit attitudes toward ethnic minorities (preferred social distance survey questions), 3) implicit biases toward racial groups (implicit association tests) and 4) the relative access to power (social fluidity in intergenerational mobility research). This review article is novel because it combines insights from different research traditions and focusses on long-term changes over time.

The answer to our question is at least multilayered. From the systematic literature review, we could discern three stages in the development of racism during the past five to six decades. It appears that explicit prejudices were the first aspect of racism to decline, already from the 1960s and 1970s until today. This was partly due to the introduction of anti-discrimination legislation and the changing norms in society. The measurement of explicit anti-migrant attitudes in surveys has, however, been heavily criticized for suffering from a social desirability bias. Moreover, the decline came along with a changing face of prejudices, from overt and blatant to more hidden and subtle forms. Nevertheless, merely the fact that people are increasingly taking anti-racism norms and legislation into account and hide their prejudices, is already to some extent meaningful.

During the second stage, both rental discrimination and implicit biases tend to decline. Ethnic and racial discrimination on the housing market especially decreased during the nineties. Studies are, however, inconclusive whether the decrease continued afterwards. It appears that especially stark forms of discrimination declined, such as not responding to inquiries and denying ethnic minorities the opportunity to view the dwelling. Interestingly, implicit biases started to decrease in the US since approximately 2012. The empirical evidence for declining implicit biases is at the time of writing still limited to the United States and it remains uncertain whether the change will also take place in European countries. The decline in stark forms of rental discrimination and implicit biases has been explained by many factors, such as the growing diversification of societies’ populations, the presidency of Barack Obama and several anti-discrimination policies, but most of these causes have not yet been explicitly tested. This is a major drawback of previous meta-analyses on rental discrimination and studies on time trends in implicit biases.

In a potential third stage, discrimination on the labour market might also start to decrease. However, the general trend for most ethnic minority groups in hiring discrimination until now is one of stability. The big exception are applicants of North-African or Middle-Eastern descent who have experienced an increase in hiring discrimination since the nineties. The third stage is,



therefore, a potential stage that has not yet witnessed for most ethnic-racial groups in most countries. This corroborates with the scarce research on ethnic inequalities in social fluidity that suggests stable or only slowly decreasing trends in racism. Ethnic minorities steadily climb the rungs of the socioeconomic ladder, but their journey is more difficult because of persistent discrimination in hiring. Nevertheless, their social mobility over time is solid and leads to more access to positions of power. This is important because racism exists within the context of structural power inequalities between black and white.

These three stages in the evolution in racism have also theoretical implications. It appears that discriminatory behavior is more difficult to change than implicit biases, and implicit biases more difficult again than explicit prejudices. This suggests a particular causality with serious time lags between the three stages, at least at the collective level. However, there is only very scarce research that empirically tests relationships between prejudices or biases on the one hand and discriminatory behavior on the other at the individual level in longitudinal or experimental designs, especially outside the laboratory. Furthermore, although we could discern three stages in the development of racism in the long run, we should be careful with teleological thinking (Seamster & Ray 2018). Human history doesn't have any inherent moral compass or internal logic that drives us towards a particular end goal. Just as there is no natural driver for why societies would automatically progress towards less racism, there is no reason why they wouldn't regress to an earlier stage (e.g., a stage with increasing rental discrimination and more explicit prejudices). Nothing bends toward justice without us bending it.

When we return to the main question at stake, this research shows that certainly some aspects of racism have declined during the past 50 years. Nevertheless, the so-called racial optimists (e.g. Patterson 1997; Wilson 2012; Pinker, 2018) are too optimistic by mainly relying on attitude studies and neglecting discriminatory behavior. What is really important for victims of racism is not only what others feel or think about them, but especially how they are treated, for example when applying for a job or housing. It appears that most racial optimists were hampered by their unidisciplinary focus on the topic.

Finally, this study shows that the answer to our main question profoundly depends on how racism is conceptualized and measured. Even within one country with multiple sources of evidence (e.g., the US and UK), different conceptualizations could yield totally different answers. This shows the profoundly socially constructive nature of knowledge production, which calls for more interdisciplinary research on racism in the future.

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## (30) Discrimination Attributions in the Workplace – A Scoping Review of Causes and Correlates

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Discrimination - may it be on the grounds of ethnicity, gender, religion, etc. - is pervasive in the labor market (Fibbi et al., 2021). The often ambiguous nature of discriminatory events can leave people uncertain as to whether discrimination has actually occurred (Jones et al., 2017; Stangor et al., 2003), which makes it challenging to tackle it. This highlights the need for a better understanding of how discrimination attributions are made. Previous research has identified a range of personal, situational and contextual factors that shape whether people judge an event to be discriminatory or not (Major & Sawyer, 2009). With this scoping review, we aim to systematically synthesize the existing evidence and identify the state of knowledge on the correlational and causal impact of different factors on discrimination attributions in the workplace. We systematically review studies on discrimination attributions in organizational settings, addressing three main research questions: 1) *How have discrimination attributions been studied in previous research?* We aim to give an overview of this research field, particularly striving to understand which factors have been studied in relation to discrimination attributions. We adapt the approach of Sawyer and Major (2009) and focus on characteristics of the person making attributions, of the discriminatory event, and of the context in which discrimination occurs. 2) *How robust is the evidence?* In other words, how strong and generalizable is the current knowledge on the influence of personal, situational and contextual factors on discrimination attributions? To answer this question, we look at the use of different research designs (causal vs correlational studies), countries and groups studied, and on the kinds of concepts employed to assess discrimination (e.g. microaggressions, modern discrimination, incivility etc. - for an overview, see Marchiondo et al., 2018)). Importantly, since this is a scoping review, we abstain from including meta-analytical statistical estimates and primarily focus on the relationships the authors explicitly hypothesized and draw more general comparisons of the statistical significance of the studied factors on discrimination attributions. 3) *To what extent do the factors studied in relation to discrimination attributions vary depending on the type of discrimination studied?* We aim to identify whether the factors relate differently to various concepts used to study discrimination (e.g. modern discrimination, microaggressions, workplace incivility- see Marchiondo et al., 2018)).

Altogether, this review sets out to map the existing body of research on discrimination attributions, allowing us to assess the robustness of the evidence and formulate avenues for future research.

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(16) Are anti-black and anti-white discrimination causally on a par?

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One can broadly distinguish among legal approaches to discrimination in terms of whether they treat discrimination in favor of disadvantaged groups and discrimination against such groups symmetrically. Here “symmetry” means that each type of discrimination is wrong for analogous reasons. Anti-classificationist approaches to discrimination, which link the wrongfulness of discrimination to its treating individuals as members of a group rather than as individuals, are by their nature symmetric. In contrast, anti-subordination approaches see the wrongfulness of discrimination as inextricably linked to the history of stigmatization of particular groups, and thus will not view discrimination benefitting disadvantaged groups as problematic for reasons parallel to discrimination harming those groups (though there could, of course, be independent reasons). Whether discrimination is symmetric has major implications for determining which actions count as discrimination, who can bring a claim to have been discriminated against, and which means can be legitimately used to address unjust social disparities.

Within American public discourse, the distinction between these two understandings of discrimination is most salient in debates over affirmative action policies in college admissions. The oft heard argument that such policies are “discrimination in reverse” presuppose an anti-classificationist position according to which discrimination just is treating people differently based on group membership, with no distinction between different groups. In contrast, supporters of such policies tend to understand discrimination not merely as disparate treatment, but in terms of the historical and ongoing disadvantaging and stigmatization of specific groups. On this understanding of discrimination, one may question whether it even makes sense to talk about discrimination against members of privileged groups. While my talk will not directly address the legality of affirmative action policies, this debate points to the significance of anti-classificationist values for current debates. In fact, even if one is *against* affirmative action as a means to promote equality, one might still deny that (e.g.) anti-black and anti-white discrimination are wrong for the same and symmetric reasons.

This talk explores whether causal approaches to discrimination and fairness provide a basis for understanding discrimination asymmetrically. Causal approaches to discrimination (Weinberger, 2023) employ models used to represent causal relationships to analyze the experiments by which discrimination is detected. Such models are increasingly employed not just for studying discrimination, but also in the context of algorithmic fairness, and are an important tool for generalizing discussions of discrimination by human agents to contexts in which decisions are made by algorithms. Existing causal approaches to discrimination and fairness do not allow for an asymmetric notion of discrimination. This may lead those with anti-classificationist views to reject causal models as tools for analyzing discrimination, or at least to view them as extremely limited.

In my talk, I argue that causal approaches do allow for an asymmetry. In fact, there already exists an unrecognized latent asymmetry in the emerging formal approaches to discrimination and fairness, which typically appeal to the distinction between direct and indirect effects (Zhang and

Bareinboim, 2018; Nabi et al. 2019). Although people talk about ‘the’ direct or indirect effect, there are in fact multiple direct and indirect effects for different changes in the causal variable. Concretely, when considering the direct effect of race on being hired not going via qualifications, the direct effect of being white (vs. black) is a different quantity than the direct effect of being black (vs. white). The difference between these quantities reflects the different qualifications that individuals would have had given their race. This may seem counterintuitive, but I will argue that it follows from the correct interpretation of direct and indirect effects, and that it provides a basis for treating different cases of discrimination asymmetrically.

My argument implies that causal models are at the very least compatible with anti-classificationist approaches to discrimination. More generally, I’ll suggest that causal models provide a basis for thinking about local cases of discrimination within a broader sociological and normative context. Causal models cannot by themselves resolve normative and legal questions about discrimination. Yet the talk will reveal how the interrelationship between causal modeling and the law can yield insights that are valuable to both.

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## (17) Is Emergent Discrimination Actually Discrimination?

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Conrad applies for a job as a data scientist. There is a lot of competition, but he is well-qualified and meets all the formal requirements. There is just one problem: Conrad was born on a Tuesday. People born on a Tuesday are less likely to perform well in the position that Conrad applied for – at least that’s what’s indicated by the machine-learning model that rated Conrad’s application. The details of the model’s ratings are opaque, so Conrad doesn’t know that being born on a Tuesday was the reason for his rejection. But even if he knew, he wouldn’t be able to do much about it: the day of one’s birth is not a category protected by anti-discrimination laws. Without even knowing, Conrad is being discriminated against as a Tuesday child. Or is he?

In recent years, legal scholars have been discussing “emergent discrimination” (Mann & Matzner, 2019), a phenomenon that encompasses scenarios like the above. The concern underlying this debate is that while we have laws to prohibit familiar discrimination based on gender, race or disability, we lack legal tools to protect new “ad hoc groups” (Mittelstadt, 2017). Humans may discriminate based on social salience, but algorithms see the world differently; they distinguish based on “algorithmic salience” (Müller, 2021), and the regularities that algorithms find may not be correlated with socially salient groups – they may not even make sense to human inquisitors (cf. Wachter, 2022).

While much of this literature discusses possible legal protection against emergent discrimination, less has been written about what is going wrong here. Why should Conrad be protected in the name of anti-discrimination? In this paper, I review the philosophical and legal literature on emergent discrimination and related phenomena. While I’m not committed to any specific theory on what exactly makes discrimination wrong, I argue that accounts of emergent discrimination face a dilemma: they either remain speculative about whether wrongful discrimination emerges, or they don’t identify a wrong that is usefully described as discrimination.

First, I give a general characterisation of emergent discrimination. Existing accounts draw on a notion of *algorithmic groups* that emerge as patterns or regularities in data. Paradigmatic examples of such groups include “dog owners”, “sad teens” (Wachter, 2022) or people who “lived in apartments with certain types of numbers” (Gerards & Borgesius, 2022, p. 15). Members of these groups are treated similarly by an algorithm. For example, they will be shown the same ads, receive the same credit score or will be found ineligible for jobs. By definition, an algorithmic group doesn’t need to align with socially salient categories, and individuals typically don’t know that they are members of a group. Algorithmic groups are usually thought to lack intuitive relevance for a given decision-task, as well as direct causal relevance. Nonetheless, it may still be rational for decision-makers to rely on the found correlation.

An important distinction between different accounts of emergent discrimination concerns the groups’ stability over time. Mittelstadt (2017) as well as Wachter (2022) explicitly characterise these groups as “ephemeral” and unstable; i.e. the same individual may be a group member for only a short time or for a specific decision-purpose. In contrast, Xenidis (2020), Müller (2021) and Zarsky (2014) consider the possibility that groups stabilize over time, such that people who have certain characteristics will repeatedly be disadvantaged.

Now, what, if anything, makes emergent discrimination bad? If we assume that at least some algorithmic groups will be stable, we can point to normatively problematic features that emerge

*over time*: repeatedly disadvantaging the same individuals could lead to systemic disadvantage in the long run (e.g. Xenidis, 2020). Whether such groups would become socially salient in the process is speculative; but in any case they would suffer repeated disadvantage that evokes familiar moral concerns related to discrimination (Bommasani et al., 2022; Creel & Hellman, 2022; Eidelson, 2021). However, this process has to play out in order for the moral wrong to actualise. It is difficult to know ahead of time which groups need to be protected.

Alternatively, one could argue that algorithmic groups deserve protection *now*, even if they're unstable. Drawing on Wachter (2022), I identify two routes to achieve this: (i) we may point to the fact that algorithmic groups often lack intuitive as well as direct causal relevance: machine-learning algorithms find correlations, not causal connections. (ii) We may claim that algorithmic group-membership is "de-facto immutable" (Wachter, 2022, p. 43) because we don't know which groups we are being sorted in and thus can't take informed action, depriving us of autonomy. I argue that both routes don't provide compelling normative reasons to protect algorithmic groups against discrimination.

First, even if we take "intuitive arbitrariness" to be morally problematic, the supposed moral wrong here seems precisely to be explained by the perceived arbitrariness of the decision, not by membership in any algorithmic group. Second, the de-facto immutability reduces to epistemic opacity: subjects can't act on their group membership because they don't know which group they're in. However, this is not the same as saying that they were discriminated against based on their group membership. Whether the actual underlying feature is problematically immutable is a different question which can be addressed by various conventional theories of discrimination. This, lastly, points to another well-known, but important, property of algorithmic decision-making. Insofar as we allow opaque AI systems to support important decisions, we may be deprived of the opportunity to debate the legitimacy of decision-criteria (Heinrichs, 2022; Hübner, 2021; Xenidis, 2020). This is a problem that is closely related to discrimination, but it *is* not discrimination itself. Conrad may therefore have been treated arbitrarily, even unfairly. But as an instance of (emergent) discrimination, the case seems to lack a solid normative foundation.

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(18) Ethnic and racial discrimination in hiring decisions – A new meta-analysis of approx. 200 correspondence tests in the labour market

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Following the introduction of civil rights legislation especially in the 1960s, discrimination has become a more hidden and less easily observable phenomenon. In response to these legal changes, researchers have started to use experimental methods to test for the presence of discrimination. While early experiments, in particular in the United States, often used actors to apply in person, these in-person audits have largely been replaced by applications that are submitted in writing. Such written correspondence tests have now become a widespread method to study ethnic or racial discrimination in hiring procedures in the labour market, also because in-person applications are less common these days. These correspondence tests are widely considered “the gold standard” to study hiring discrimination, because they capture real-life decision making by actual recruiters. We previously carried out a meta-analysis of 43 individual correspondence tests that focused on OECD countries between 1990 and 2015, but since then the number of published studies using correspondence tests has risen steadily, now covering more diverse ethnic or racial minority groups, more varied geographical contexts, including non-Western countries, and more diverse and elaborate research designs.

In this paper, we examine the cumulative evidence from correspondence tests on ethnic or racial discrimination in the labour market, making use of a much larger number of correspondence tests than previously, without geographical or temporal limitation. Our database now covers approx. 200 correspondence tests that were published between 1970 and 2023. With that, we also include contexts shaped by contemporary debates on exclusion and discrimination, not least since the widespread news coverage of the Black Lives Matters protests in the United States that inspired similar debates about racial discrimination across the world. Overall, the meta-analysis of this updated sample shows remarkably steady callback rates. There are no signs of reduced discrimination over time, a finding that is in line with previous reviews and meta-analyses that focus on specific markets. We rerun our previous analysis with this larger sample and address many of the findings from Quillian and Midtbøen’s (2021) review article, such as differences by ethnic minority groups, countries in which the correspondence tests were conducted, methodological variations (e.g. paired vs. non-paired designs), trends over time, immigrant generation, intersections with gender, or contextual factors (e.g. unemployment rates at the time of testing or presence of anti-discrimination legislation). Our analysis shows that labour market discrimination against ethnic or racial minorities is still a pervasive phenomenon and that the observed patterns of discrimination are persistent across time and space.

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