

# INTERSECTIONAL DISADVANTAGE

Annina Loets

*University of Wisconsin, Madison*  
*Humboldt University, Berlin*

## Abstract

When people simultaneously occupy multiple social identities, ascriptions of disadvantage and advantage, as well as our reasoning with them, need to be handled with care. For instance, as various US-American courts have come to acknowledge, we cannot in general reason from the premise that someone has neither been discriminated against as a woman nor as a Black person to the conclusion that they have not been discriminated against as a Black woman. In this article, I show how, by systematizing such qualified ascriptions of disadvantage (and advantage), as well as the patterns of reasoning involving them, we can articulate and defend central theses of intersectionality theory in remarkably general terms, and we can do so without having to commit to a particular metaphysics of intersectional identities.

**keywords:** Intersectionality; Social Identity; Discrimination; Gender; Race

In 1974, five Black women brought suit against General Motors, claiming that the company's 'last hired-first fired' lay off policy discriminated against them "as Black women".<sup>1</sup> General Motors had not hired any Black women prior to 1964. Since they were the last to be hired, all the Black women employed by General Motors at the time lost their jobs as part of a seniority-based layoff in a subsequent recession. The court checked whether the plaintiffs had been subjected to *sex discrimination* but found the answer to be negative on the grounds that General Motors had hired white women prior to 1964. The court also checked for *race discrimination* but recommended that these allegations be combined with another pending Title VII suit on behalf of Black men against General Motors. What the court did not seek to determine was whether the plaintiffs had been

---

<sup>1</sup>see *DeGraffenreid v. General Motors* (413 F. Supp. 142; E.D. M.O. 1976, at 143).

discriminated against on the basis of a combination of race and gender, i.e., whether they had been discriminated against *as Black women*. The plaintiffs lost their suit.

Cases like *DeGraffenreid* illustrate a core idea of *intersectionality theory*, i.e., that when people simultaneously occupy multiple social identities, ascriptions of disadvantage and advantage, as well as our reasoning in terms of them, need to be handled with care.<sup>2</sup> Consider, for instance, the following principle (where *F* and *G* range over predicates for social identities):

DISCRIMINATION DISTRIBUTES: Necessarily, if *a* is discriminated against as an *FG*, *a* is discriminated against as an *F* or *a* is discriminated as a *G*.

If this principle held in general, the court's reasoning in *DeGraffenreid* would have been impeccable: If, indeed, the plaintiffs had *neither* been discriminated against as women *nor* as Black people, it would have been right to conclude that they had not been discriminated against as Black women either. Intersectionality theorists since Crenshaw (1989) have been adamant that the court was *not* right to so conclude.<sup>3</sup> Denying that DISCRIMINATION DISTRIBUTES holds in full generality can then be seen as a commitment of intersectionality theory.

In this article, I argue that it is fruitful to theorize about intersectionality in a way which gives centre stage to principles such as the above which formulate constraints on the notion of being disadvantaged *as* someone with a particular identity. First, such an approach affords a clearer understanding of what intersectionality theory *says*. As I will show in §1, central theses from the literature can be precisely articulated as structural constraints on the notion of being disadvantaged *as* someone with an intersectional social identity. Secondly, the approach affords greater insight into why one might think that intersectionality theory is *true*. As I will argue in §§2-3, by systematizing qualified ascriptions of disadvantage (and advantage) we are not only able to reconstruct

---

<sup>2</sup>Since intersectionality theory is concerned with *social disadvantages*, roughly, the kinds of disadvantages which can be overcome by changing society, this will be my focus throughout the paper.

<sup>3</sup>e.g., Abrams 1994; Areheart 2006; Garry 2011, p.496; Dotson 2014, p.52; Bright et al. 2016, p.63; Jenkins 2020, p.265; Gasdaglis and Madva 2020, p.1291f. For court opinions discussing *DeGraffenreid*, see for instance *Jefferies v. Harris Cty. Cmty. Action* 615 F.2d 1025 (5th Cir. 1980), or *Lam v. Univ. of Hawaii* 40 F.3d 1551 (9th Cir. 1994)).

various bits of legal reasoning involving intersectional plaintiffs, but we can give *general* explanations as to why the central theses of intersectionality theory hold. Finally on the proposed approach to about intersectionality, we can attain these goals without having to commit to a particular metaphysics of intersectional identities. As I conclude in §4, intersectionality theory gets by without an “intersectional conception of identity” (Carastathis, 2013, p.941).

It is worth emphasising that the proposed approach to theorizing about intersectionality integrates well with the literature. The thought that one can be subject to oppression or privilege *as* someone with a particular identity figures centrally in many discussions of intersectionality. Kimberle Crenshaw, who first coined the term,<sup>4</sup> distinguishes the state of being discriminated against *as a Black woman* from three other forms of discrimination to which Black women may be subject:

Black women sometimes experience discrimination in ways similar to white women’s experiences; sometimes they share very similar experiences with Black men. Yet often they experience double-discrimination—the combined effects of practices which discriminate on the basis of race, and on the basis of sex. **And sometimes, they experience discrimination as Black women—not the sum of race and sex discrimination, but as Black women.**

Crenshaw (1989, p.149, my emph.)

Trina Grillo urges us to distinguish disadvantages to which middle-class white women are subject *as women* from those to which they are subject *as white* or *as middle-class* people:

**To look at white middle-class women as subordinated *as women* is accurate as far as it goes,** but their experience of oppression is not interchangeable with the oppression of non-white, non-middle-class women. The whiteness and middle-class status supply privilege even as the femaleness conveys oppression.

Grillo (1995, p.19)

And Robin Dembroff, in the course of an argument for the claim that intersectionality should be understood in terms of *overlapping* rather than *interacting disjoint* social systems, suggests that

---

<sup>4</sup>While Crenshaw coined the label ‘intersectionality’ in 1989, the insight that oppression is often intersectional has been a theme of Black Feminist thought since the 19th century at least. For early reflections see Cooper (1892). For 20th century discussions predating Crenshaw see Beal (1970), Combahee River Collective (1977), and King (1988).

“the regulation of people *as* men and women is, in effect, the regulation of people according to gender ideology, or material ideals of what men and women are and ought to be” (Dembroff, forthcoming, my emph.). In sum, there is some precedent to theorizing about intersectionality by considering how someone may be positioned *as* someone with a particular social identity.

Of course, substantive answers to such questions as what it is to be disadvantaged as a Black woman, or how being so disadvantaged relates to being disadvantaged as a working class or middle class Black women, will normally require comprehensive empirical social research. However, philosophers can contribute to a better understanding of intersectional disadvantage by studying the *structural relations* between different intersectional disadvantages as well as between intersectional and single-identity disadvantage. Our aim can be to clarify, as legal scholar and feminist philosopher Catharine MacKinnon put it, “the eternally crucial, yet deceptively simple term ‘as’” (MacKinnon 2013, p.1028).

A final caveat. The intersectionality literature is vast and different authors are concerned with different kinds of social wrong. Some focus on oppression and subordination, others on discrimination, yet others on exploitation. I propose to streamline the discussion by focusing on what it is to be *disadvantaged* (or advantaged) as someone with a particular social identity. Not only will this greatly simplify presentation. It is also plausible that all of the mentioned relations at least *imply* disadvantage, i.e., that if one is oppressed as an *F*, one is disadvantaged as an *F*; if one is discriminated against as an *F*, one is disadvantaged as an *F*, etc. Of course, the converses don’t hold. So while we won’t learn *everything* there is to learn about the more specific intersectional wrongs by studying intersectional *disadvantage*, at least some progress can be made by taking this more general notion as a starting point.

# 1 Three tenets of intersectionality theory

The aim of this section is to get clearer on what intersectionality theory *says*. I show how three central theses from the intersectionality literature can be precisely articulated as structural constraints on the notion of being disadvantaged *as* someone with a particular identity.

## 1.1 Irreducibility

The first central thesis of intersectionality theory is that intersectional disadvantage cannot be reduced to a *conjunction* of single-identity disadvantages, a thesis sometimes also referred to as the “non-additivity” of intersectional disadvantage.

Reflecting on legal cases like *DeGraffenreid*, Crenshaw (1989, p.140) concludes that “the intersectional experience [of Black women] is greater than the sum of racism and sexism.” Bernstein (2020, p.322) claims that “the basic idea of intersectionality is that forms of oppression stemming from membership in multiple social categories [...] intersect and thereby create new forms of oppression that are causally, modally, and relationally different from the constituent forms of oppression merely added together. Jorba and De Sa (ms, p.2) argue that “intersectional experiences *emerge* from the relation of different axes of oppression and privilege.” And Gasdaglis and Madva (2020, p.1291f.) claim that the distinctive forms of discrimination faced by Black women are often “wrongly modelled as an additive sum of racism and sexism.”<sup>5</sup>

One thesis one might take away from statements such as the above is that the *amount* of disadvantage resulting from being an *FG* is not just the *sum* of the amounts of disadvantage resulting from being an *F* and from being a *G*.<sup>6</sup> However, some of the above authors gesture towards a more general idea: that what being disadvantaged as an *FG* *consists in*—whether quantifiable or not—does not reduce to the conjunction of what being disadvantaged as an *F* consists in and what

<sup>5</sup>Patricia Hill Collins (2013, p.60, n.6) makes a similar point.

<sup>6</sup>See Bright et al. (2016, p.63, p.71) for a regimentation non-additivity along these lines.

being disadvantaged as a  $G$  consists in. This thesis can be understood as the *denial* of reduction theses like the following:<sup>7</sup>

CONJUNCTIVE DISADVANTAGE: Necessarily,  $a$  is disadvantaged as an  $FG$  if, and only if,  $a$  is disadvantaged as an  $F$  and  $a$  is disadvantaged as a  $G$ .

Here  $F$  and  $G$  are intended to range over (possibly complex) social identities, so instances of this schema would look as follows:

- (1) a. Necessarily, Michelle is disadvantaged as a Black woman iff, Michelle is disadvantaged as a woman and Michelle is disadvantaged as someone Black.
- b. Necessarily, Marcus is disadvantaged as a working-class gay man iff, Marcus is disadvantaged as someone working-class and Marcus is disadvantaged as a gay man.

Someone who thinks that the disadvantage of a Black woman is something over and above the disadvantage of a woman *conjoined* with the disadvantage of a Black person, can be expected to deny CONJUNCTIVE DISADVANTAGE. To say that a schema is *false*, is to say that not all instances of it are true, or, to put differently, that the schema has counterexamples. Thus, we can articulate the claim that intersectional disadvantage does not reduce to single-identity disadvantage as the claim that CONJUNCTIVE DISADVANTAGE has counterexamples.<sup>8</sup>

## 1.2 Specificity

The second central thesis from the intersectionality literature is that people sometimes face adversities which are *specific* to their intersectional identities (see Jorba and De Sa ms). Crenshaw (1991, p.1245) emphasizes the need to study how being located at particular social intersections

---

<sup>7</sup>There are many different ways of formulating reductions: in terms of supervenience, grounding, real definition, property identity. On most views, a reduction implies at least a necessary equivalence. Thus to show that a necessary equivalence fails is usually sufficient to show that a reduction fails.

<sup>8</sup>Notice that CONJUNCTIVE DISADVANTAGE implies the following:

DISADVANTAGE DISTRIBUTES: Necessarily, if  $a$  is disadvantaged as an  $FG$ ,  $a$  is disadvantaged as an  $F$  or  $a$  is disadvantaged as a  $G$ .

Any counterexamples to the latter is then also counterexamples to the former.

produces experiences of discrimination which are “qualitatively different” to those encountered by other groups. Building on this, Gasdaglis and Madva (2020, p.1293) insist that “the disadvantage facing members of multiply oppressed groups are qualitatively different—*of a different character altogether*—from those faced by members of just one oppressed group.” And Trina Grillo (1995, p.19) observes that white middle-class women’s “experience of oppression is *not interchangeable* with the oppression of non-white, non-middle-class women.”

A fruitful model for thinking about the specificity of intersectional disadvantage, which connects nicely with the above ideas, is that of *relative goodness*. If Ted is good as a golfer and Ned is good as a tennis player, it’s fine to say that both Ted and Ned are *good*, even though their respective goodness is of a different kind. Though there may be some overlap, being good as a golfer consists in different properties to what being good as a tennis player consists in (e.g., speed is more important to good tennis play than to good golfing). To the extent that the goodness of a good tennis player and a good golfer differ in kind, they are also not interchangeable: improving someone’s tennis play need not make them any better at golf.

We can think of the specificity of disadvantage in much the same way. If Mae is disadvantaged as a Black woman, and Tam is disadvantaged as a white woman, both can be said to be *disadvantaged*, even though their respective disadvantage is of a different kind.<sup>9</sup> Though there may be some overlap, being disadvantaged as a Black woman consists in different properties to what being disadvantaged as a white woman consists in (e.g., regarding the kinds of stereotyping, beauty standards, sexual transgressions, etc. to which one is subject.).<sup>10</sup> And to the extent that the disadvantages of a disadvantaged Black woman and a disadvantaged white woman differ in kind, they

---

<sup>9</sup>Is there such a thing as being disadvantaged as a white woman? Many Black feminists have been willing to accept as much. For instance, bell (hooks, 1984, p.2) admits that white middle-class feminists like Betty Friedan (1963) may have done a good job describing “specific problems and dilemmas of leisure class white housewives” which “were real concerns that merited consideration and change.” Their mistake was to take “the plight of college-educated, white housewives [as] an adequate reference point by which to gauge the impact of sexism or sexist oppression on the lives of women in American society” (ibid.).

<sup>10</sup>See hooks (1981) and Hill Collins (2000, ch.3-9) for good starting points in a vast literature on such differences.

are also not interchangeable: social reforms that remove the kinds of disadvantage specific to white women need not make disadvantaged Black women any better off.<sup>11</sup>

We can build on these observations to articulate the specificity thesis more precisely. Relative goodness is *specific* to a role or function in that *more* is required to being good *as* something than having that role or function and being good. Likewise, intersectional disadvantage is *specific* to an intersectional identity in that *more* is required to being disadvantaged *as* someone with that identity than being disadvantaged and having that identity.<sup>12</sup> Proponents of the specificity thesis should then reject the following schema:

AS/AND EQUIVALENCE: Necessarily, *a* is disadvantaged as an *FG* if, and only if, *a* is an *FG* and *a* is disadvantaged.

A schema is false if and only if not all of its instances are true. So the specificity thesis could then be articulated as the view that AS/AND EQUIVALENCE has counterexamples.<sup>13</sup>

I anticipate the following objection: If we take the analogy with relative goodness seriously, shouldn't we think that there is no such thing as being disadvantaged *simpliciter*, and that consequently, the right-hand side of the biconditional is never satisfied, while the left-hand side often is. In other words, shouldn't anyone reject AS/AND EQUIVALENCE, independently of their views

---

<sup>11</sup> As hooks (1984, p.1f.) argues, the rallying cries of white feminists for "equal access with white men to the professions" had little appeal for Black and poor women, many of whom were already in the work-force and who had little hope of accessing the kinds of careers which were opening up to middle-class white women. Thanks to Rachel Fraser for helping me make this connection.

<sup>12</sup> Similar observations apply to single-identity disadvantages, e.g., being disadvantaged as someone with a disability differs from being disadvantaged as someone without citizenship. But the point is overlooked more easily when it comes to intersectional identities which is why it has played such a prominent role in the intersectionality literature. Thanks to an anonymous referee for this journal for asking me to clarify this point.

<sup>13</sup> Notice that if the following principle held in full generality, the specificity thesis would not be independent of the irreducibility thesis.

CONJUNCTIVE IDENTITY: Necessarily, *a* is an *FG* iff *a* is *F* and *a* is *G*.

Given CONJUNCTIVE IDENTITY, AS/AND EQUIVALENCE implies CONJUNCTIVE DISADVANTAGE, so any counterexample to the latter would be a counterexample to the former. But on the one hand, it is not obvious that all instances of CONJUNCTIVE IDENTITY are true; non-intersective adjectives might make for counterexamples. On the other hand, many in the intersectionality literature seem to reject CONJUNCTIVE IDENTITIES even for intersective adjectives (see Spelman 1988, p.133; Dotson 2014, p.51; Bernstein 2020, p.332). For now I will consider the two theses separately.



on intersectionality?<sup>14</sup> In response, let me note that nothing I have said so far commits me to the claim that ‘disadvantaged’, as it is used on the right-hand side of the principle, picks out a property (“disadvantage *simpliciter*”) that is so demanding that no one ever has it. More plausible interpretations of unqualified uses of ‘disadvantaged’, ones on which CONJUNCTIVE EQUIVALENCE isn’t *obviously* false, will be considered in §2. It is a key insight of Black feminist thought that disadvantage is sometimes relative to a social identity in such a way that different policies might be needed to improve the lives of disadvantaged Black and white women, or that racism was a factor to be considered in feminist discussions about rape. AS/AND EQUIVALENCE might not look like a promising principle to someone already *familiar* with intersectionality theory. But that is hardly a reason to think that it doesn’t adequately articulate one of its central commitments.

### 1.3 *Compatibility*

The third central thesis from the literature is that intersectionality does not only inflect oppression, but also privilege. For instance, contrasting *intersectionality* and *double jeopardy*, Devon Corbado notes:

Intersectionality applies even where there is no double jeopardy. Indeed the theory applies where there is no jeopardy at all. [...] The theory seeks to map the top of social hierarchies as well.

Corbado (2013, p.814)

In a similar vein, Grillo insists that “in every set of categories there is not only subordination, but also its counterpart privilege” (Grillo, 1995, p.19). And bell hooks highlights the need for an account of intersectional privilege in her reflections on the relation between white women and Black women on the one hand (hooks, 1984, p.50) and the relations between feminists and men of different classes and Colours on the other (hooks, 1984, p.74).

There are then complicated questions in the intersectionality literature on the relation between

---

<sup>14</sup>Thanks to an anonymous referee for this journal for pressing me on this point.

*disadvantage* and *advantage* relative to a social identity.<sup>15</sup> Minimally, it is widely assumed that intersectional disadvantage and advantage are in principle *compatible* in that they may coincide in a single person at a single time. This compatibility thesis, too, can be understood as a structural constraint on intersectional disadvantage. We can articulate it as the claim that the following schema has at least some true instances (where *F* and *G* may themselves be complex predicates for intersectional identities):

QUALIFIED CONTRARIES: *a* is disadvantaged as an *F* and *a* is advantaged as a *G*.

The claim that not all instances of QUALIFIED CONTRARIES are false (even if many are), captures the idea that there are actual cases in which disadvantage and privilege coincide in a single person without incompatibility. Notice that even when we substitute *F* and *G* with predicates for simple identities, the claim could still be one highly relevant to intersectionality theory, e.g., the claim that being disadvantaged as a *woman* is compatible with being advantaged as someone *white* or *middle-class* (Grillo, 1995, p.60).

There is a set of particularly tantalising instances of QUALIFIED CONTRARIES, those which are obtained by substituting one and the same (possibly complex) predicate for *F* and *G*:

- (2) a. Adam is disadvantaged as a Black man and Adam is advantaged as a Black man.
- b. Beth is disadvantaged as a white woman and Beth is advantaged as a white woman.
- c. Carl is disadvantaged as an elderly man and Carl is advantaged as an elderly man.

(2a-c) don't *sound* inconsistent. An adequate theory of intersectional disadvantage should explain how they can be satisfied.

Once we've introduced talk of intersectional *advantage*, it'll be sensible to consider analogues of the Irreducibility and Specificity theses for intersectional *advantage* as well. In particular, we'll say that the following two principles have counterexamples, too:

---

<sup>15</sup>For various interesting discussions of intersectional privilege see also Crenshaw (1989, p.151); Abrams (1994, p.2491f.); Grillo (1995, p.19); Hill Collins (2000, p.60); Nash (2008, p.10); Bailey (2009, p.16); Garry (2011, p.827, p.830); Corbado (2013, p.814); Bernstein (2020, p.323)

CONJUNCTIVE ADVANTAGE:  $a$  is advantaged as an  $FG$  if, and only if,  $a$  is advantaged as an  $F$  and  $a$  is advantaged as a  $G$ .

AS/AND EQUIVALENCE<sup>+</sup>:  $a$  is advantaged as an  $FG$  if, and only if,  $a$  is advantaged and  $a$  is an  $FG$ .

The aim of this section was to get clearer on what intersectionality theory *says*. To that end, I've extracted three central theses from the literature: the irreducibility, specificity, and compatibility of intersectional (dis)advantage. And I have suggested how these theses can be precisely articulated as constraints on the notion of being (dis)advantaged *as* an  $FG$ . Before I move on, let me briefly mention a thesis which some might feel is still missing, i.e., that intersectional disadvantages are *inseparable*. As the next section explains, I'm not convinced that such an inseparability thesis adds constraints on intersectional disadvantage specifically which we haven't covered already.

#### 1.4 Inseparability

Intersectionality is frequently associated with the claim that intersectional disadvantages are *inseparable*. For instance, members of the Combahee River Collective (1977) point out that they “often find it difficult to separate race from class from sex oppression because in our lives they are most often experienced simultaneously.” Let's consider what constraints on intersectional disadvantage an inseparability thesis might recommend *beyond* what we have covered.

(i) *Non-Transparency*. Some have interpreted the inseparability thesis as the claim that someone who is subjected to an intersectional disadvantage is not always in a position to *know* the nature of this disadvantage.<sup>16</sup> Inseparability so understood is subsumed by the more general epistemic point that one is not always in a position to know the nature and causes of what is happening to one. What we don't have here is a thesis about the nature of intersectional disadvantage more specifically.

---

<sup>16</sup>For instance, Alice Ludvig (2006, p.246) notes: “Subjectively, it is often not possible for a woman to decide whether she has been discriminated against just because of her gender or for another reason such as a foreign accent. This is precisely the problem of intersectionality: the axes of differences cannot be isolated and desegregated.” See also Jenkins (2020, p.265). See Mikkola (2006) for similar criticism.

(ii) *Presentation*. One may interpret the inseparability thesis as saying that different forms of oppression, like sexism and racism, aren't *presented* to one as separate in one's experience.<sup>17</sup> But it is not clear that distinctions not presented in one's experience should not appear in a theory of the relevant phenomena. For instance, the hue, brightness and saturation of a tomato's redness are not presented as separate in an observer's visual experience of it. Yet, the study of colour is better off for drawing such distinctions in theorizing about colour.<sup>18,19</sup>

(iii) *Cross-Constitution*. It is sometimes claimed in the literature that *systems* of oppression like racism and classism or racism and sexism are inseparable to the extent that they *depend* on one another, a thesis sometimes strengthened to the claim that various systems of oppression *constitute* one another.<sup>20</sup> Such claims are interesting and worthy of further study but they are theses about the nature of social *systems*, not theses about the nature of social *disadvantage*.<sup>21</sup> So although I suspect much of what I do here to be compatible with such theses about the cross-constitution of social systems, the inseparability thesis so understood is not a constraint on intersectional disadvantage itself, and hence goes beyond the scope of this paper.

---

<sup>17</sup>For instance, Kristie Dotson describes how at times she "cannot make sense of what it would mean to experience oppression as Black or as a woman without having a 'conceptual' difficulty akin to the difficulty inherent in resolving the mind/body problem" (Dotson, 2014, p.51).

<sup>18</sup>I owe this point and example to Rachel Fraser.

<sup>19</sup>What if one thought intersectionality theory *should* take the form of a phenomenological theory? I suspect that the non-separability thesis would then be subsumed by the irreducibility thesis: what it is *like* to be disadvantaged as a Black woman cannot be reduced to the conjunction of what it is like to be disadvantaged as a woman and what it is like to be disadvantaged as a Black person (perhaps because such experiences are not even presented to one as separate).

<sup>20</sup>For discussion see hooks 1984, Lugones 2007, Garry 2011, Dotson 2014, Bernstein 2020, Haslanger 2020, Jenkins 2020, and Dembroff (forthcoming), Haslanger (forthcoming).

<sup>21</sup>To connect the two levels of analysis, one might suggest that only those disadvantages which are produced by cross-constituted social systems are intersectional disadvantages. But I worry that such a condition is too stringent. On this view, we could not say that there is such an intersectional disadvantage as being disadvantaged as a disabled gay man without committing to the view that homophobia and ableism are co-constituted social systems. But it seems to me that although they might be, one shouldn't have to assume so from the get go.

## 2 A Theory of Intersectional Disadvantage

I have spent some time articulating what intersectionality theory *says*. The aim of this section and the next is to get clearer on why one might think that intersectionality theory is *true*.

At some level, we have already answered that question by considering concrete instances of the three principles under discussion. Here I am interested in answering a more abstract question: what in the *structure* of intersectional disadvantage explains that it behaves as intersectionality theory says it does? What in the structure of intersectional disadvantage explains that (i) it is *irreducible* to single-identity disadvantage (so that CONJUNCTIVE DISADVANTAGE can be expected to fail), (ii) it is often *specific* to an intersectional identity (so that AS/AND EQUIVALENCE can be expected to fail), and (iii) it is often compatible with intersectional advantage (so that QUALIFIED CONTRARIES can be expected to have true instances)?

Overall my argument will be that we gain a better understanding of why the central theses of intersectionality theory might be true by appreciating how they fall out of an independently plausible theory of social disadvantage. I begin by sketching such an account of social disadvantage (§2.1). I then argue that there is a natural way of gleaning a theory of intersectional disadvantage from this account (§2.2). I go on to demonstrate an important merit of this theory of intersectional disadvantage, i.e., its use in reconstructing various bits of legal reasoning in anti-discrimination suits involving intersectional plaintiffs (§2.3). Finally, I show how on the proposed theory, we can explain in general terms why intersectional disadvantage behaves just as intersectionality theory says that it does (§3).

### 2.1 *Social disadvantage*

Let's start out by considering what it is to be disadvantaged in a particular situation more generally. The following seems plausible: to be disadvantaged in a particular situation is to be subject to treatment or arrangements in this situation which leave one worse off than relevant others in respects

which are relevant to the situation.<sup>22</sup> Consider the following toy example. Suppose three children, Ali, Benno, and Carla, decide to race one another on bicycles. Unlike Benno and Carla, Ali has a rusty bicycle with poorly inflated tyres. It is hard to deny that, in the situation of the race, Ali is disadvantaged. He is subject to arrangements (the distribution of bicycles) which leave him worse off than others who are relevant to the situation (his competitors) in a respect which is relevant to the race (the quality of one's bike). But recall that it is *social disadvantages* which are of interest to intersectionality theory, disadvantages which can be overcome by changing society. And we would probably want to know more about the situation before judging whether or not Ali's disadvantage in this situation is of a social kind. In particular, we would probably like to know *why* Ali received the worst bicycle. If this happened as a matter of coincidence (perhaps all the children grabbed a bike from the shed, Ali came last and the rusty bike was the only bike left), we'd probably not consider Ali's disadvantage in the race a social disadvantage. If, on the other hand, Ali was singled out to receive the worst bicycle by a racist parent, or if everyone brought their own bikes, and Ali—his family being worse off than those of the other children—already arrived with the worst bike, we probably would consider Ali's disadvantage in the race a social disadvantage. On this understanding, a social disadvantage is one which obtains *because* of the way society is arranged.

Putting the pieces together, I propose the following account of unqualified social disadvantage in a situation:

SOCIAL DISADVANTAGE IN S: *a* is socially disadvantaged in *s* iff in *s*, *a* is worse off than some *s*-relevant others in some *s*-relevant respects because of *s*-relevant features of the social arrangements.

The 'because' is intended to have a causal reading; as is familiar from the literature on causation, appropriate background conditions will often have to be held fixed. Notice that the schema yields

---

<sup>22</sup>I'm assuming that you *as you would have been* under various counterfactual suppositions could be a relevant other (e.g., you as you would have been had *A* rather than *B* occurred, or you as you would have been had things been the way they normally are, etc.). Furthermore, the respects in which one is worse off may themselves have modal import, as when one is subject to arrangements which make it less *desirable* or leave one with less *opportunity* to do certain beneficial things. Thanks to an anonymous referee for this journal and Alex Roberts for asking me to clarify these points.

a not particularly demanding account of being socially disadvantaged.<sup>23</sup>

One might worry that the appeal to *relevance* risks trivialising social disadvantage. The worry is that if relevance is a function of the aims and purposes of the ascribers of social disadvantage, it becomes far too easy to speak truly in describing oneself as socially disadvantaged. For example, it looks as if the theory predicts that an “incel” who has just been rejected by a woman may well be speaking truly when he says of himself that he is socially disadvantaged in that situation. After all, he is worse off than some people he deems relevant others (the “Chads”) in a respect he deems relevant (the “conquest” of women) due to a feature of the social arrangement he deems relevant like his not being popular (not being a “Chad”). Such “incels” might then, as Lewis (1986, p.252) puts it, speak truly in “the context of their own preaching,” *making* themselves right. In response, I’d just like to flag that one need not accept the premise that standards of relevance are determined by whatever the aims and purposes are of whoever makes an ascription of social disadvantage. The proposal *could* be developed in such a way, but it certainly *need not* be; indeed, I’m not sure what reasons there would be for going that way. A more promising way of developing the view is to say that standards of relevance are determined by the aims and purposes of rational inquiry. What’s relevant could then still vary across situations and questions under discussion, but in a way which would be more constrained. Often it will be a non-trivial question for those engaged in a particular inquiry which features of a situation are relevant.

On the proposed account, ascriptions of social disadvantage are sensitive to three features of the situation under consideration:

(i) **Comparison:** which others is one worse off than?

---

<sup>23</sup>This may not be what people mean by “social disadvantage *simpliciter*.” Note that there are various ways of gleaning such a notion from the above. One could say that to be disadvantaged *simpliciter* in a particular situation is to be worse off than *all* relevant others in *all* relevant respects due to *all* relevant features of the social arrangement. A more demanding notion would be obtained by dropping the relevance restriction. An even more demanding notion would be social disadvantage *simpliciter across situations*, where this could be understood as the claim that all normal situations are such that one is worse off in them than all relevant others in all relevant respects due to all relevant features of the social arrangement. Here too, one could remove the relevance restriction to get an even more demanding notion.

(ii) **Character**: in which respect is one worse off?

(iii) **Cause**: because of which features of the social arrangements is one worse off?

It is a short step from here to a theory of intersectional disadvantage. To say that someone is disadvantaged as an *FG* is to suggest that their disadvantage is somehow *tied* to their being an *FG*. And as our schema SOCIAL DISADVANTAGE tell us, there are three ways in which a given disadvantage could be tied to being an *FG*: via the element of comparison, via the element of character, or via the element of cause. For instance, to say that someone is disadvantaged as a Black woman in a particular situation could be understood as saying (i) that the relevant others she is worse off than in the situation are others who aren't Black women, or (ii) that the respect in which she is worse off in the situation is one which is sensitive to her being a Black woman, or (iii) that she is worse off in this situation because she is a Black woman. Often all three are true.

The picture we arrive at is one on which utterances of sentences of the form  $\ulcorner a$  is disadvantaged as an *FG* in  $s \urcorner$  can be used to assert a number of different propositions, depending on which of the three elements of comparison, character and cause are filled in on the basis of the information that the disadvantage pertains to being an *FG*.<sup>24</sup> We then expect there to be a spectrum of increasingly uniform readings of sentences of the form  $\ulcorner a$  is disadvantaged as an *FG* in  $s \urcorner$ , depending on how the above gaps are filled. At one end of this spectrum, we have three “pure” readings where only one of the elements is tied to an intersectional disadvantage while the others are supplied in context:

COMPARATIVE FG-DISADVANTAGE IN  $S$ :  $a$  is comparatively disadvantaged as an *FG* in  $s$  iff, in  $s$ ,  $a$  is **worse off than some  $s$ -relevant non-(*FG*)s** in some  $s$ -relevant respects due to some  $s$ -relevant features of the social arrangements.

CHARACTER FG-DISADVANTAGE IN  $S$ :  $a$  is character disadvantaged as an *FG* in  $s$  iff, in  $s$ ,  $a$  is worse off than some  $s$ -relevant others in some **FG-**

---

<sup>24</sup>There are different ways of fleshing out the details of this proposal; for discussion see for instance Bach (1994), Cappelen and Lepore (2005), or Dorr (2014). For the purposes of this paper, we can remain neutral on this point.



**sensitive *s*-relevant respects** due to some *s*-relevant features of the social arrangements.

CAUSAL FG-DISADVANTAGE IN *S*: *a* is causally disadvantaged as an *FG* in *s* iff, in *s*, *a* is worse off than some *s*-relevant others in some *s*-relevant respects **because *a* is an *FG***.<sup>25</sup>

At the other end of this spectrum, there is a fully *uniform* reading of such claims on which all three elements are tied to the same intersectional identity:

UNIFORM FG-DISADVANTAGE IN *S*: *a* is uniformly disadvantaged as an *FG* in *s* iff, in *s*, *a* is **worse off than some *s*-relevant non-(*FG*)s in some *FG*-sensitive *s*-relevant respects because *a* is an *FG***.

If we replace all occurrences of ‘disadvantaged’ with ‘advantaged’ and all occurrences of ‘worse off’ with ‘better off’ in the above, we get the same spectrum of increasingly coordinated readings ranging from the “pure” to fully uniform readings of sentences of the form ‘ $\lceil a$  is advantaged as an *FG* in  $s \rceil$ ’. For reasons of space, these are not detailed here.

Although the pure readings are available *in principle*, they need not be particularly prominent. More coordinated readings will often be more natural. Indeed, cases in which someone is disadvantaged *as a Black woman*, say, but not *because* they are a Black woman may be rare. Nevertheless, it is important to note that the three elements of disadvantage can and sometimes do move independently of one another. Consider one of the examples used by Miranda Fricker in her discussion of *Epistemic Injustice*, the kind of “wrong done to someone specifically in their capacity as a knower” (Fricker, 2007, p.1). One of Fricker’s central examples is the case of the character Tom Robinson from Harper Lee’s *To Kill A Mockingbird* who is unjustly convicted of rape after his testimony is not believed in court. Fricker argues that in addition to being wronged by the unjust conviction, Robinson is disadvantaged *as a knower*. But notice that the following perfectly uniform reading of this claim is not a very natural interpretation of “Tom Robinson is disadvantaged as a knower”:

<sup>25</sup>I’m again assuming that background conditions are held fixed in evaluating such causal claims.

- ▷ Tom Robinson is treated worse than other knowers, in respects sensitive to being a knower, because he is a knower.

Much better is the pure character reading on which the elements of cause and comparison are supplied by context:

- ▷ Tom Robinson is treated worse than other *witnesses* in respects sensitive to being a *knower* because he is a *Black man*.

On the proposed account, these facts also imply that Tom Robinson is (causally) disadvantaged *as a Black man*, as well as (comparatively) disadvantaged *as a witness*. These verdicts seem correct.

I have shown how a theory of intersectional disadvantage can be naturally gleaned from an independently plausible theory of social disadvantage. In §3, I will argue that this theory of intersectional disadvantage allows us to better understand what it is in the *structure* of intersectional disadvantage that makes it the case that intersectional disadvantage is irreducible to single-identity disadvantage, specific to the relevant identity, and compatible with intersectional advantage.

However, before we get there, it is worth emphasising another important merit of the proposal: it's use in reconstructing legal reasoning involving intersectional plaintiffs. The next section considers a number of US-American Title VII suits to show how nicely the proposal dovetails with legal reasoning. The discussion should also be useful in getting a better feel for how the theory is meant to work in concrete cases.

## 2.2 *Intersectional Discrimination*

In anti-discrimination litigation, the charge that a person was discriminated against *as* an *FG* is often interpreted by filling in the elements of *comparison* and *cause* on the basis of the information that discrimination pertained to the plaintiff's being an *FG*. Such readings are particularly prominent in the legal context, since what is to be determined is usually whether discrimination took place *on the basis of* membership in a protected class, i.e., whether *but for* membership in

that class, the plaintiffs would not have been discriminated against.

A good example is the US-American Title VII suit *Graham v. Bendix Corp.* (585 F. Supp. 1036, N.D. Ind 1984). The case is summarized as follows in the words of the court:

“The plaintiff, a Black female, was **treated differently than other employees who were not Black females**. She was singled out for critical and job-threatening performance reviews upon return from every major legitimate and authorized absence for illness, when the employer was well aware that the illness (stress) was job-related and was worsening to depressive anxiety. These performance reviews were **more frequent, severe, and critical than those received by other employees not within the protected class**. [...] The record is bare of any explanation as to why plaintiff was so treated. **The inference that she was denied the normal treatment because she was a Black female is reasonable under all the evidence.**”

*Graham v. Bendix Corp.*, 1039, 1043 (my emph.)

The court’s opinion is instructive for our purposes because it shows how the charge that the plaintiff, June Graham, was discriminated against as a Black women is turned into a legally assessable claim. First, the court fills in the comparative element on the basis of the charge: to prove discrimination as a Black woman, the plaintiff must show that she was treated worse than *other employees who were not Black women*. Secondly, the court fills in the causal element on the basis of the charge. It must be shown that there were no legitimate, non-discriminatory reasons for this difference in treatment, but that Graham was treated worse *because she was a Black woman*. Putting the points together, the court interprets the charge that Graham was discriminated against as a Black woman, as the claim that she was treated worse than other employees who weren’t Black women because of being a Black woman.

While Graham’s is a case of *disparate treatment*, there are also cases of *disparate impact*, i.e., cases where *equal treatment* leaves people worse off than relevant others, e.g., *EEOC v. Trailways, Inc.* (530 F. Supp. 54, 56, D. Colo 1981). At issue in *Trailways* was whether the company’s “no-beard” grooming policy amounted to race discrimination given that 25% of Black men are unable to shave due to *pseudofolliculitis barbae* (PFB). The district court argued that “the impact of the ‘no-beard’ grooming policy falls more heavily on Blacks than it does on whites” since “25% of the

male Black workforce is effectively excluded from Trailway's job market as a class because of a racial trait" (at 59). In short: although it applies to all employees, the 'no-beard' grooming policy left Black men worse off *than white men* because of being *Black*.

Next, let us consider two cases which show that sometimes courts draw on all three elements of disadvantage in interpreting discrimination charges. The first such case is *Jew v. University of Iowa* (749 F. Supp. 946 1990). In *Jew*, the plaintiff, a tenured professor of Chinese descent, brought suit against the University of Iowa under Title VII claiming sex discrimination. Dr. Jew was recruited by her former supervisor, Dr. Terence Williams. Soon after her arrival at the department "communications began to circulate suggesting a sexual relationship between her and Dr. Williams by which she had gained favorable treatment within the department, and otherwise denigrating Dr. Jew" (*Jew v. University of Iowa*, at 949). This behaviour went on for thirteen years and included "sexually suggestive" cartoons depicting Dr. Jew posted on office doors, an "explicit sex-based graffiti" about Dr. Jew on the wall of the men's room, a "salacious limerick" also in the men's room (at 950), as well as conversations between professors in which it was claimed that they had observed Dr. Williams and Dr. Jew leaving a motel together or having sex in Dr. Williams' office, none of which was true (at 949). On one occasion, Dr. Jew was called "slut", "bitch", and "whore" in the hallway of the department by one of the professors "in a drunken outburst" (at 949). As the court puts it "Dr. Jew was hurt, humiliated and ashamed by the incidents, and suffered some health problems because of them" (at 951). In addition, when it came to the question whether Dr. Jew should be promoted to full professor, the department voted not to promote her, arguing that she had not "established her 'independence' in the area of research and publications" (at 953). As the court noted none of these reasons were identified during previous developmental evaluations.

In arguing that the plaintiff had proved her sexual harassment claim, the court offers an analysis which nicely draws attention to *all three* elements of disadvantage: its cause, comparison, and character:

**I find that the harassment was sexual both because it was sexual in content and because it was directed at Dr. Jew on account of her sex.** The ongoing rumours, which were false, accused her of physically using her sex as a tool for gaining favour, influence and power with the Head of the Department, a man, and suggested that her professional accomplishments rested on sexual achievements rather than achievements of merit. **Similarly situated males were not so harassed.**

*Jew v. University of Iowa* (at 958, my emph.)

The court distinguishes three elements of the charge of sexual harassment. First, the element of cause: the plaintiff suffered harassment “on account of her sex”. Secondly, the element of comparison: she was treated worse than “similarly situated males”. Third, and this is key, the element of character: the harassment was, in the words of the court, “sexual in content”. Put differently, the *respects* in which Jean Jew was worse off than “similarly situated males” were not purely professional. It was not just that she wasn’t promoted to full professor. It was also that she had to endure sexist abuse and that the blocking of her professional advancement went by way of sexist stereotypes. As I would put it, Jean Jew was left worse off partly in respects sensitive to her being a woman. Thus, *Jew v. University of Iowa* is an example of uniform disadvantage as a woman: Jean Jew is treated worse than relevant non-women in respects sensitive to her being a woman because of being a woman.

The second such case is one where according to legal scholars like Kathy Abrams (1994), discrimination *should* have been tied to an intersectional identity in all of the three elements but wasn’t. In *Brooms v. Regal Tube Co* (881 F.2d 412, 7th Circ. 1989), the plaintiff, Helen Brooms, sued her employer separately for racial and sexual harassment. Over the sixteen months of her employment, Brooms had been repeatedly subjected to racial slurs and sexual innuendo by her supervisor Charles Gustafson. Gustafson had propositioned her on one occasion when both were attending a conference, and although he had received a warning from the company’s vice president after the incident, he continued to harass Brooms for several months. On one occasion, he showed Brooms “a pornographic photograph depicting an interracial act of sodomy and told her that the photograph showed the ‘talent’ of a Black woman” (*Brooms v. Regal Tube Co.*, at 417). A few

months later, when Brooms needed a signature from Gustafson, he showed her “one of several pornographic pictures involving bestiality” and threatened her “that the picture depicted ‘how she was going to end up’”(ibid.).

Brooms’ situation appears to be one in which she is uniformly disadvantaged *as a Black woman*. Not only was she treated worse than other employees who were not Black women because of being a Black woman. But Brooms was treated badly in a specific respect: as legal scholar Kathryn Abrams (1994, p.2501) puts it aptly, Brooms was subjected to “racialized sexual hostility, or sexualized racial hostility.” On the proposed theory, this claim can be reconstructed as follows: Broom’s disadvantage was not only tied to her being a Black woman in *cause* and *comparison*, but also in *character*. She was treated badly in respects sensitive specifically to her being a Black woman.

Unfortunately, as Abrams explains, the intersectionality of the plaintiff’s harrassment claim remained unexamined, both by the plaintiff, who had sued for sex-discrimination and race-discrimination separately, and by the court which noticed the racist nature of the abuse, but didn’t include it in its assessment of the sex-discrimination claim. As Abrams explains:

Although there were plausible reasons for these choices—the plaintiff may have viewed the sexual harassment claim as so strong on its facts that there was little to be gained by complicating it with a comparatively unfamiliar legal theory, and the court may have been reluctant to exceed the bounds of plaintiff’s legal claims—they ultimately had costs for the plaintiff. Brooms lost her racial harassment claim, and with it her opportunity for punitive damages.

Abrams (1994, p.2499)

On the proposed theory of intersectional disadvantage, we can articulate the intersectional nature of a legal claim like Broom’s even when it is not presented under that angle. Overall, I take it to speak in favour of the proposed theory of intersectional disadvantage that it helps us reconstruct legal reasoning involving intersectional plaintiffs.

### 3 Why are the central theses true?

The previous sections have shown how a theory of intersectional disadvantage can be gleaned from an independently plausible theory of social disadvantage and how such a theory can be used in reconstructing legal reasoning involving intersectional plaintiffs. The aim of this section is to use the proposed theory of intersectional disadvantage to gain better insight into why one might think that intersectionality theory is true. More specifically, what in the structure of intersectional disadvantage could explain (i) that it does not reduce to single-identity disadvantage (so that CONJUNCTIVE EQUIVALENCE has counterexamples), (ii) that it is often specific to an intersectional identity (so that AS/AND EQUIVALENCE has counterexamples), and (iii) that it is compatible with intersectional advantage (so that QUALIFIED CONTRARIES is satisfiable)? By closely examining the different propositions which, according to the proposed theory, a sentence of the form  $\ulcorner a$  is disadvantaged as an  $FG\urcorner$  can be used to express, we come to see that the reasons for which intersectional disadvantage behaves the way intersectionality theory says it does are remarkably general.

#### 3.1 Why Conjunctive Disadvantage fails

On each of the “pure” readings of CONJUNCTIVE EQUIVALENCE, there are general reasons for which the principle can be expected to have counterexamples.<sup>26</sup>

**On a pure causal reading**, CONJUNCTIVE DISADVANTAGE says that one is worse off in a situation because one is an  $FG$  if, and only if, in that situation one is worse off because one is an  $F$  and one is worse off because one is a  $G$ . But notice that ‘because’ does not generally distribute or agglomerate with respect to complex nouns, independently of the choice of predicate. To see this, substitute ‘disadvantaged’ in the schema with some other predicate, e.g., ‘admired’. Start

---

<sup>26</sup>I’ll focus on the pure readings to keep things simple, but note that counterexamples to the pure readings will also produce counterexamples to the more complex combined readings. For ease of presentation I’ll also abstract away from the other elements of disadvantage in my discussion of the relevant readings.

out by considering a counterexample to because *distributing* over a complex noun: although when she started her climate strike, Greta Thunberg was admired because she was a 15 year-old climate activist, it was neither the case that Thunberg was admired because she was 15 years old (other 15 year-olds were not similarly admired), nor was it the case that Thunberg was admired because she was a climate activist (other climate activists were not similarly admired). The example also yields a counterexample to DISADVANTAGE DISTRIBUTES. Next consider a counterexample to because *agglomerating* with respect to a complex noun: Noam Chomsky is admired because he is a linguist and admired because he is an anarchist, but Chomsky isn't admired because he is an anarchist linguist. If 'because' doesn't in general distribute or agglomerate with respect to complex nouns, counterexamples to causal readings of CONJUNCTIVE DISADVANTAGE can be expected. To the extent that in *DeGraffenreid* the court read the claim that the plaintiffs had been discriminated against as Black women *causally*, it should have been more careful in its reasoning.<sup>27</sup>

**On a pure comparative reading,** CONJUNCTIVE DISADVANTAGE says that one is worse off in a situation than some relevant non- $(FG)$ s if, and only if, in that situation one is worse off than some relevant non- $F$  and one is worse off than some relevant non- $G$ . But observe that being a non- $(FG)$  does *not* imply that one is neither  $F$  nor  $G$ . One could be an  $F$  who isn't  $G$  or a  $G$  who isn't  $F$ . So it is for general reasons that being worse off than some relevant non- $(FG)$  does not imply that there is a relevant non- $F$  such that one is worse off than it and that there is a relevant non- $G$  such that one is worse off than it. For a real life example with this structure, consider once more the *Trailways* suit (see p.19f.) in which the court found that the company's "no beard" grooming policy left the plaintiffs worse off than comparable white men. It would hardly have affected the strength of their claim if there had been no relevant *women* negatively affected by the company's

---

<sup>27</sup>What about readings of 'because' as *partial*, rather than *full* cause as considered by Bernstein (2020, p.327)? For instance, isn't it plausible that the plaintiffs in *DeGraffenreid* were discriminated against at least in part because they were women and in part because they were Black? Maybe. But this can't be how the court interpreted the claim, after all it ruled that the plaintiffs had *not* been discriminated against as women. Notice also that CONJUNCTIVE DISADVANTAGE looks bad even on a partial cause reading, notably the right-to-left direction.



“no beard” grooming policy. Although the plaintiffs were comparatively disadvantaged as Black men, they were not comparatively disadvantaged as men, yielding a counterexample to the left-to-right-direction of CONJUNCTIVE DISADVANTAGE on the comparative reading. Interestingly, the pure comparative reading is the only one on which DISADVANTAGE DISTRIBUTES holds: in order to be worse off than some non- $(FG)$ , there has got to be either a non- $F$  or a non- $G$  such that one is worse off than them. It would be interesting to examine the *DeGraffenreid* opinion in this light.

**On a pure character reading,** CONJUNCTIVE DISADVANTAGE says that one is worse off in a situation in a respect which is sensitive to being an  $FG$  if, and only if, in that situation one is worse off in a respect that is sensitive to being an  $F$  and one is worse off in a respect which is sensitive to being a  $G$ . The structural reason for which this principle fails is that disadvantages sensitive to being  $F$  and disadvantages sensitive to being  $G$  need not *come together* in the right way to give rise to disadvantages sensitive to being an  $FG$ . For a real life example with this structure consider again *Jew v. The University of Iowa*. In this case, the plaintiff was subjected to sexual harassment. The court also learned that there was an occasion on which an anti-Chinese slur was used against her (at 950). However, unlike in *Brooms v. Regal Tube Co*, Jean Jew was not subject to *sexualized racism* or *racialized sexism*. Although she was treated worse in a respect sensitive to being a woman and was treated worse in a respect sensitive to being of Chinese descent, Jean Jew was not treated worse in a respect sensitive to being a woman of Chinese descent. When respects of disadvantage don’t come together in the right way, we get counterexample to the right-to-left direction of CONJUNCTIVE DISADVANTAGE.<sup>28</sup>

On all three “pure” readings of CONJUNCTIVE DISADVANTAGE there are general reasons for

---

<sup>28</sup>Although this might be more controversial, I also think that the left-to-right direction is fraud since disadvantages sensitive to being an  $FG$  need not split up into disadvantages sensitive to being  $F$  and sensitive to being  $G$ . Consider a further harassment case, *Goluszek v. Smith* (697 F. Supp. 1452, N.D.III. 1988). In *Goluszek*, the plaintiff, a white man of Polish decent, brought suit against his employer under Title VII claiming that his employer had not prevented a hostile environment and sexual harassment against him. Although the court agreed that Goluszek “may have been harassed *because* he is male”, they rejected the harassment claim on the grounds that “the harassment was not of a kind that created an anti-male environment” (at 1456). What the court might have overlooked is that abuse can be *anti-non-stereotypical-male* in character without being *anti-male* (see Abrams, 1994, p.2514ff.).

which the principle can be expected to have counterexamples.

### 3.2 *Why As/And Equivalence fails*

On the proposed theory of intersectional disadvantage, there is an entirely general reason for which AS/AND EQUIVALENCE can be expected to have counterexamples: being an *FG* need not be *relevant*. For notice that whenever being an *FG* is not relevant, disadvantage and disadvantage as an *FG* won't coincide. An *FG* could be worse off than *relevant* others, in *relevant* respects, due to *relevant* social arrangements without being worse off than any non-*(FG)*s, in any *FG*-sensitive respects, due to being an *FG*. Conversely, an *FG* could be worse off than non-*(FG)*s, in *FG*-sensitive respects, due to being an *FG*, while not being worse off than *relevant* others, in any *relevant* respects, due to any *relevant* social arrangements.

To illustrate, suppose for instance that we are in the business of researching the specific difficulties faced by women without citizenship in abusive relationships (cf. Crenshaw, 1991). We talk to Daisy, an Asian woman without citizenship, Emilia, a Latina woman without citizenship, and many more women, and we find that all these women are worse-off than relevant others (battered women with citizenship, say) in relevant respects (fear of being deported when going to hospital or calling the police, poor English, limited contacts outside of their household etc.) due to relevant features of the social arrangements (immigration laws, their not having citizenship). That Daisy is an Asian woman who, in this situation, is worse off than relevant others in relevant respects due to relevant social arrangements does not *imply* that, in this situation, Daisy is disadvantaged specifically *as* an Asian woman, i.e., worse off than non-*(Asian women)*, in respects sensitive to being an Asian woman, because of being an Asian woman. Of course Daisy might be disadvantaged as an Asian woman in this situations as well, but this is *not implied* by her being socially disadvantaged in the situation under consideration. Nor does the converse hold.

On the proposed theory of intersectional disadvantage, we can appreciate that there are general

reasons for which AS/AND EQUIVALENCE can be expected to generate counterexamples.

### 3.3 *Why Qualified Contraries is satisfiable*

On the proposed theory of intersectional disadvantage, sentences of the form  $\lceil a$  is disadvantaged as an  $FG \rceil$  can be used to express different propositions, in particular they might differ in how they fill in the elements of comparison, character, and cause. There is a perfectly general reason then for which instances of QUALIFIED CONTRARIES can be satisfied: there can be *shifts of interpretation* between the two conjuncts. Consider:

- (3) a. Adam is disadvantaged as a Black man and Adam is advantaged as a man.
- b. Adam is disadvantaged as a Black man and Adam is advantaged as a Black man.

(3a-b) don't sound inconsistent. On the proposed theory this is because they can be read in a way which *is* consistent. So long as the elements of cause, comparison, and character of advantage and disadvantage are not filled in uniformly throughout the conjunction, instances of QUALIFIED CONTRARIES can be true.<sup>29</sup> Since ordinary speakers tend to reach for interpretations on which what their interlocutor says makes sense, it is to be expected that utterances of the form of QUALIFIED CONTRARIES will often be interpreted in such shifty but consistent ways.

On my regimentation, intersectionality theory does not merely commit to *possible* but to *actual* cases in which disadvantage and advantage coincide. It will be helpful to consider how some of the examples that have been discussed in the intersectionality literature could be interpreted as shifty instances of QUALIFIED CONTRARIES. Consider, for instance, Crenshaw's discussion of the Mike Tyson rape trial in the early 1990s, and the thorny issues surrounding rape allegations against Black men more generally which they illustrate. On the one hand, Crenshaw (1991, p.1272) draws

<sup>29</sup>Other basic requirements might have to be met. For instance, if one thought that only *Gs* can be disadvantaged as *Gs* as argued in Loets (2021), then if being *G* precludes being *H*, even suitably shifted qualified contraries wouldn't be satisfiable.

attention to the fact that “rape accusations historically have provided a justification for white terrorism against the Black community” and that consequently “within the African-American community, cases involving race-based accusations against Black men stood as hallmarks of racial injustice”. On the other hand, Crenshaw observes that “the fact that Black men have often been falsely accused of raping white women underlies the antiracist defence of Black men accused of rape *even when the accuser herself is a Black woman*” (Crenshaw, 1991, p.1273, my emph.).<sup>30</sup> Reflections such as these may put one in a frame of mind in which one utters a sentence like (4):

(4) Mike Tyson is disadvantaged as a Black man and Mike Tyson is advantaged as a Black man.

In the context of Crenshaw’s reflections in the passage, (4) is naturally interpreted as follows:

(4 Crenshaw) Because he is a Black man in the United States, Mike Tyson is worse off than non-Black men in the US as regards his risk of being falsely accused of and charged with rape, but because he is a Black man in the United States, Mike Tyson is better off than Black women in the US as regards his ability to mobilize support within the Black community.

While the *cause* of disadvantage and advantage is held fixed throughout the sentence, the elements of *comparison* and *character* of (dis)advantage are shifted between the first and the second conjunct, yielding a consistent qualified contrary. If (4) is true, QUALIFIED CONTRARIES is not just satisfiable, but satisfied: it has true instances.

I’ve argued that the core theses of intersectionality theory have general explanations on a theory of intersectional disadvantage which naturally falls out of an independently plausible account of social disadvantage. If this is right, we have good reason to think that the core theses are true.

---

<sup>30</sup>Amia Srinivasan (2021, p.14) offers a similar analysis in her discussion of the rape trials against singer R. Kelly.

## 4 Concluding Remarks

I have shown how by focusing on disadvantages to which one is subject *as* someone with a particular social identity, we can gain clarity on what intersectionality theory *says* and why one might think it is *true*. Notice that this was achieved without saying much at all about intersectional *identities*. In this regard, my proposal differs from other views in the literature which construe its central theses as involving such claims as that intersectional identities *themselves* are non-additive, non-separable, etc.<sup>31</sup>

It is not entirely clear how intersectionality theory construed as a claim about intersectional identities should be articulated. Suppose, for instance, one wanted to claim that intersectional identities fail to reduce to a conjunction of individual identities. Should one then reject the following principle?

CONJUNCTIVE IDENTITY: Necessarily, *a* is an *FG* iff *a* is *F* and *a* is *G*.

For plausible candidates of predicates picking out social identities, this principle seems hard to deny. Who would want to claim that it's possible for there to be a Black woman who is not Black or not a woman?<sup>32</sup>

Some invoke the ideology of *fundamentality* in an attempt to articulate the irreducibility thesis without denying CONJUNCTIVE IDENTITY. For instance, Sara Bernstein (2020) argues that the relation between intersectional “categories” and their “constituents” is one of *ontological* and *explanatory* priority. Bernstein suggests that “the intersectional category is [ontologically] more fundamental than its constituents” (Bernstein, 2020, p.331) and that “intersectional categories are explanatorily prior to their constituents” (ibid.) so that “rather than the conjuncts explaining the

<sup>31</sup>See for instance, Shields (2008), Garry (2011), Bernstein (2020) and Jenkins (2020).

<sup>32</sup>As flagged above (p.8, note 13), one might worry about non-intersective adjectives, e.g., perhaps one could be a poor Lord without being poor. But first, so long as the standard for poorness is held fixed throughout the sentence, the inference might be fine. Secondly, at least for standard examples of social identities like race, theorizing class, gender, religion, etc., for which irreducibility theses are vital, it is hard to see how the principle could fail.

conjunction, the conjunction explains the conjuncts” (ibid.). In order to avoid the unhappy consequence that the most specific “categories” (often too specific for systematic social research) are invariably the most explanatory ones, Bernstein proposes that there are “social category magnets”—joint-carving social categories akin to reference magnets” which are the most explanatory (ibid., p.332, n.21). My aim here is not to assess the merits of Bernstein’s proposal, but rather just to flag how *controversial* central theses of intersectionality theory begin to look once they are construed as a claim about the nature of intersectional identities. For those who would rather avoid adopting such controversial metaphysical theses, my proposed approach to theorizing about intersectionality might be welcome.

There is a tendency in the literature to not distinguish clearly between claims about *intersectional disadvantage* and *intersectional identities*. Consider:

A central tenet of intersectional theorizing is that *Blackness and womanhood mix and interact* in such a way that one or the other or both separately do not exhaust the explanatory space of Black womanhood. Membership in the intersectional category results in *specific experiences and forms of oppression* distinct from those faced by individual categories.

Bernstein (2020, p.332, my emph.)

As I have shown in detail in this article, there is no need to make claims about the “mixing and interacting of Blackness and womanhood” to talk about the specific forms of oppression Black women face *as* Black women. By focusing on intersectional disadvantage we can articulate and defend central theses of intersectionality theory without going in for anything like a distinctive “intersectional conception of identity” (Carastathis, 2013, p.941).

**Acknowledgments.** I’d like to thank Carolina Flores, Rachel Fraser, Cameron Domenico Kirk-Giannini, Mari Mikkola, Mirjam Müller, Alexander Roberts, Nathaniel Baron-Schmitt, and two anonymous referees for the *Australasian Journal of Philosophy* for their detailed and helpful comments on previous versions of this paper. I’d also like to thank audiences of the Social Metaphysics Research Group at the University of Barcelona and the Theoretical Philosophy Research seminar at Uppsala University, as well as audiences at Dresden University, Hamburg University, Humboldt University, Berlin, The University of Neuchâtel, the University of Oxford, and the University of Wisconsin, Madison.

## References

- Abrams, Kathryn, 1994. 'Title VII and the Complex Female Subject'. *Michigan Law Review*, 92:2479–2540.
- Areheart, Bradley A., 2006. 'Intersectionality and Identity: Revisiting a Wrinkle in Title VII'. *George Mason University Civil Rights Law Journal*, 17:199–235.
- Bach, Kent, 1994. 'Conversational Implicature'. *Mind and Language*, 9:124–162.
- Bailey, Alison, 2009. 'On Intersectionality, Empathy, and Feminist Solidarity: A Reply to Naomi Zack'. *Journal for Peace and Justice Studies*, 19:14–36.
- Beal, Frances, 1970. 'Double Jeopardy: To Be Black and Female.' In Toni Cade Bambara, ed., *The Black Woman*. New York.
- Bernstein, Sara, 2020. 'The Metaphysics of Intersectionality'. *Philosophical Studies*, 177:321–335.
- Bright, Liam Kofi, Malinsky, Daniel, and Thompson, Morgan, 2016. 'Causally Interpreting Intersectionality Theory'. *Philosophy of Science*, 83(1):60–81.
- Cappelen, Herman and Lepore, Ernie, 2005. *Insensitive Semantics: A Defense of Semantic Minimalism and Speech Act Pluralism*. Wiley-Blackwell.
- Carastathis, Anna, 2013. 'Identity Categories as Potential Coalitions'. *Signs: Journal of Women in Culture and Society*, 38:941–965.
- Combahee River Collective, 1977. 'A Black Feminist Statement'. In Gloria Hull, Patricia Scott, and Barbara Smith, eds., *All the Women Are White, All the Men Are Black, but Some of Us Are Brave*, 13–22.
- Cooper, Anna Julia, 1892. *A Voice from The South*. Oxford University Press.
- Corbado, Devon W., 2013. 'Colorblind Intersectionality'. *Signs: Journal of Women in Culture and Society*, 38:811–845.
- Crenshaw, Kimberlé Williams, 1989. 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics'. *University of Chicago Legal Forum*, 139–67.
- , 1991. 'Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color'. *Stanford Law Review*, 1241–1299.
- Dembroff, Robin, forthcoming. 'The Metaphysics of Injustice'. In Ruth Chang and Amia Srinivasan, eds., *New Conversations in Philosophy, Law, and Politics*. Oxford University Press, Oxford.
- Dorr, Cian, 2014. 'Transparency and the Context-Sensitivity of Attitude Reports'. In Manuel García-Carpintero and Genoveva Martí, eds., *Empty Representations: Reference and Non-Existence*, 25–66. Oxford University Press.
- Dotson, Kristie, 2014. 'Making Sense: The Multistability of Oppression and the Importance of Intersectionality'. In Maeve O'Donovan, Namita Goswami, and Lisa Yount, eds., *Why Race and Gender Still Matter: An Intersectional Approach*, 43–58. Routledge.
- Fricke, Miranda, 2007. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford University Press.
- Friedan, Betty, 1963. *The Feminine Mystique*. W.W. Norton, New York.
- Garry, Ann, 2011. 'Intersectionality, Metaphors, and the Multiplicity of Gender'. *Hypatia*, 26:826–850.
- Gasdaglis, Katherine and Madva, Alex, 2020. 'Intersectionality as a Regulative Ideal'. *Ergo*, 6:1287–1330.
- Grillo, Trina, 1995. 'Anti-Essentialism and Intersectionality'. *Berkeley Journal of Gender, Law & Justice*, 10:16–30.
- Haslanger, Sally, 2020. 'Why I Don't Believe in the Patriarchy: Comments on Kate Manne's 'Down Girl''. *Philosophy and Phenomenological Research*, 101:220–229.

- , forthcoming. ‘Social Systems and Intersectional Oppression’. In Ruth Chang and Amia Srinivasan, eds., *New Conversations in Philosophy, Law, and Politics*. Oxford University Press, Oxford.
- Hill Collins, Patricia, 2000. *Black Feminist Thought. Knowledge, Consciousness, and the Politics of Empowerment*. Routledge, New York.
- , 2013. ‘Intersectionality’. In Georgina Waylen, Karen Celis, Johanna Kantola, and S. Laurel Weldon, eds., *The Oxford Handbook of Gender and Politics*. Oxford University Press.
- hooks, bell, 1981. *Ain’t I a Woman*. South End Press, Boston, MA.
- , 1984. *Feminist Theory: From Margin to Center*. Routledge, New York.
- Jenkins, Katharine, 2020. ‘Conferralism and Intersectionality: A Response to Asta’s ‘Categories We Live By’’. *Journal of Social Philosophy*, 5:261–272.
- Jorba, Marta and De Sa, Dan López, ms. ‘Intersectionality as Emergence’.
- King, Deborah, 1988. ‘Multiple Jeopardy, Multiple Consciousness: The Context of a Black Feminist Ideology’. *Signs: Journal of Women in Culture and Society*, 14(1):42–72.
- Lewis, David, 1986. *On the Plurality of Worlds*. Blackwell, Oxford.
- Loets, Annina Julia, 2021. ‘Qua Qualification’. *Philosophers’ Imprint*, 21(27):1–24.
- Ludvig, Alice, 2006. ‘Differences Between Women? Intersecting Voices in a Female Narrative’. *European Journal of Women’s Studies*, 13:245–258.
- Lugones, Maria, 2007. ‘Heterosexualism and the Colonial/Modern Gender System’. *Hypatia*, 22(1):186–209.
- MacKinnon, Catherine A., 2013. ‘Intersectionality as a Method: A Note’. *Signs: Journal of Women in Culture and Society*, 38:1019–1030.
- Mikkola, Mari, 2006. ‘Elizabeth Spelman, Gender Realism, and Women’. *Hypatia*, 21(4):77–96.
- Nash, Jennifer C., 2008. ‘Rethinking Intersectionality’. *Feminist Review*, 89:1–15.
- Shields, Stephanie A., 2008. ‘Gender: An Intersectionality Perspective’. *Sex Roles*, 59:301–311.
- Spelman, Elizabeth V., 1988. *Inessential Woman: Problems of Exclusion in Feminist Thought*. Beacon Press, Boston, MA.
- Srinivasan, Amia, 2021. *The Right to Sex*. Bloomsbury, London.