

## **Acknowledgements**

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To my family, who have listened to me explain this project too many times to count. Thank you for putting up with me!

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## Submission Dossier

For: *Philosophy of the Social Sciences*

Alternate Journals: *Journal of Social Ontology*, *European Journal for Philosophy of Science*

I have chosen to submit to *Philosophy of the Social Sciences* because of its longstanding commitment to publishing innovative work in the fields of social ontology and social epistemology, including at least one paper by the author of the major argument I respond to in this paper, Marion Godman. Although this paper primarily responds to her book *The Epistemology and Morality of Human Kinds*, in many ways it is in conversation with other papers published in your journal, such as Muhamad Ali Khalidi's recent paper *Historical Kinds in the Social World*, which I also discuss in some detail. The specific argument I offer, that the constructive process that results in Human Kinds must meet the condition of incorporating confrontational/adversarial dynamics in order to attain political legitimacy, is not only relevant to the journal's mission to examine the methodological commitments and scope of the social sciences.

Pursuant to this application, the paper is formatted in Chicago B reference style in American English, formatted according to all conventions laid forth in submission guidelines (which are pasted below). Furthermore, I have written an abstract of 100 words with keywords and a biographical note, in accordance with said submission guidelines. I have also chosen two backup journals, the *Journal of Social Ontology* and the *European Journal for Philosophy of Science*. The first of these journals is a major venue for research into the nature of social objects, and given that I am presenting at a conference this summer with the society responsible for publishing the journal, my project has clear and demonstrable affinity with that journal's vision. While the *European Journal for Philosophy of Science* is a more generalist journal, they are nonetheless an important outlet for publishing on issues with Human Kinds, especially reactivity. All in all, should my submission to *Philosophy of the Social Sciences* fail, I would have two solid backups.

**Word Count of Article Manuscript: 11,974**

**Submission Guidelines for *Philosophy of the Social Sciences*, excerpt:**

A1. Final copy delivered to Manuscript Central (web address above) must be double-spaced throughout (including the Abstract, indented quotations, notes, and reference list), on 8 1/2"x11" pages, left justified only. From March 2005 *Philosophy of the Social Sciences* will print true footnotes. Authors using footnotes would be well advised to submit in MS Word. Queries regarding guidelines to Kei Yoshida, Managing Editor, at kei.yoshida@gmail.com.

A2. The order of the manuscript should be abstract, text, followed by references, and, in the case of articles, followed by biography (see A7 below).

A3. An indicator for the position of tables or figures should be placed in the text thus:

Separate electronic files for tables and figures should be submitted with manuscript.

A4. *Philosophy of the Social Sciences* uses Chicago B reference style (chapter 16 of *The Chicago Manual of Style*, 13th and later editions). American spelling shall prevail. Webster's Ninth Collegiate Dictionary will be the authority for spelling, hyphenation, etc. Dates should be fully spelled out (viz. 11 November, 1998; eighteenth century) and elision (can't, don't, I've, it's, we've and the like) eschewed. For purposes of historical accuracy, use original date of publication of the edition of works cited, not date of reprint. Thus not Winch 1977, but Winch 1958 with (1977) in parenthesis in the list of references.

A6. An abstract of 100 words or less should be supplied with articles.

A7. Authors of articles should provide in addition a short biographical note indicating areas of research, recent publications, etc., modeled on those that have appeared in the journal.

A8. For indexing, authors should also supply four or five keywords.

## Cover Letter

From: Jacob Berk

22.05.2025

Leuven, Belgium

To: The Editorial Staff of *Philosophy of the Social Sciences*

To whom it may concern,

I am writing to submit the following paper, “What should be in a name? Scientific Categories and their Messy Political Lives” to *Philosophy of the Social Sciences*. I will graduate from the Research Masters in Philosophy at KU Leuven’s Institute of Philosophy this July, where the paper was completed as part of a thesis program. It is prepared for your blinded review process, and the article has been formatted according to the journal’s guidelines.

This paper primarily responds to Marion Godman’s book *The Epistemology and Morality of Human Kinds*. I claim that such arguments, i.e. ones that seek to derive rights and duties from scientific objects like Human Kinds, must fulfill a ‘principle of political confrontation.’ This principle, which I derive from political theorists as diverse as Habermas, Rawls, Mouffe, and Schmitt, presupposes that for a right to attain political legitimacy it must be derived from a confrontational political process, be that purely intellectual or irreducibly antagonistic. I argue that since Godman cannot fulfill this principle, her argument fails. I conclude by offering some possibilities for future research. In all, I believe the article represents a valuable contribution to social ontology and debates over Human Kinds.

Thank you for your time and consideration,

**Jacob Berk**

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## Abstract

“What should be in a name? Scientific Categories and their Messy Political Lives”

In *The Epistemology and Morality of Human Kinds*, Marion Godman proposes a model for deriving rights from the causal trajectory of Human Kinds. I respond by formulating a ‘principle of political confrontation’ through a synthesis of major strands of political thought, from Rawls to Habermas to Schmitt; it holds that legitimizing rights and duties requires adversarial processes in their formation. I argue that Godman’s model cannot fulfil this criterion and may even hinder it. Thus, if one seeks to ground rights in Human Kinds one must somehow incorporate confrontation, or more likely limit the scope of possible social-scientific knowledge.

**Key words:** Human Kinds, Normative Political Philosophy, Social Ontology, Historical Injustice, Social Scientific Methodology

## Introduction

What rights and duties do you have? How do they correspond to the specific type of person you take yourself to be? How would you even know? Some philosophers of social science think that it may be possible and necessary to adjudicate these seemingly existential questions objectively. For example, if the social-scientific category juvenile delinquent has certain rights and duties associated with it based on racially discriminatory justice systems, this might mean that the social sciences can have a positive effect on the world by proving the existence of said injustice.

But this process is by no means cut and dry: whether and which categories in the human sciences correspond to which affective and ethical statuses is a major question in the philosophy of social sciences; it divides opinion not only on what social sciences should seek to measure, but also which values they may or may not generate. Yet the prospect of social sciences solving our ethical or political problems is tantalizing: if we can generate rights and values from scientific models and the social types they employ, societies can obviate the need for imperfect, messy, and often political group-rights generation. While some philosophers, like Muhammad Ali Khalidi, retort that the social sciences and the Kinds they generate should strive for causal neutrality on the model of natural science,<sup>1</sup> others view them as a possible mechanism for bringing the social world closer to our normative ethical standards; a mechanism for positive change. Thinkers like Ásta, for example, have problematized social categories, including Human Kinds, asking after their non-ideal power-characteristics and thereby attempting “...to reveal the cogs and belts and arrangements of parts in machines that often are oppressive.”<sup>2</sup>

In a recent and well-argued example of this latter sort of position entitled *The Epistemology and Morality of Human Kinds*, Marion Godman explores the political and ethical implications of scientific construction. She concludes that we can, *prima facie*, derive certain rights and duties from the products of construction processes: social, and especially Human Kinds. Human Kinds, as Social Kinds, on her account, are historically differentiated in their relationship to wrongdoing, injustice, and oppression. Thus, by tying the rights offered to a certain Kind to their historical

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<sup>1</sup> Muhammad Ali Khalidi, “Historical Kinds in the Social World,” *Philosophy of the Social Sciences* 54, no. 6 (2024): 463–89.

<sup>2</sup> Ásta, *Categories We Live By: The Construction of Sex, Gender, Race, and Other Social Categories* (New York: Oxford University Press, 2018), 4.

conditions, we can have a real, scientific generation of rights that at once sidesteps many contentious normative political disputes, while providing the normative ethical content necessary to redress historical injustices. This is an ambitious project: not merely revealing injustice but showing how we can address it in a precise, scientific manner.

While Godman's argument is commendable in many ways, in this paper, I respond to her argument and attempt to show that Human Kinds, as scientific objects, are *prima facie* invalid candidates for generating said content. In this paper I argue that by sidestepping the processes of social conflict and confrontation that usually accompany redressing historical injustices, this account also sidesteps important political and ethical processes, especially genuine confrontation and recognition of the other as worthy of respect and recognition by a once, and often still, oppressive society. I also introduce a minimal standard for evaluating whether scientific realist models are valid, the Principle of Political Confrontation (PPC). This argument will be divided into five sections: (1) outlines and gives background on Kind theory write large, (2) details Godman's argument, (3) outlines the basic conditions of political legitimacy in assigning normative statuses culminating in the PPC, (4) confronts Godman's model with said PPC and showing its inability to fulfil it, and (5) discusses the implications of this failure.

## Kinds and Kind Theory

Kinds are a term of art first introduced during the early industrial revolution in response to an increasing need for a universal scientific causal framework. The term was taken up by thinkers such as John Stuart Mill, to designate the basic logical units of scientific investigation. As Kinds were originally formulated to stabilize intellectual objectification in the natural sciences, the major point of interest for those working with Kinds was 'nature'. Consequently, the term 'Natural Kind' was used to designate scientific objects in or given by nature. I have discussed the exact definition of Natural Kinds in much greater detail in my thesis and thus refer interested readers there in lieu of an in-depth analysis.<sup>3</sup>

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<sup>3</sup> Jacob Berk, *Taking Responsibility for Human Kinds: On Social Scientific Objects and Norms of Discourse* (Thesis Project, KU Leuven, 2024).

While Natural Kinds continue to be the subject of much debate, they are not the only branch of Kinds. Human sciences are one such area. They have generated especially fierce debates at least in part because their methodologies and aims exhibit particularities which lend their categories to particularly strange causal trajectories. This is often because these categories bear little resemblance to their references due to behavioral changes among humans. For example, while the definition of the Kind ‘igneous rock’, once identified and named, cannot be changed without the conscious and active participation of a community of scientists, what counts as a ‘Domicile’ might. Due to its use in social systems and the legal and moral characteristics that a domicile might receive thereby (i.e. the legal obligation to have running water, electric lighting, the expectation of a certain appearance, etc.), what referent counts as a domicile might shift.

Another interesting property that the above example demonstrates is the historicity of Social Kinds. While not all Social Kinds are primarily historically determined, we see that even what counts as a Domicile, a functional category, certainly has a genealogical characteristic, and that changes to it usually follow a trajectory that has been to a large degree determined by historical changes. While Natural Kinds of course also have histories, Social Kinds are reliant on a distinctly unnatural history, or at least a history that is shaped by the cognitive and social forces of human beings. When it comes to social artifacts and institutions, we do not just discover a historical trajectory, we actively participate in it.

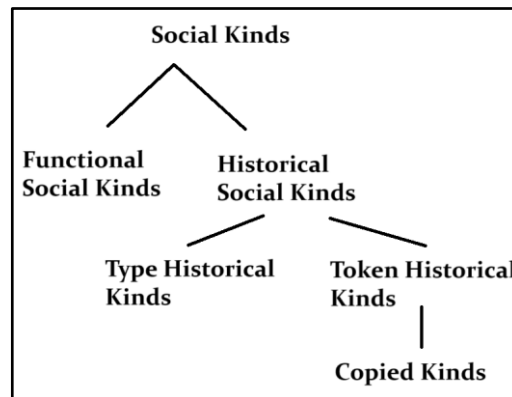
Even if we can follow a Social Kinds’ clear historical trajectory, sorting these categories is not clear-cut. In a recent paper Khalidi lays out one clear and balanced taxonomy for Social Kinds. He categorizes them according to two main axes: historicity and functionality. By historical Social Kinds, Khalidi means to say that “at least some Social Kinds should be understood historically and would not be the Kinds they are had they not had a certain token history or a certain type of history.”<sup>4</sup> Khalidi also argues that copied Kinds represent a subset of token-historical Kinds, since “the copying process pertains to a unique historical pathway.”<sup>5</sup> Functional Social Kinds, by contrast, rest on by their current properties or features. They are functionally individuated. Of course, all Social Kinds have histories, but the degree to which this history is definitive is very much variable.

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<sup>4</sup> Khalidi, “Historical Kinds,” 2.

<sup>5</sup> Khalidi, “Historical Kinds,” 10.

Indeed, Khalidi demonstrates that there is a degree of function and historical contingency present in all Social Kinds to one degree or another. We can separate functional from historical Kinds for analytic purposes, and indeed Khalidi claims that this establishes “parallels between Social Kinds and Kinds in other domains.” Based on Khalidi’s ideas we can sketch out a basic taxonomy for Social Kinds such as this:



While this sort of model can serve as a basis for categorizing the *artifacts* of social processes in reference to their relationship with their specific histories, the social subjects that *produce* these artifacts and their histories are conspicuously absent in this account. In fact, Khalidi’s paper gives little indication as to whether Social Kinds entail Kinds of people, the latter only being mentioned indirectly in concern to classifying gender systems. Yet, types of people (or so-called Human Kinds) clearly exhibit many of the trajectory differentiations as outlined by Khalidi. But there may also be something special about these Human Kinds. For example, the subjective awareness that one is considered a sexual deviant often leads individuals to hide or change their sexual behaviors- thus leading to an instability in any behavioral categorization of sexual deviancy. Censuses, interviews, and other traditional means of population-level social science will all be very complicated (or even useless) in this case, and measurement itself becomes quite difficult.

Even in less overtly stigmatized cases, this often holds. The subjectively driven mayhem that often accompanies the categorization of conscious individuals has been thoroughly discussed by prominent philosophers, with the paradigmatic definition originating in the work of Ian Hacking, who outlined 3 criteria in his definition of Human Kinds:

1. Kinds that are relevant to us
2. Kinds that primarily sort people, their actions, and behaviour, and
3. Kinds that are studied in the human and social sciences, i.e. Kinds about which we hope to have knowledge<sup>6</sup>

Hacking's influential definition suffices for our purposes as an introduction to the concept. As stated, Human Kinds are the scientific classifications we give to different types of people in the relevant setting. 'Relevant setting' does a lot of work in this formulation, and indeed Hacking restricts himself to "Kinds of behaviour, action, tendency, etc. only when they are projected to form the idea of a kind of person," or in other words "[become] an object of scientific scrutiny."<sup>7</sup> These restrictions are important: Hacking does not claim that all human behavior constitutes Human Kinds, but that the social sciences, as a distinctly modern phenomenon, give rise to Human Kinds.

While it may seem indisputable that Human Kinds are Social Kinds, it is not straightforwardly that their causal behavior will resemble that of Social Kinds writ large. One issue is that Human Kinds are accompanied by moral valence, which often leads to a slippery kind of causal nature. Hacking called this scientific self-awareness the 'Looping Effect', which today's literature usually calls 'reactivity'. But the mere identification of these problems has not made it any easier to determine how the moral aspect of categorizing people scientifically has given these categorizations a unique historical trajectory. Marion Godman's 2021 book *The Epistemology and Morality of Human Kinds* is highly relevant to this issue, addressing the affective issues so central to the construction and measurement of Human Kinds. Godman attempts to reconcile many of Khalidi's insights into the nature of Social Kinds in general with the peculiar features that Human Kinds seek to include. In the next section I will explore her arguments in greater detail.

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<sup>6</sup> Ian Hacking, "The Looping Effects of Human Kinds," in *Causal Cognition: A Multidisciplinary Debate*, eds. Dan Sperber, David Premack, and Ann James Premack (Oxford: Clarendon Press, 1995), 354.

<sup>7</sup> *Ibid.*

## Godman's Human Kinds

In order to fully explain the finer points in Godman's highly original analysis, a clearer exposition of her broader views on categorization is required, especially of chapter 7, *How historical Kinds Achieve a Moral Standing*. Although ultimately taking a somewhat divergent approach, Godman identifies herself as a part of a tradition which staunchly defends the idea of Human Kinds, and advocates for their integration into scientific modeling and investigation. In particular, Godman views herself as at once a scientific realist about Human Kinds and believes that these Kinds can also generate normative content. To this end, she writes that "...it is my firm belief that human historical Kinds also have a crucial and interesting scientific and moral role to play."<sup>8</sup> Thus, Godman follows Khalidi in subscribing to the historical-trajectory theory of Kind differentiation, and seeks to apply it to Human Kinds, proving that such Kinds can support inductive generalizations, exhibit causal regularity, and hold other characteristics often associated with Natural Kinds.

Despite these similarities, Godman highlights that there is something fundamentally unique about social, and especially Human Kinds, that makes assimilating them to a purely natural-scientific model difficult, and possibly morally problematic. This X factor is the process by which they are constructed, more specifically the motives underlying their construction. Godman writes that "the desire for knowledge rarely drives investigations into Human Kinds on its own, but is typically supplemented by certain moral, aesthetic and political ideas."<sup>9</sup> These ideals, or as Godman calls them, 'emancipatory aims', drive our desire for social knowledge in the first place. When we take them into account, purely naturalistic approaches to Human Kinds seem naïve, if not dangerous; we either must naturalize our highly ideal motives, undermining the epistemic foundations of natural-scientific methodology viz overextension, or we must simply pretend these motivations do not exist. Neither option being tenable, Godman's solution is to formulate an objectively determinable constructive practice which can conform to our ethical ideals of justice and restitution in addition to the epistemic ideal of objectivity.

By taking a historical approach, Godman intends to sidestep debates over the ontological character of these and other Kinds. The idea is to see the process of constructing Human Kinds not

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<sup>8</sup> Marion Godman, *The Epistemology and Morality of Human Kinds*, 1st ed., Routledge Focus on Philosophy (Abingdon, Oxon; New York, NY: Routledge, 2020), 2.

<sup>9</sup> Godman, *Epistemology and Morality of Human Kinds*, 15.

just as something which determines the factual character of a present Kind, but also as a factor contributing to its current moral status. In addition, she thinks her model can explain the various causal pathways that Human Kinds, as collative categories, must traverse. All of the traditional accounts of Human Kinds, in Godman's view, fail to provide a sufficient account of “common causes – causes that explain not merely single generalizations, but... whose instances jointly support the same property correlations and multiple projectability.”<sup>10</sup>

Multiple projectability means that we can trace the same object through various levels of analysis based on one cause, which is common to all these levels of explanation. For example, while the kind ‘Philanthropist’ or ‘Altruist’ might apply equally to Jesus Christ and your neighbor Carla, what these people actually do (or did) with their days and how they do it might have little in common. After all, distributing alms in ancient Jerusalem and logging into a bank account to send money to an international charity are not, in terms of their physically instantiated trajectory, seemingly related at all. It is only by considering such action through a causal framework that can take into consideration factors like intention that both Jesus and Carla can be understood as objectively being charitable. Tracing the social and physical causal pathways that group these two in the same unified category is thus an important criterion for Godman.

Godman holds that Human Kinds should be able to explain causal trajectories through one common mechanism in various domains, from linguistics to sociology to psychology. This rests on the distinction between a ‘single generalization’ and ‘multiple projectability’: Human Kinds tell us not only about one property or human behavior but support causal inferences in many areas. For example, while a Latino in the United States is more likely to speak Spanish or Portuguese in virtue of the Kind’s history, they may also be more likely to engage in a wide variety of behaviors, from consuming certain Kinds of foods and consumer products to holding certain political or religious beliefs. Yet these behaviors all stem from one (common) cause, at least theoretically: that a person is a member of the Kind ‘Latino.’ Godman thinks well-formed Human Kinds will work in this way, and that in doing so, “primary function of a kind is to be the bearer of properties.”<sup>11</sup>

However, for a complex social category to fulfill such a function, it has to meet criteria of both distinguishability and of general realizability, both of which face significant challenges in the real world. Godman points out that neither strictly natural-scientific models nor social-

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<sup>10</sup> Godman, *Epistemology and Morality of Human Kinds*, 34.

<sup>11</sup> Godman, *Epistemology and Morality of Human Kinds*, 8.

constructivist thinkers provide suitable models for stable property-bearing, writing that under the first model “we do not have a workable distinction between genuine Kinds that support multiple projectability and categories which do not,” whereas under the second model “[t]his looks like an explanation of single projections and stabilities across members, but no explanation of why the multiple projections come together in different instances of a kind.” This is because, if we can only assign properties to a kind on one level of explanation, in this case the natural, then there is no way to distinguish, for Godman, between categories that support multiple generalizations and ones that only support one generalization, generating from their description.

While social constructivist explanations can tell us that certain Kinds do in fact project multiply, no master narrative like the laws of physics can explain with any regularity why this happens. If we simply observe that certain features tend to go together, and form categories based on this alone, we lack the common cause necessary to support scientific induction. In the case of Human Kinds, this could mean that that cultural sphere is not totally reducible to the physical sphere, which precludes the possibility of explaining a transversal Human Kind in the first place. If, for example, we cannot link properties from the psychological domain to the sociological domain, then social categories are quite limited in scope and quite weak in their explanatory power. Godman gives the example of race, writing that:

A conjunction of different properties, each of which explains a different feature of race, is just that: a list of different properties explaining different racial properties. This leaves us once more with an unexplained set of correlations – why are all those different racial properties found to correlate with one another? To put things bluntly, a range of proximate mechanisms implies no explanation at all as to why the properties come together in each instance of a purported race.”<sup>12</sup>

Here Godman outlines a model without common cause mechanisms, in which properties are collated based simply on statistical regularity or the like- through what she calls ‘proximate mechanisms.’ These may explain how certain features tend to go together, but not what caused them to cluster in the first place. If we do not know on what criteria Kinds collate properties, then it is possible that white horses—old information repackaged in new descriptions without providing

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<sup>12</sup> Godman, *Epistemology and Morality of Human Kinds*, 41.

any causal power—are Kinds. On Godman’s view, this sort of category is unfit for use in a scientific model, including the social sciences. Thus, grounding the ‘proximate mechanism’ model demands a means of rationally distinguishing which Human Kinds are multiply projectable and therefore valid in inductive scientific processes.

Godman seeks to do this with a historical approach. When it comes to making multiple empirical generalizations about a Kind shaped by human culture from a common cause, then both Godman and Khalidi would hold that the historical trajectory of a Kind can tell us what merely collating current features cannot. Suppose a group of white horses wear a specific kind of saddle; Godman writes that far from a purely physical or cultural explanation, “the common cause is a common lineage of reproduction.”<sup>13</sup> This makes intuitive sense: humans (at least in this example) did not cause these horses to be white through a cultural practice, yet there is no purely physical explanation that can support the fact that these horses wear a specific saddle. Thus, a shared historical trajectory, this common lineage, remains as a hybrid explanation which Godman sees as the only way forward.

Ultimately, the model that Godman arrives at appears to be compatible with Khalidi’s view. He writes that “[R]ace... could be considered, like gender, a type-historical kind, while the different races might be token-historical, since they are thought to have specific histories, and do in fact have such histories.”<sup>14</sup> In other words, Khalidi thinks that the systems of race and gender, broadly construed, are differentiated by the Kinds of histories they have (i.e. what they exist to do, and in which context), but that specific Kinds like Caucasian or Foster Mother are unique to their systems. Godman disagrees, and takes a much more radically differentiated view, committing to an even more historically determined view of Human Kinds.

This comes to the fore in Godman’s discussion of gender as a historical Human Kind, whose salient causal features are derived from its unique trajectory. Here, Godman holds that while gender systems may share common features and indeed perform similar social functions, “many cultural systems have evolved their own gender categories” and thus “one is not entitled to assume that each of these individuals classified as women will share a common cause with one another.”<sup>15</sup> This means that, for Godman, while there are certain biological regularities that may cause people

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<sup>13</sup> Godman, *Epistemology and Morality of Human Kinds*, 45.

<sup>14</sup> Khalidi, “Historical Kinds,” 14.

<sup>15</sup> Godman, *Epistemology and Morality of Human Kinds*, 64.

to culturally divide themselves along (more-or-less) biological lines, this is not sufficient: gender systems are copied artifacts, and if they do not share a common historical trajectory, we cannot assign them the same value in a model. Through this example, we see that Godman's historical focus is a serious commitment- she claims that gender systems are causally delineated by their origins, and that this limits the cross-cultural assumptions we can make in the social sciences in a quite concrete manner. It also means that distinct moral features of Kinds are generated by their historical trajectories, and these trajectories may be of a kind, and thus convergent on certain more broadly shared rights, or give specifically oppressed groups unique rights. However, these trajectories are paramount, and they determine Kind-membership.

Godman applies her ideas more concretely in chapter 7, analyzing how race and/or ethnicity, as a historically determined Human Kind, 'achieves' a moral standing, or an affective value-tagging. Godman's task here is twofold: to explain not only on a factual level how certain groups become associated with certain values as a property of their Kind-hood, but also why these values are interpreted in the social world in certain ways, mainly in the ethical and political spheres. She writes of this that "[s]ome groups seem to deserve a moral standing and others do not. This compels us to prioritize some categories over others but also explain why this is so."<sup>16</sup> In other words, Godman seeks to explain not only the historical trajectory of moral statuses but provide normative reasons why some statuses matter more than others and are particularly generative of political and ethical imperatives.

Her primary case study is the Sámi people of northern Scandinavia, whose experiences of oppression at the hands of various Scandinavian governments and social-scientific institutions, she claims, has imbued them with certain rights. Namely, their affective history was characterized by a 'status transformation', or common shift in perceived and actual social worth "caused by the humiliation and feeling of inferiority that resulted from... physical anthropology studies with the result that many Sámi members... experienced a new sense of inferiority and indignation."<sup>17</sup> The Swedish and Norwegian states sent scientists to the arctic and processed these peoples in a humiliating and essentializing way, generating a newfound shared affect. This specific group

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<sup>16</sup> Godman, *Epistemology and Morality of Human Kinds*, 91.

<sup>17</sup> Godman, *Epistemology and Morality of Human Kinds*, 84.

history is at once a token history, but also of a type: similar treatment was meted out to the indigenous people of the Canadian Arctic, for example.<sup>18</sup>

In turn, this unique historical trajectory, characterized by scientifically induced group humiliation and degradation, means that the Sámi deserve special moral consideration, and therefore exceptional and group-specific rights. Godman writes: “[M]embership in a historical kind such as the Sámi does grant a special moral standing for individuals of the group such that they might rightly deserve... group rights.” (Godman 2020, 92) While I will refrain from critiquing this notion at present, it is important to note that Godman does not think simply any kind of trajectory will do for the generation of group rights. On a factual level, she points out the necessity of historical continuity in any group that seeks group rights, and at least ideally, “membership in a historical kind provides a natural way to substantiate the necessary historical relation that underpins the rights of a group.”<sup>19</sup> Yet historical continuity is not sufficient for assigning moral characteristics, much less rights and duties to a group. As Godman rightly points out, there exist many groups that have historical traditions, but do not deserve sympathy or specific rights, giving the example of white supremacists.<sup>20</sup>

This means that Godman also needs to provide compelling arguments as to why we should or should not grant rights based on shared historical trajectories. If all historical trajectories are not created equally, then it is an open question as to which trajectories are deserving of positive affective statuses, and their attendant political rights. To this end, she identifies three normative criteria, which she thinks are objectively observable, for assigning positive moral statuses to a Human Kinds, and from this generating political rights:

1. “The inheritance of unjustly acquired traits within a historical [K]ind;
2. The repeatable subordination targeting a lineage;
3. The resultant solidarity that arises in response to 1 and 2.”<sup>21</sup>

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<sup>18</sup> For a more in-depth historical treatment, see: Friedrich Pöhl, "Assessing Franz Boas' Ethics in His Arctic and Later Anthropological Fieldwork," *Études/Inuit/Studies* 32, no. 2 (2008): 35-52.

<sup>19</sup> Godman, *Epistemology and Morality of Human Kinds*, 90.

<sup>20</sup> Godman, *Epistemology and Morality of Human Kinds*, 95.

<sup>21</sup> Godman, *Epistemology and Morality of Human Kinds*, 92.

Concisely, the first two criteria comprise the continuous and contiguous oppression of a historical kind, or lineage of an ethnic group. The ‘resultant solidarity’ from this phenomenon is the tricky part for our purposes, but Godman defines it clearly, writing that the “common plight among members tends to increase their sense of affiliation and solidarity within a lineage.”(Godman 2020, 94) This solidarity, in turn, generates the social cohesion and identification which enables people to formulate and demand specific group-rights, such as land-back movements, and Godman confirms this, writing that this “[t]his sense of belonging is often needed for mobilization and joint action, which in turn is arguably needed for the campaign for minority and group rights in the first place.”<sup>22</sup> Thus we see that if the historical trajectory of Human Kinds meets certain non-ideal conditions, for Godman it is *prima facie* generative of positive moral content, and that moral content is a valid basis for group-specific political rights.

Godman’s criteria have several implications for the social and political worlds. Namely, that the solidarity generated by injustice in point 3 “...might merit protection in its own right in the cases of historical and structural injustices, but probably not in cases of solidarity within and outside lineages where it is not in response to any objective subordination or injustice.”<sup>23</sup> Although couched in fairly mild terms, this is a bold assertion. Godman, by way of negation, claims that the criteria for whether a specific example of solidarity generates certain rights is said solidarity’s reliance on ‘objective subordination or injustice.’ This will alarm many readers: injustice, oppression, and general social values are not set in stone, and any determination of ‘objective’ values, if possible, must be argued for fiercely. Yet there is no further discussion of the matter in Godman’s book, and the one is left wondering 1) what an objective experience of oppression is, and 2) what methodology for transforming these experiences into political rights guarantees objectively valid political and ethical statuses. This may be because Godman has reached the boundaries of what she considers her argumentative scope. This may be the case, but without laying out the criteria for measuring a phenomenon as nebulous and contentious as oppression there is no way to determine, and much less quantify, the sorts of ethical and material goods that can repair historical injustices.

In the next section, I will look at the criteria for generating political rights in an attempt to find a broadly acceptable understanding through which we can evaluate Godman’s argument. I

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<sup>22</sup> Godman, *Epistemology and Morality of Human Kinds*, 94.

<sup>23</sup> *Ibid.*

will discuss several approaches to political rights generation, especially of minority rights, as well as looking at historical examples of minority rights generation in Western democracies.

## **Political Approaches to Rights-Generation**

The question of how rights are and should be created is one of the central themes of political philosophy. This question has, however, typically not been considered within the purview of social sciences (e.g. sociology, political science) as such, and thus Godman's treatment is quite novel. This means that to fully appreciate the innovation and potential inadequacies of her argument, it is fruitful to introduce more traditionally inspired sources as a point of contrast. However, there is significant disagreement as to the fundamental nature of political rights, with some thinkers viewing them as a provisional mechanism for social mediation which do not exist independently of human culture, and others viewing them as intrinsic to nature and reality as physical matter. Which understanding one adopts about political rights and their role in social life is particularly important for Godman's argument; after all, what counts as an 'unjustly acquired trait' or an unjust 'subordination' is a normatively charged, contextually dependent matter.

However, since Godman's argument rests on the idea that the normative aspects of social science can generate valid and complete ethico-political content, there do exist clearly incompatible views which would seem to deny us the possibility of such an analysis to begin with. The tradition of natural law, for example, which derives moral and political normativity from an idealized understanding of a relatively static human nature,<sup>24</sup> is not of particular use in analyzing the construction of values and moral objects. The idea that modern societies create new kinds of subjects with varying rights seems plainly incompatible with such a view. If we assume philosophy can determine a fixed human nature which generates fixed values and social attributes, then Godman's entire enterprise looks suspect. Therefore, this tradition is not a candidate for confronting Godman's argument with a more robust sense of the political and must be bracketed for present purposes.

In any case, if we cannot look to natural-law or theological sources for a moral or political analysis of the generation of political rights in the system of social science, which candidate

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<sup>24</sup> For one example and explanation of Natural Law, see: Frank Van Dun, "Natural Law," Natural law, Positive Law, Justice, accessed May 19, 2025, <https://users.ugent.be/~frvandun/Texts/Logica/NaturalLaw.htm>.

traditions remain? In my view, there are two major camps in political thought which concern themselves with the construction of social normativity and ethical principles in such a manner that fruitful engagement with the social sciences is possible. There exists, on the one hand, the liberal tradition of ethical rights-generation as articulated by thinkers like Rawls and Habermas, and the Schmittian tradition, especially the left-wing Neoschmittian position as articulated by Chantal Mouffe. Despite their pronounced and explicit differences, these two schools of thought can provide crucial insight into Godman's assumptions, by reason of their emphasis on the process of *confrontation* in politics.

Such a process of confrontation, whether productive or irreducibly antagonistic, challenges many of the assumptions that Godman makes about rights-generation. Specifically, it calls into question the idea that fruitful normative knowledge, like which rights are objectively valid, can be generated when an epistemologically privileged group imposes its moral understanding onto the rest of society *tout court*. Furthermore, the original insight behind many of Mouffe's arguments, that of Carl Schmitt's friend-enemy distinction, is quite conservative in nature, showing that this strand of thought does not have any necessarily ideological character, and has run through much of 20th-century political thought.

Let us first examine liberal approaches to rights generation. On the one hand, John Rawls takes a somewhat hands-off approach, and does not stress confrontation per se, but rather proposes a purely abstract confrontation of the person in an epistemically privileged position with that of a universal, depersonalized perspective: his famous veil of ignorance. When coming up with rights and duties behind this veil of ignorance, we must formulate them such that we would still agree to them if we did not know on which end of these rights or duties we would be. As Rawls puts it, "[t]o represent the desired restrictions... [o]ne excludes the knowledge of those contingencies which sets men at odds and allows them to be guided by their prejudices. In this manner the veil of ignorance is arrived at in a natural way."<sup>25</sup> From this 'original position' of ignorance, Rawls posits that we can derive principles of justice which can satisfy the strictest of ideal criteria. However, the process of generating political insight from the original position does not involve any discussion or interaction with a concrete other or opposing group; it is an intellectual process.

On the other hand, Jurgen Habermas sees a theoretical confrontation with the interests of other groups and individuals as insufficient. Instead, he proposes his theory of discourse ethics on

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<sup>25</sup> John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Belknap Press of Harvard University Press, 1999), 17.

a more pragmatic and socially engaged basis, the ‘Discourse Principle,’ that states that “Only those action norms are valid to which all possibly affected persons could agree *as participants in rational discourse*.”<sup>26</sup> In other words, Habermas sees the process of coming to an agreement between parties in a discourse as a process that enables us to understand norms as valid in the first place: they must be ‘tested’ in social reality.

That norms of action, including political action, are derived from a concrete discourse allows for Habermas to introduce a reformulation of the categorical imperative, the ‘Universalizability Principle’: “a norm is valid *if and only if* the foreseeable consequences and side effects of its general observance for the interests and value-orientations of *each individual* could be freely accepted *jointly* by *all* concerned.”<sup>27</sup> This process of deriving universal ethical laws from the concrete interests of individuals—and presumably the groups to which they belong—allows for a more grounded understanding of which principles should be employed in constructing a valid social ethics, which can then be transformed into law under the certainty that such laws will be morally correct, if only provisionally.

Indeed, Habermas critiques Rawls for the abstraction that his theory employs in the place of real confrontation with other individuals and groups, writing that for a social ethics based on the veil of ignorance that “[one] must construct the original position already with knowledge, and even foresight, of all the normative contents that could potentially nourish the shared self-understanding of free and equal citizens in the future.”<sup>28</sup>

Habermas’ response to Rawls shows that far from sully the purity of universal principles for social ethics and the generation of valid moral positions, engagement with the messy fray of political discourse, especially disagreement and the articulation of alternative ethical or political possibilities, is fundamental. If this is not done, then we end up with the impossibly high cognitive burden of predicting all normative concerns for all parties, forever. As Habermas writes, for moral insight to be generated, “...a ‘real’ process of argumentation in which the individuals concerned

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<sup>26</sup> Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg, Studies in Contemporary German Social Thought (Cambridge, MA: MIT Press, 1996), xxvi.

<sup>27</sup> Jürgen Habermas, “A Genealogical Analysis of the Cognitive Content of Morality,” in *The Inclusion of the Other: Studies in Political Theory*, tr. Ciaran Cronin and Pablo De Greiff, Studies in Contemporary German Social Thought (Cambridge, MA: MIT Press, 1998), 42.

<sup>28</sup> Jürgen Habermas, “Reconciliation Through the Public Use of Reason: Remarks on John Rawls’s Political Liberalism,” *The Journal of Philosophy* 92, no. 3 (March 1995): 117.

cooperate”<sup>29</sup> is needed. It might also allow our moral understandings to evolve; what was once right, upon confrontation with the position of a previously excluded group taken seriously as a concrete other, can be transformed into new and generally accepted social knowledge, becoming wrong without invalidating the project of formulating universalizable social rules. Indeed, Habermas continues that “Only an intersubjective process of reaching understanding can produce an agreement that is reflexive in nature; only it can give the participants the knowledge that they have collectively become convinced of something.”<sup>30</sup>

For some, the fact that Habermas assumes that differences can always be reconciled if sufficiently talked over is itself a naïve oversimplification. For example, Chantal Mouffe follows Carl Schmitt in positing that the process of political confrontation is paramount, although she takes a firm leftist position in contrast to Schmitt’s catholic fascism. She writes about generating social insight through Habermasian deliberative democracy that “the obstacles to the realization of the ideal speech situation - and to the consensus without exclusion that it would bring about - are inscribed in the democratic logic itself.” (Mouffe, 2000. 48) This is, for Mouffe, due to the essential nature of political power relations. Since democracy is the imposition of the will of one majoritarian or simply more powerful group onto another, “[c]onsensus in a liberal-democratic society is - and will always be - the expression of a hegemony and the crystallization of power relations.”<sup>31</sup>

Thus, Mouffe sees both Rawls and Habermas as naïve in their faith in the universalizable character of ethical positions and the rights they entail in democratic societies. Indeed, while agreeing that argumentation and contestation are important, she explicitly denies the normative goal of seeking a final consensus, even in an abstract way. Rather, she sees liberal democracy as an open-ended, perpetually conflictual space in which

“[d]emocratic politics does not consist in the moment when a fully constituted people exercises its rule. The moment of rule is indissociable from the very struggle about the definition of the people, about the constitution of its identity. Such an

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<sup>29</sup> Jürgen Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen, intro. Thomas McCarthy (Cambridge: Polity Press, 1990), 67.

<sup>30</sup> *Ibid.*

<sup>31</sup> Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000), 49.

identity, however, can never be fully constituted, and it can exist only through multiple and competing forms of *identifications*.”<sup>32</sup>

In her view, there is the possibility to really confront political opponents and to try and promote one’s own ethical vision of the world in the democratic process, and this never-ending competition over the meaning of social reality is what gives ethical concepts a political articulation. Applied to the narrower fields of rights-generation, Mouffe might say that a political right cannot be generated through any process except those which include explicitly antagonistic (or in her terminology, agonistic) dynamics, at least in modern democracies.

These thinkers, from archconservatives and erstwhile fascists like Carl Schmitt, to liberals like Rawls and Habermas, to Leftists such as Mouffe, all stress the necessity of a genuine confrontation with others as a primary characteristic of politics and political life. For simplicity’s sake, let us give this basic principle a name and definition as follows:

*The Principle of Political Confrontation (PPC):* Any process which seeks to generate normative political insight in a democratic society must do so via a process of confrontation and/or deliberation between affected parties as equals.

Whatever one thinks of the beliefs motivating the political thinkers I have discussed, from liberal to ultraconservative to leftist, it seems clear that the production of political rights cannot be as easily delegated to scientific processes as Godman assumes without questioning some of the basic tenets of what make social science a science. The process of the genuine confrontation of one group with another as political opponents, and recognition of a historically oppressed group as legitimate political subjects with robust rights seems to transcend the epistemic limits that social-scientific investigation puts on relationships between investigator and investigated. While confrontation and/or deliberation alone are not *sufficient* for creating legitimate and just political rights, it is clearly *necessary*. Especially in the social sciences, in which an epistemically equal confrontation between two parties seems difficult to reconcile with scientific necessities like projectability and epistemological authority, the question of integrating objective knowledge with social ethics is very difficult. In the next section, I will contrast Godman’s model of rights-

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<sup>32</sup> Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000), 56.

generation with these insights, namely the PPC, attempting to discern its applicability and the limitations thereof.

## **Can Godman's Model Incorporate Politico-Ethical Confrontation?**

### **Godman and Ethical Content**

Before directly critiquing Godman's argument in relation to the insights from political philosophy I outlined in the last section, a review of her argument in more depth is in order. As I explained earlier, Godman's main argument at the end of her book is that, under the right conditions and with the right kind of historical trajectory, the properties of a Human Kind can generate valid political rights. She picks out three "normative arguments" that allow a status transformation in a kind to grant valid rights-characteristics:

- 1 The inheritance of unjustly acquired traits within a historical kind;
- 2 The repeatable subordination targeting a lineage;
- 3 The resultant solidarity that arises in response to 1 and 2.<sup>33</sup>

These arguments are normative because they rely on normative terms and concepts such as 'unjust' and 'subordination.' They are also normative in that they tell us what rights we should grant, attempting to do so on a more-or-less objective basis. For example, in regards to the first argument, Godman argues that historical experiences of "denigrating and humiliating treatment" can lead to "...psychological scars [being] transmitted – epigenetically or through social learning – alongside... other practices and characteristics".<sup>34</sup> Here we see two normative judgments that Godman seems to level at cases of injustice, like the humiliating and repressive treatment of the Sámi people at the hands of social scientists. Namely, there is the sort of deed which was visited upon a group of people (it was shaming, denigrating), as well as the aptitude of the deed; whether it is morally justifiable or not. As Godman points out, just because groups like White Supremacists are shamed, ostracized and looked down on does not mean that they have a legitimate claim to

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<sup>33</sup> Godman, *Epistemology and Morality of Human Kinds*, 92.

<sup>34</sup> Godman, *Epistemology and Morality of Human Kinds*, 93.

rights. In fact, such shaming might be morally correct! Godman writes of groups like White Supremacists that “While they “may certainly also exhibit solidarity, community, reciprocity as well as historical continuity, this does not mean they deserve any group rights.”<sup>35</sup>

Importantly, the fact that people experience intergenerational trauma is something which requires no normative judgment at all for Godman. In spite of a general lack of consensus on what specific mechanisms and causal pathways the concept represents,<sup>36,37</sup> for Godman at least this is an observable reality, stemming from measurable/observable experiences of oppression and humiliation. This leads to her second major point, that the temporal dimension of unjust treatment also factors into whether rights should be granted to a particular group. Godman writes that “what should be evaluated is whether current individuals *qua* members are likely to face the ongoing subordination.”<sup>38</sup> For example, if there were a group of people who were persecuted one thousand years ago in a country, and that experience led to epigenetic trauma in the present, they still may not be eligible for group rights because there is no danger of them currently facing oppression. However, the idea that an oppressive event one thousand years ago leading to epigenetic trauma in the present seems to be somewhat unlikely, and Godman thinks that “[t]hese two arguments are independent, but they are not mutually exclusive, and so they might bolster each other when we ask whether a group merits a particular right...”<sup>39</sup> Indeed, there is every reason to think that current subordination plays a role in maintaining the unjust status quo that originated in past injustices.

This leads to her third point, which focuses on the solidarity that comes from the historical and present experience of oppression. She argues that “This sense of belonging is often needed for mobilization and joint action, which in turn is arguably needed for the campaign for minority and group rights in the first place.”<sup>40</sup> Thus, there exists a special incentive to protect the bonds that are formed through the experience of unjust treatment, since they might help ward off the specter of *present* unjust treatment. In other words, the combination of historical oppression and present solidarity, especially in situations where such oppression continues into the present day, results in

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<sup>35</sup> Godman, *Epistemology and Morality of Human Kinds*, 95.

<sup>36</sup> Lara O’Neill et al., “Hidden Burdens: A Review of Intergenerational, Historical and Complex Trauma, Implications for Indigenous Families,” *Journal of Child & Adolescent Trauma* 11 (2018): 173-86.

<sup>37</sup> Christopher Bowe, Claire Thomas, and Patrick Mackey, “Perspective to Practice: Theoretical Frameworks Explaining Intergenerational Trauma, Violence, and Maltreatment and Implications for the Therapeutic Response,” *International Journal of Environmental Research and Public Health* 22, no. 3 (February 2025): 321.

<sup>38</sup> Godman, *Epistemology and Morality of Human Kinds*, 94.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

a Kind being endowed with special moral characteristics. These can include rights, i.e. the normative correctness of assigning certain material or symbolic possibilities of action and possession to certain groups, which entail duties on the part of the outgroup, which must enforce and uphold these rights.

Taken together, Godman presents a model which attempts to derive rights from scientific categories, but which does so in a manner that is sensitive to the importance of current experience and present social position, as well as the historical, intergenerational nature of social identity. In some ways, it succeeds. However, as political rights are contested statuses that have to actually be enacted, it is worth testing whether Godman's model can meet the criteria for the generation valid ethico-political content according to the PPC, and if not, whether there is any possibility of squaring these two modes of reasoning about political rights. In the next section I will illustrate some issues with Godman's model primarily through example.

## **Problems with and Examples of Confrontation**

While Godman's argument rightly emphasizes the importance of safeguarding the rights of the vulnerable and oppressed, the idea that these rights can be derived *tout court* from objective historical trajectories of Human Kinds is not without significant risks. While surely oppression and unequal treatment should be guarded against, it becomes quite difficult to ascertain which sorts of Kind fit the framework that Godman outlines. Furthermore, it is unclear whether we can ever assign politically charged, experiential concepts like oppression and humiliation to what are supposed to be objective, scientific objects. Lastly, there is the issue of the assignment of political rights as a political affair: to create political change that genuinely transforms society, we can reasonably impose the PPC, and Godman needs to show that when political rights are assigned Human Kinds that this is respected.

As we have seen, Godman uses the example of the scientific racism imposed on Sámi people to demonstrate how we can derive rights from an objective trajectory. Yet, since it does not incorporate any real input on the part of victimized communities, her framework risks perpetuating harm if administrators remain blind to injustice without political confrontation. After all, there is no reason to think that, even if researchers are aware of past injustice, they are somehow immune from modern prejudices. In the case of the Sámi, we could imagine that an inclusive discursive

model in the Nordic countries could lead to a process in which different communities agree on such a definition through a Habermas-style ethical learning process. Even if it seems unlikely to manifest concretely, escaping the perspective of a Western-educated, usually privileged researcher is at least made possible when brought into conformity with the PPC. Furthermore, while it may rely in abstract on the testimonies and experiences of oppressed groups, the privileged epistemological status of the university-educated expert may unwittingly put constraints on ‘objective’ knowledge of oppression in the present that reify current injustice. Thus, Godman’s model cannot meet the PPC and cannot produce genuine political change. One could argue that the example of the Sámi is isolated, but as I will show, there are issues in applying this model that go beyond our current blindness to prejudice. To test Godman’s model and its application to concrete issues, I will here turn to two examples.

### Ex. 1: Syrian Refugees

In contrast to the rather contained example Godman uses of the Sámi people, there exist cases in which more diffusely maligned Human Kinds cannot fulfill both Godman’s model and the PPC. Certainly, in many more distributed cases of injustice, what counts as an objective experience of oppression and ‘repeated subordination’ cannot be objectively determined. To a degree this is because who counts as part of a kind and the legitimacy of the rights assigned to a kind are not always clear. This can be seen through another second example, that of Syrian refugee communities, whose experience of past and present trauma is often marked by unclear causal lines of victimhood and perpetration. During the brutal Syrian civil war,<sup>41,42</sup> almost seven million people fled the country to Turkey, Lebanon, Germany, and other countries across the Middle East and Europe. In these host countries, refugees have continued to experience vastly different levels of accommodation and support, and this has led to a two-stage trajectory of victimhood and trauma—a baptismal experience of oppression and war that has led to trauma, and a highly variable degree of exclusion from communal and democratic life in their host countries.

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<sup>41</sup> World Bank, *The Toll of War: The Economic and Social Consequences of the Conflict in Syria* (Washington, DC: World Bank, 2017).

<sup>42</sup> Brian Carter, "Alawite Insurgents Seek to Use Sectarian Violence to Destabilize the Interim Government in Syria" (ISW Press, April 3, 2025).

On the one hand, this has resulted in a large social-scientific literature on Syrian Refugees, which can reasonably be considered a Human Kind at this point. This literature extends from the rights they are owed<sup>43</sup> to the economic problems in host countries related to their integration<sup>44</sup> to psychological phenomena like increased or distinct forms of loneliness.<sup>45</sup> Thus, one might think the evidence seems to bode well for Godman- after all, since Syrian Refugees are a kind, then it seems that her model could at least theoretically work here. But on the other hand, since there are (at least) two experiences of injustice that compound to create a variable levels and Kinds of injustice, and since the best it seems we can do is to approximate the ‘Syrian refugee’ as an abstract scientific unit, it is impossible to determine the rights that should be afforded to refugees based on what they actually experienced. In different countries, Syrian refugees may have completely different experiences, and thus even if they are on the whole members of a Human Kind, the sorts of rights and reparations they are owed may be totally different. Although it is certainly a traumatic and terrible experience to have to flee one’s country, there is a large difference between being interred in a dangerous and unsanitary refugee camp in Lebanon or Iraq<sup>46</sup> and those who receive significant state and charitable support in Belgium, for example.<sup>47</sup>

Unless Godman has a method of determining the objective amount of harm caused to each of these groups *as Human Kinds*, it seems we have little prospect of redressing the harm done to Syrian refugees, especially the most harmed. Furthermore, if we want to split up Syrian refugees into one Kind for each country, this seems to go a bit too far- that is no longer a Kind in the proper sense. Rather, Syrian refugees are treated as such, and while their being in one country or another may lead to certain political outcomes,<sup>48</sup> the ostensible Kind ‘Syrian-German Refugee’ seems little better than a white horse- all it can tell us is that Syrians are treated in X manner in Y country and respond accordingly, not that their identities are a causal factor in different behavior from other

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<sup>43</sup> Ahmet İçduygu and Doğu Şimşek, "Syrian Refugees in Turkey: Towards Integration Policies," *Turkish Policy Quarterly* 15, no. 3 (Winter 2016): 59-69.

<sup>44</sup> Semih Tümen, "The Economic Impact of Syrian Refugees on Host Countries: Quasi-experimental Evidence from Turkey," *American Economic Review* 106, no. 5 (May 2016): 456-60.

<sup>45</sup> Johannes Rüdél and Marie-Pierre Joly, "Perceived Loneliness: Why Are Syrian Refugees More Lonely Than Other Newly Arrived Migrants in Germany?" *Comparative Migration Studies* 12 (2024): 37.

<sup>46</sup> Karim El Mufti, "Official Response to the Syrian Refugee Crisis in Lebanon, the Disastrous Policy of No-Policy" (Civil Society Knowledge Center, Lebanon Support, January 2014).

<sup>47</sup> Robin Vandevoordt and Gert Verschraegen, "Citizenship as a Gift: How Syrian Refugees in Belgium Make Sense of Their Social Rights," *Citizenship Studies* 23, no. 1 (2019): 43-60.

<sup>48</sup> Kamal Kassam and Maria Becker, "Syrians of Today, Germans of Tomorrow: The Effect of Initial Placement on the Political Interest of Syrian Refugees in Germany," *Frontiers in Political Science* 5 (May 16, 2023).

Syrian refugees. This leads to an important problem: there cannot be an authentic political confrontation between a Kind and its oppressor(s) in this case. Either the concrete realities of smaller, non-Kind groups must be respected, in which case Godman's model no longer fulfills its own scientific criteria, or a crude averaging of lived experience can no longer fulfill the PPC.

In other words, in this case there is not one clear group of oppressors vs. the oppressed, and no clean causal trajectory leading from harm to right *on the level of the Kind*. This means that, for rights to be generated on Godman's model, we need to either extend the label of 'Kind' to any group of people which experience an injustice, which seems to run counter to her points on solidarity and identity, or we need to average harms of people with widely divergent experiences, violating the PPC. It is not clear how Godman can resolve this, but it does seem that the inclusion of various groups within deliberative or confrontational political spaces, either within their host countries or in Syria (or both) would again at least *conceptually* be able to assign rights to people based on the injustice they actually experienced. Furthermore, it must be said that models which can fulfill the PPC retain a distinct advantage over Godman's model in this case because they are not bound to pretensions of scientific objectivity- there is no relationship of necessity between a group's epistemological status and its status as a candidate for legitimate rights. In contrast, with a Godman-style scientific model we are left without good options because of the definitional scope of Human Kinds, made to choose between scientific viability and politico-ethical legitimacy.

## Ex. 2: Climate Victims

The second example I will examine involves the various communities in the global south who are victims of climate change, a scientific Kind one can call 'climate victims.' This Kind demonstrates various issues that *causal diffusion* poses for a Kind-based political model, including fuzzy lines of causality introduced by *probabilistic* harm. The distribution of climate-based injustice spans the globe, and the responsibility for increasing natural disasters is spread over many agents and institutions, none of whom are singularly responsible for any specific harms. Godman's model fails in truly global cases because, even if it can calculate rights objectively based on probabilities, it fails to fulfill the necessarily *agential* aspects of assigning rights based on harm, leading both to overly broad categories and a failure to meet the PPC. Furthermore, Godman's

model not only does not provide any possibility for confrontation, but might actively discourage it by adjudicating probabilistic harm along the same lines as causal harm.

Firstly, in cases of climate injustice there is usually little, if any contact between greenhouse gas producers and climate victims, and in the case of natural disaster, the direct harm is not caused by a human being, but a force of nature. For example, the devastating floods which hit Pakistan in 2022 were probabilistically linked to climate change,<sup>49</sup> and that climate change is linked to historical and present carbon production through the fossil fuel industry, whose financial centers are in the global north. But who is responsible for this? It is theoretically possible that this kind of flood could happen at any time, and carbon producers do not *themselves* flood a valley: they increase the chance that a valley will flood, and the intensity with which it will do so. Thus, the actual agent which traumatizes, deprives, and destroys is not strictly an agent at all; it is a monsoon causing a flood, or a surge in the ocean.

Indeed, in these cases no individuated wrongdoing agent can be identified: at best we can say that since X company has contributed Y tons of CO<sub>2</sub> to the atmosphere, and since the amount of CO<sub>2</sub> in the atmosphere has increased the probability and intensity of Z weather event to W degree, they likely should pay M\$ in reparations to an already unclearly-defined group of people. Godman might operationalize this sort of logic to claim that there is a partially causal relationship here, and that *all* CO<sub>2</sub> producers bear responsibility for ensuring the protection of the rights generated through climactic trauma. While we can theoretically trace responsibility back to concrete agents, largely in the West, what this tracing should mean in terms of rights is not clearly given in a case in which responsibility and agentiality is so *diffuse*. Since the harm done is not 1:1 with a causing agent, what Kinds of rights and what they entail are not given in a causal trajectory in the way Godman envisions. Does a tidal wave count as ‘subordination’? Do carbon producers in the global *south* also owe climate victims something? What about the victims themselves- did they produce carbon? How much do these victims owe themselves? Godman’s model does not seem to be able to answer these questions. Since a Kind is not faced with a direct experience of subordination at the hands of a particular human being or group thereof, nor are their unjustly acquired traits attributable to any agent or group of agents beyond a nebulous group ‘carbon producers.’ Thus, in tracing causal lines we are working with massive, vague categories which

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<sup>49</sup> Chun-Chi Hong et al., "Causes of 2022 Pakistan Flooding and Its Linkage with China and Europe Heatwaves," *Climate and Atmospheric Science* 6 (2023): 163.

defy practicality and causal precision: if we say that all climate victims have a right to compensation from all greenhouse gas producers, we are not specifying any content for a right or actionable information. These groups, in addition to not being cleanly separable from one another, also do not have a direct relationship of subordination.

The lack of harm directly visited on ‘Climate Victims’ by any *particular* agent means there are both too many and too few agents to assign responsibility to: too many people (or even all people) are probabilistically responsible, and too few concretely, in the clean manner which Godman’s model demands. This gives rise to a major issue: the fact that even if some groups *are* responsible for probabilistic harms, the overreliance on direct causality in Godman’s model does not allow them to be held responsible. One could and should assign blame to multinational oil companies, but given the probabilistic nature of the harm committed, on Godman’s model there is no convincing way of doing so; ‘climate victims’ and ‘carbon producers’ are the highest fidelity causal categories that can exist in a causal model when harm is diffuse and probabilistic. Multinational oil companies should probably have to help reconstruct Pakistani infrastructure, but without some sort of confrontational quorum there is no way of determining this from the categories ‘producer’ and ‘victim’ alone. This is compounded by the fact that using a causal model to trace diffuse probabilistic harm flattens a controversial and unclear ethical issue, namely what kind of rights probabilistic harm should generate. This actively removes one site of potential confrontation, making it highly unlikely that her model can fulfill the PPC in this case.

The common thread in these examples is that Godman’s realist approach cannot fulfill the PPC, as affected parties and perpetrators are never given the opportunity to contest or challenge the nature and shape of restorative justice, ethical duties, or political rights. This leads to issues with defining coherent categories and assigning rights to them; not all lines are clean in social causality. Godman acknowledges this shortcoming, writing that “...it seems that the care and solidarity might first require protection precisely in *local terms*. This would give us some additional support for offering rights according to religion, ethnicity, gender and sexuality. I admit this third argument is more objectionable than the others.”<sup>50</sup> Yet it seems clear that the problems for universalizing her model are more serious than she anticipates. Godman’s argument faces major issues of real-world applicability even if it can meet the PPC, which seems doubtful in the first place. While I have been rather critical here, all is certainly not lost in this approach. In the

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<sup>50</sup> Godman, *Epistemology and Morality of Human Kinds*, 94.

next section, I will look at how Godman can respond to these critiques, providing some directions for future thought and research.

## Discussion

While Godman's argument clearly suffers from the interrelated problems of both grounding its assumptions and scale on which it can be operationalized, we should not throw the proverbial baby out with the bathwater. Firstly, there are several counterarguments that Godman can employ against the example-based arguments I provided, as well as the PPC as such. I have discussed some counterarguments to the example-based rebuttals in the previous section, but not to the PPC, which I will discuss presently. Secondly, although I believe these counterarguments ultimately do not provide convincing nullifications of the concerns I have raised, there nonetheless remain important normative and conceptual problems that Godman's model raises, and which upon refinement I believe it can reasonably aim to resolve. However, the criteria I have set forth, namely the PPC, are not to be taken lightly, and their fulfillment would require a structural transformation of the aims and means of the social sciences. The implications of this are enormous, and it seems that Godman and others who champion the 'objective' or scientific resolution of social issues are left with a dilemma: abandon claims to objectivity, or square objectivity with political confrontation/deliberation. It is unclear which of these is preferable, or whether the latter is even conceptually possible.

Let us discuss objections to the PPC. It could (and probably would) be argued by objectivists like Godman that the entire point of their proceduralist scientific model is to avoid messy, indeterminate processes like confrontation or deliberation. While there are some ideal models that attempt to structure discourse in such a way as to derive provisionally objective ethical results (namely Habermas' discourse ethics), these remain only ideally possible- there is no way such a result could be realized as a scientific result. Thus, they might argue that in attempting to do justice to the ethical component of Human Kinds, I have tarnished the concept of objectivity.

This argument fails in two ways. Firstly, as has been well documented for decades, there is very little causal stability shown by Human Kinds. The famous 'Looping Effect', now usually called reactivity, gives lie to the idea that by sticking to purely scientific principles we somehow come to a more objective understanding of qualitative social phenomena like rights or ethical

principles in and of themselves.<sup>51</sup> More precisely, Human Kinds display reactivity, that is Kind members react to their categorization, thereby undermining the validity of the category through behavioral and identificatory changes. This means that there is little reason to think that a model that attempts to stabilize such an effect by incorporating the oppositional dynamics that legitimize ethical and political norms would make Human Kinds any less causally stable or objectively measurable than they are now. It seems that the only place many Human Kinds have to go, in terms of their scientific integrity as measurable objects, is up.

Secondly, the minimal criterion of the PCC is not a comprehensive program like Discourse Ethics. Rather, it is a basic litmus test which does not preconfigure in what manner, nor according to what principles practitioners should fulfill it. Merely stating that the requirement for an ethically legitimate social-scientific object should fulfill the basic requirements of ethical legitimation, that is confrontation and/or deliberation, does not impinge on scientific processes in and of themselves. If this basic principle cannot be accommodated, then it seems the entire enterprise of trying to derive normative political or ethical prescriptions from the trajectory of a Kind is fundamentally misguided, and that does not seem to be the fault of the PPC.

How could a model like Godman's accommodate the PPC, then? What would such a modification look like? One example might be the recent 2023 Australian Indigenous Voice referendum. The idea behind this referendum was to introduce a so-called 'voice', i.e. an advisory body to the Australian government, in the Australian constitution.<sup>52</sup> While the referendum failed, this sort of submission of the results of intercultural and academic work to the approval of a broader society seems to be a model that does not invalidate the results of academic investigation, while simultaneously maintaining a mechanism of public control over political rights distribution. Critical to the formation of the idea of the indigenous 'voice', however, was the Aboriginal-authored document 'An Uluru Statement from the Heart.'<sup>53</sup> This document, far from being the result of a scientific analysis of the trajectory of the Kind 'Australian Aboriginal', is a self-initiated political manifesto which calls for a new understanding of Australian society, in which:

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<sup>51</sup> See: Hacking, "The Looping Effects of Human Kinds," and Berk, Taking Responsibility for Human Kinds.

<sup>52</sup> "Voice Principles: The Voice - Archived Website." Trove, September 30, 2023. <https://webarchive.nla.gov.au/awa/20230929160619/https://voice.gov.au/about-voice/voice-principles>.

<sup>53</sup> "Uluru Statement from the Heart," [ulurustatement.org](https://ulurustatement.org), January 17, 2025, <https://ulurustatement.org/the-statement/view-the-statement/>.

[S]overeignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.<sup>54</sup>

This reinterpretation of the meaning of the political right 'sovereign' shows in one example why Godman's model cannot, without significant reworking, provide the legitimated ethical substance necessary to generate a political right. The confrontation between worldviews and contestation over the meaning of a shared part of Australian society that the *Uluru Statement from the Heart* demonstrates motivated a genuine public debate over a shared social meaning and destiny. Indeed, it was put to a referendum, a confrontational contest between proponents and detractors, and while this referendum failed, this nonetheless represents the kind of entrance into public consciousness and discourse that can motivate an objective acceptance or rejection of a normative claim by a public. Which rights we are owed is, on the one hand, a normative question of what should be done. Yet it is also, as Godman would surely agree, an empirical issue: what people believe surely can tell us a) what we deserve and b) whether we will get it.

Godman's treatment of indigenous Arctic people as victims of a historical scientific process, to be redressed by the same scientific tradition is precisely anti-political, attempting to derive an ought from an is without considering that social rights or ethical statuses *become* part of the 'is.' That is the whole puzzle of Human Kinds, and seeking to avoid it does not get us any further than Ian Hacking's basic diagnosis of the problem in the 1980s and 90s. We must instead attempt to confront the basic issues of integrating popular discourse and discord in scientific construction or abandon the enterprise altogether. The choice, in the end, comes down to whether one wants to prioritize the purity of an objective model that cannot fulfill its own normative requirements of causal stability, projectability, etc. or to apply stringent *a priori* criteria to the process of scientific construction. For Godman, this might risk an exclusion of certain processes as basically unknowable, at least through scientific construction. However, as we have seen, there is also no way for those who want an objective, historical account of ethical facts to avoid the basic

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<sup>54</sup> *Ibid.*

facts of contestation and confrontation. It seems that, even if we must accept certain limitations on our scientific understanding of the ethical, this is the only way to fulfill the normative requirements of either scientific objecthood or political subjecthood.

## Conclusion

In this paper, we have seen that Godman's model suffers from various flaws. There is a serious incompatibility between the goals of scientific normative logic governing Human Kinds and the ethical life of human communities and the actual individual who comprise them. This is clearly expressed through the inability of Godman's model to incorporate or even hypothetically accommodate confrontation between political or social groups over fundamental value conflicts, which are precisely the kind of conflicts that generate important shifts in right-statuses. This can be attributed to a mixing up of our commitments in a way that runs contrary to the goals of natural science and political justice. While I have suggested that this contrariness runs on the level of domain-level value distinctions, other perspectives are valid as well. Bruno Latour, for example, tells us that, like a constitution is the foundational text of a political order in *We Have Never been Modern*, that:

The modern divide between the natural world and the social world has the same constitutional character, with one difference: up to now, no one has taken on the task of studying scientists and politicians in tandem, since no central vantage point has seemed to exist.<sup>55</sup>

Whatever the failures of Godman's argument, she attempts to tackle the study of 'scientists and politicians in tandem.' This attempt, even if flawed, is important. As Latour points out, this problem really is critical, cutting right to the heart of what it means to live in modernity, and what constitutes a modern, scientific subject. In critiquing this approach and offering the condition of possibility for integrating these perspectives in the PPC, I have offered a central, or at least my own vantage point through which the problem of an analytic/scientific perspective on ethics can

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<sup>55</sup> Bruno Latour, *Nous n'avons jamais été modernes: Essai d'anthropologie symétrique* (Paris: La Découverte, 1991), 13.

be addressed. This central vantage point of the political can serve as a useful tool not only in discussing Human Kinds, but also in broader debates in social ontology and perhaps even sociological theory.

While the method for determining political rights in *The Epistemology and Morality of Human Kinds* is not operable, Godman's broader project is by no means dead. Although her model ultimately cannot incorporate the basic principles of political confrontation or deliberation to legitimize the ethical rights it tries to derive objectively, this does not mean that its goals are invalid. While Godman would argue that the scientific adjudication of rights should be a fundamentally human-driven process, the scientizing attitude towards ethics and politics I have identified at the core of her methodology is by no means limited to her book. From so-called 'Artificial General Intelligence' being proposed as a solution to ethical issues in popular discourse<sup>56</sup> to its largely unsupervised implementation across the United States federal government,<sup>57</sup> even weightier non-confrontational processes for determining and administering justice are on the horizon. We should argue as forcefully as possible for the legitimacy of the rights of the oppressed, but as I have demonstrated, we should not attempt to do so on a purely scientific basis. To do so is to do injustice to both the scientific and the ethical, and risks replicating the very injustices that Godman's model tries to ameliorate.

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<sup>56</sup> Naja Faysal, "The Quest for Truth: Can Ai Be Our New Arbiter?," Medium, October 18, 2023, <https://medium.com/@najafaysal/the-quest-for-truth-can-ai-be-our-new-arbiter-df795d7cbd4b>.

<sup>57</sup> Ben Green, "Doge Plan to Push AI across the US Federal Government Is Wildly Dangerous," Tech Policy Press, March 6, 2025, <https://www.techpolicy.press/doge-plan-to-push-ai-across-the-us-federal-government-is-wildly-dangerous/>

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