vantage" (144). This single-duty account, as well as description of the nature of the duty, explains why indirect discrimination is the paradigm case for Khaitan. Yet in order to justify imposing such a duty on individual actors, Khaitan believes that the actor must cause the victim to suffer "because of" her membership in a morally irrelevant or valuable group. He spends considerable time exploring what sort of connection between the action and the ground is required to meet this test. Ultimately, Khaitan concludes that correlation between group membership and the disadvantage is sufficient, a stance that is likely to be controversial.

While many of Khaitan's views are debatable, this fact should not detract from the conclusion that *A Theory of Discrimination Law* makes a significant contribution to the study of the nature of and justification for discrimination law. And my critical engagement should not obscure my overall assessment that this is a terrific book.

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Mallon, Ron. *The Construction of Human Kinds.*
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In *The Construction of Human Kinds* Ron Mallon argues for a naturalist and realist social constructionist account of human categories that explains the causal significance of categories such as race and gender. Research on social kinds and in social metaphysics more generally spans across disciplines and various philosophical subdisciplines. Often theorists fail to engage across these boundaries. Mallon's *The Construction of Human Kinds* stands out from other work in social metaphysics by using recent research in evolutionary psychology and cognitive science to defend particular views and more generally a naturalistic account of social construction. In addition to focusing on metaphysics, Mallon also discusses issues in areas including ethics, philosophy of science, philosophy of mind, and philosophy of language. The dialogue between research in different disciplines and across philosophy is welcome and enlightening.

Mallon understands social constructionist accounts as involving explanations of "the existence or features of [a] category by appeal to our practices of representing it" (1). On his view representations of categories are "a crucial part of the mechanism by which" categories are constructed, although it will not always be obvious that categories are constructed and they might be widely believed to have natural essences (8). He argues that both categories (social kinds that are part of a metaphysical theory) and representations (concepts, expressions, theories) are socially constructed.

The book is divided into three parts. In part 1 (chaps. 1–5) Mallon develops a naturalistic account of social construction of human categories and discusses causal significance, moral responsibility, and failures of self-knowledge and agency. In chapter 1, Mallon argues, contra many working in philosophy and social science, that race is not a modern invention. Instead, by looking to experimental work in evolutionary cognitive science, he argues that essentialist thinking is innate and typ-

ical of humans. In chapter 2 he begins to develop a category constructionist view that can explain both how categories are constructed and how categories can have causal significance. He argues that a representation becoming common knowledge is central to the construction of social roles or categories. For instance, he states that "social roles are structured by representations of categories" and that "many or all of the beliefs and evaluations in the conception of the role are common knowledge in the community" (58). He argues that common knowledge explains the causal significance of constructed human categories. In chapter 3 Mallon further develops an answer to how social roles can become causally significant categories or kinds. He argues that common knowledge of representations of a category can be causally significant through (i) influence on intentional action, (ii) effects in automatic cognitive processes, and (iii) modifications to the material and social environment. Mallon argues that these create property clusters that can serve in inference, prediction, and explanation.

Chapter 4 turns to the connection between viewing a kind as natural and a reduction in attributions of moral responsibility. For instance, if racist attitudes are presented as natural, one might not be held responsible for them as one cannot, the thought goes, be held responsible for something natural that one cannot alter or reduce. Mallon claims that "a central reason that constructionists are interested in revelation [i.e., revealing that a category is social rather than natural] hinges in part upon a plausible empirical assumption: that when a human kind is considered 'natural' it tends to exculpate kind-typical behaviors" (118). Evolutionary psychologists have argued that reasoning from "X is natural" to "X ought to be the case" or "X is morally permissible" is fallacious (e.g., Steven Pinker, *The Blank Slate: The Modern Denial of Human Nature* [New York: Viking, 2002]). They argue that the social constructionist motivated to reject biological evolutionary accounts is wrongly inferring an "ought" from an "is."

While such reasoning is fallacious, it is not clear that any social constructionists are relying on moral hazard arguments. Instead, social constructionists, including Mallon himself, tend to argue that purely biological or genetic theories of race, gender, or other human kinds fail for explanatory reasons. Given the failure of biological theories and a motivation to explain widespread social patterns, they argue for social views of kinds. Even if one is concerned with moral hazard or social justice, such concerns need not undermine explanatory or realist inquiry.

In chapter 5 Mallon considers a tension between intention and ignorance that appears to plague performative social constructionist accounts (e.g., Kwame Anthony Appiah, Judith Butler, Ian Hacking). Performative social constructionists "explain thoughts and behaviors as products of an intentional, strategic performance elicited and regulated by our representations of ourselves" (111). Yet, if gender and race are intentionally performed, why are there widespread mistaken beliefs that gender and race are natural? To solve the worry, Mallon argues that we fail to have self-knowledge about how our mental states causally explain our thoughts and actions—thereby explaining how we can intentionally act with ignorance about (at least some of) the causal explanation of our actions.

Mallon argues that solving the intention and ignorance problem by appeal to failure of self-knowledge has surprising consequences for autonomy, agency, and responsibility. He states that "systematic failures of detection and identification of

our mental states leave in question whether we have the capacity to reflect upon, deliberate about, criticize, and modify our thoughts and intentions," capacities Mallon and many others take to be essential to agency and responsibility (129–30). He concludes that autonomy, agency, and responsibility are undermined.

Given Mallon's focus on the categories of race and gender, his discussion could be put in fruitful dialogue with the long tradition of feminist scholarship on agency and autonomy. Some arguments have clear similarities with Mallon's view that agency is undermined. For instance, Diana Meyers argues that individuals are autonomous to the extent that they "survey their options guided by their self-scrutinized feelings, values, goals, and the like, and then marshall the determination to follow their own counsel" and that feminine socialization "curtails the development of autonomy" in women (Diana Meyers, "Personal Autonomy and the Paradox of Feminine Socialization," *Journal of Philosophy* 84 [1987]: 619–28, 627). Others working in the area have argued that theories that fail to allow for agency under conditions of socialization or oppression should be rejected in favor of alternative conceptions of preferences, agency, or autonomy (see, e.g., Alisa Bierria, "Missing in Action: Violence, Power, and Discerning Agency," *Hypatia* 29 [2014]: 129–45; Serene J. Khader, "Must Theorising about Adaptive Preferences Deny Women's Agency?," *Journal of Applied Philosophy* 29 [2012]: 302–17).

In part 2 (chaps. 6–8), Mallon argues that a social constructionist account of categories is consistent with realism. Chapter 6 argues that social construction accounts of human categories can be objective and cohere with basic realism. Mallon argues that discourse focused on the social can be interpreted literally (i.e., not as fiction or metaphor), can be true, and is objective. The extent to which his "metaphysically moderate" social constructionism relies on mind dependence is, Mallon argues, mundane and amendable to a realist view.

To further support the possibility of a realist social constructionist view, Mallon defends the possibility of knowledge of the social world (chap. 7) and the successful reference of kind terms (chap. 8). He supports the claim that social categories are stable enough to support knowledge, inference, predication, and explanation with evidence from evolutionary psychology and the causal mechanisms discussed in chapter 3. He makes the familiar move of appealing to an externalist causal-historical account of reference to argue that widespread ignorance about the nature of, for instance, races or genders does not undermine reference for race or gender terms. Mallon considers an additional worry for a causal-historical account of reference for theorists that take metaphysical categories and linguistic expressions to be constructed in tandem. He states that "thoroughgoing constructionists about race or homosexuality believe that *before* the first person to use racial terms or the term 'homosexual,' there was no natural, biobehavioral kind to be ostended, and by hypothesis, no social constructed kind as well" (189). If there is no metaphysical category to dub, how can a causal-historical account of reference take terms like 'Black' or 'homosexual' to refer? He considers several responses and argues that one combined with a theory of reference shift can be used to solve the worry.

In part 3 (chap. 9) Mallon concludes by comparing and contrasting his view and other views of social categories and gesturing toward connections to social progress. He draws a distinction between what he calls explanation-driven and

justice-driven metaphysics. A social constructionist engaged in explanation-driven metaphysics is seeking an account "that could plausibly support the causal power [social] categories apparently have in social life and social science" (209). In contrast, justice-driven conceptions of social construction are aimed at social progress. Mallon takes his account and Sally Haslanger's account of social categories to "differ fundamentally" in that Haslanger appeals to "normative concepts" that "have played little role in [his] explanation-driven approach" (209). Mallon takes it that there can be multiple valuable projects—some aimed at explanation, others at justice. So, while he takes the constructionist projects he and Haslanger are engaged in to be fundamentally distinct, he does not hold that only one can be correct.

Mallon began the book saying that many social constructionists have "a revelatory aim" to show that categories or traits that appear natural are dependent on the social (8). Social constructionists might want to reveal that categories are social owing to commitment to social justice or to a fear of the moral hazard of diminished responsibility (see chap. 4). They might also, however, want to reveal that categories we believe are natural are really social because it is true that the categories are social and not natural. It might be that the best explanations of social categories—explanations about their natures, causal powers, persistence, and so on—require a theory that correctly takes them to be social. For instance, Haslanger states that the point of "saying that a category is socially founded" is "to shift our understanding of a category so we recognize the *real basis* for the unity of its members" (Sally Haslanger, "What Good Are Our Intuitions? Philosophical Analysis and Social Kinds," *Aristotelian Society Supplementary Volume* 80 [2006]: 89–118, 90; emphasis mine). Elizabeth Barnes recently argued that "Haslanger's account is best understood as a form of . . . metaphysical realism" on which "social categories are things" and are "among the most explanatorily important things that there are" (Elizabeth Barnes, "Realism and Social Structure," *Philosophical Studies* 174 (2017): 2417–33, 2418). If Barnes's interpretation of Haslanger is correct, her theory involves unifying explanatory- and justice-driven metaphysics.

While Mallon states that explanation- and justice-driven conceptions might lead to the same account so that "what we should represent [categories] as being for the sake of social progress could turn out to be exactly how we represent them in our best explanations," he seems to hold that the two conceptions are often at odds (210). In particular, his discussion in chapters 4 and 9 seems to rely on the view that explanation and justice are largely—although, as he explicitly states, not necessarily—at odds.

Insofar as one is a realist, one's metaphysics should be explanatory. Some who have justice-driven accounts are not realists. I take it, however, that many social constructionists have social justice aims and are carrying out metaphysics in a way that takes explanation and realism seriously. Mallon's discussion presses us to consider whether we should see explanation and social justice as primarily in tension or in harmony.

I conclude by considering the role representation plays in Mallon's social construction account. Recall that Mallon defines social construction explanations as accounts that explain "by appeal to our practices of representing" (1). While he argues that representations can have environmental impacts, which can then have effects on categories, categorized people, and representations,

Mallon puts representation at the core of his social construction account. For instance, in the final pages of the book Mallon states that his account is "based on the idea of social roles that are structured by the representations of human categories and, over time, by the causal effects of such representations" (210).

While many social constructionists focus their theories on representation—for instance, Mallon draws comparisons to Foucault and Hacking—others place more emphasis on practices, habits, behaviors, and patterns of interaction that need not involve representation in terms of concepts or linguistic expressions. For instance, Amie Thomasson argues that class systems, economic recessions, and racial and gender biases "may come into being without the intentions or knowledge of members of [a] society" (Amie Thomasson, "Social Entities," in *Routledge Companion to Metaphysics*, ed. Robin Le Poidevin, Peter Simons, Andrew McGonigal, and Ross Cameron [London: Routledge, 2009]: 545–54, 549). Similarly, Muhammad Ali Khalidi argues that the existence of some social kinds does not require that attitudes "be directed towards the kind itself" (Muhammad Ali Khalidi, "Three Kinds of Social Kinds," *Philosophy and Phenomenological Research* 90 [2015]: 96–112, 104). While I agree that representation should be part of a theory of the social world, it might not always play the central role Mallon and some other social constructionists give it.

The notion of intersectionality, which Mallon touches on briefly in chapter 9, reinforces the idea that representation should perhaps play a less central role in a theory of the social world. Intersectionality is the concept that racial, gender, ethnicity, class, ability, nationality, sexuality, and other categorizations intersect in ways that are not additive. The concept highlights that a person's experience is affected by her identity in ways that cannot be isolated into racial experiences, gender experiences, and so on. A social constructionist account centered on representations appears to require that we have representations of intersectional categories for the categories to exist. We do not, however, have neat kind terms or conceptions for intersectional categories that causally shape experience in a deeper, more fundamental way than, say, the category of Blacks or of women. Perhaps we do have expressions or representations for these categories given that we can use combinations of terms like in "Black, able-bodied, middle-class, native-born American citizens who are heterosexual women." This is not a simple representational device, but perhaps it is representational and shared enough for a representation-focused social constructionist account.

Overall, Mallon takes on the important projects of defending social construction from anti-realist arguments and demonstrating that the social and the natural are not rivals. *The Construction of Human Kinds* also draws out issues and questions about the connections between explanation and justice and between representation and the social world that are ripe for further inquiry. The book will be of interest to many working in social metaphysics and social philosophy.

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