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The Abnormality of Discrimination: A Phenomenological Perspective

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Over the years, phenomenology has provided illuminating descriptions of discrimination, with its mechanisms and effects being thematised at the most basic levels of embodiment, (dis)orientation, selfhood, and belonging. What remains somewhat understudied is the lived experience of the *discriminator*. In this paper I draw on Husserl's phenomenological account of normality to reflect on the ways in which we discriminate at the prereflective levels of perceptual experience and bodily being. By critically reflecting on the intentional structures undergirding discriminatory practices, I argue that discrimination is characteristic of a naïve normalising attitude which is habitually interested in securing a familiar experience of a *static* normality. I first demonstrate how this attitude problematically tends to reproduce, enforce, and further sediment discriminatory and exclusionary norms. Further, I provide an internal critique which problematises discrimination—without recourse to external normative standards—on three fronts: as epistemically unproductive, experientially obscuring, and normatively non-instantiating. In discriminatory acts we see an *abnormal* refusal to enrich, revise, and *genetically* establish new normative commitments, new ways of seeing, and a new normality.



Introduction

Over the years, phenomenology has provided illuminating descriptions of discrimination, with its effects being thematised at the most basic levels of embodiment, (dis)orientation, selfhood, and belonging. What has been relatively overlooked in phenomenology, I contend, is the lived experience of the *discriminator*.¹ Though inquiries have reflected on this perspective, it is often with a focus on extreme forms of deliberate and violent discrimination, marginalisation, and hatred (Sartre 1995; Fuchs 2019; Szanto 2020; Salter & McGuire 2020). In this paper, I instead examine the intentional² structures and constitutional dimensions involved in the more pernicious instances of direct, non-deliberate discrimination. Drawing on Edmund Husserl's phenomenological account of normality, I then problematise these discriminatory practices by arguing that they result from an experientially, epistemically, and normatively problematic tending toward concordance.

To achieve these aims, my argument proceeds as follows. In section 1, I begin by defining discrimination in accordance with recent social scientific and philosophical literature before outlining in section 2 what I take to be two paradigmatic examples of non-deliberate discrimination. In section 3, I introduce Husserl's distinction between two forms of normality: *Einstimmigkeit* (concordance), as the cohering of experience with one's expectations, and *Optimalität* (optimality), as the experience of the object being of the greatest richness and differentiation, of being "optimal". Once we understand the constitutional significance of normality in both senses, we begin to see how fundamental it is for securing a sense of familiarity in experiential life. In section 4, I demonstrate how a normalising attitude underpins acts of discrimination, as it is an attitude interested in the presumptuous fulfilment of norm-guided expectations. The crucial problem here is that in many cases, a narrow, exclusionary, or even oppressive sense of 'normality' then persists at the expense of revising one's prejudiced normative, *doxic*, and epistemic commitments. This leads me to section 5, in which I argue that discriminatory practices are indicative of a misguided prioritising of *static* over *genetic* normality. My aim is to problematise discrimination on three fronts, each of which can be made sense of with respect to Husserl's genetic understanding of normality.

¹ For important phenomenological work that has focused on the perspective of the discriminator, see Ngo 2016; Fanon 2008; Sartre 1995; Al-Saji 2014; Salter and McGuire 2020; Yancy 2017; Alcoff 2006.

² By "intentional structures", I mean the patterns and guiding motivations that affect the varying ways our mind engages with, and is directed toward, objects of experience (Husserl 1970, 245). Hereon "intentional" will always denote its more technical phenomenological usage, whereas "deliberate" will be used to refer to something that is "intentional" in its more general use.

Firstly, by showing that discriminatory practices are epistemically unproductive in their refusal to learn from that which is unfamiliar. Secondly, they are experientially obfuscated, as they are a diminution in the richness and differentiation of experience. Thirdly, they are normatively impotent in the sense that discriminatory practices typically stand opposed to the instantiation of new norms. This leads me to conclude that discriminatory practices can themselves be considered *abnormal*.

1. Defining Discrimination

Phenomenological reflection is better suited for describing *how* discrimination operates at the level of embodied, perceptual, and affective experience rather than defining *what* falls under the heading of 'discrimination'. Therefore, before delving into phenomenological descriptions, I want to briefly outline the scope of acts I refer to under the heading 'discrimination'. A great deal of definitional work has been carried out on discrimination (Eidelson 2015; Lippert-Rasmussen 2014; Villiger 2022; Altman 2020). In its "generic" form (Thomson 2018, 24), discrimination effectively refers to disadvantageous differential treatment (Lippert-Rasmussen 2014, 15; Eidelson 2015, 15–16; Altman 2020). This can be formulated as treating someone worse than others and the explanatory reason for this differential treatment is that the discriminatee possesses (or is believed to possess) a property that the others do not (or are believed to not) possess. Importantly, distinctions have been drawn between 'moralised/non-moralised', 'direct/indirect', and 'deliberate/non-deliberate' discriminatory acts. In what follows, I focus on instances of discrimination which are *direct*, *non-deliberate*, and *wrongful*.

The first aspect of this definition of discrimination is that it is *direct*. In my account, 'direct' discrimination refers to instances of immediate, interpersonal discriminatory practices, whereas processes of structural, institutional, or so-called second-order discrimination are captured under the heading of 'indirect'.³ There have been attempts to make this distinction between direct and indirect discrimination mutually exclusive and exhaustive of all possible instances (Lippert-Rasmussen 2014; Altman 2020). This dichotomous distinction is contested however (Eidelson 2015, 39–70), and within this paper I maintain that the distinction between 'direct' and 'indirect' discrimination is somewhat amorphous. Important work—both within and beyond phenomenological

³ The most common example used to illustrate indirect discrimination is the 1971 *Griggs v. Duke Power* case which involved the US Supreme Court ruling that tests were being implemented to determine promotions which had the indirect effect of discrimination against Black employees, giving them a much slimmer chance of promotion compared to their white colleagues (Lippert-Rasmussen 2014, 54–55; Altman 2020). For a discussion of "second-order discrimination", see Eidelson 2015.

thought—has shown how structural relations, positional power, and oppressive social norms inform, motivate, and conceal practices of *direct* discrimination. One could even construe the relationship between 'direct' and 'indirect' discrimination to be one of mutual reinforcement. Within phenomenology there is a precedent to describe these structural dynamics of discrimination and how they manifest in first-personal intersubjective encounters. We see this in the ways W. E. B. Du Bois' notion of "double consciousness" has been repeatedly taken up (Du Bois 2019; Yancy 2012; Bernasconi 2000; Schutz 1972; 1976; Ortega 2016), in Jean-Paul Sartre's accounts of anti-semitism and "racist ideas" (Sartre 1995; 2004), and in Frantz Fanon's discussion of the colonised subject (Fanon 2008). All these accounts elucidate the complex interwoven relationship of 'direct' and 'indirect' discrimination. As I am not attempting to provide an exhaustive description of *how* discrimination arises—this would require further considerations of sociality, history, and relations of power—I consider a focus on 'direct' discrimination to be justified so long as we do not lose sight of the socio-historical *milieu* within which it takes place.

Nevertheless, phenomenological description carries interesting explanatory force regarding the prereflective, immediate, and direct interpersonal experience of the discriminator. For this reason, I hereon focus on direct discrimination which is done *non-deliberately*. This second aspect is important for present purposes as it precludes an appeal to malevolent or unjust motivations as possible explanans. If this paper is to contribute an oft-overlooked perspective on discrimination from the perspective of the discriminator, then it must describe the affects, norms, and intentional structures which motivate discrimination pre-predicatively. Importantly, this does not foreclose the possibility that the same intentional structures are also found across instances of deliberate and violent forms of discrimination. In restricting the scope of this inquiry to direct and non-deliberate forms of discrimination, we are able to consider instances of discrimination such as implicit biases, the use of stereotypes, affective reactions of suspicion or fear, and embodied acts such as misperception, staring, and avoidance.

Lastly, this paper focuses on direct and non-deliberate forms of discrimination which are at the same time *wrongful*. Rather than being merely "disadvantageous" and thus non-moralised, wrongful discrimination implies that the discrimination, despite being non-deliberate, is morally problematic. There are a number of routes to go down in terms of what makes a particular discriminatory act "wrongful". Within this paper I appeal to the argument that discrimination is wrongful if it is based on (perceived) socially salient group membership. A group is considered socially salient when it structures interaction in important social contexts (Altman 2020; Lippert-Rasmussen 2014; Holroyd 2018). This means I can wrongfully discriminate against someone because

of their race, gender, disability, or sexuality, but not their hair colour or star sign.⁴ Moreover, to avoid ambiguity, this paper is only concerned with forms of discrimination which serve to reproduce and perpetuate existing inequalities and oppressive social structures. In what follows, I demonstrate how these relations of power prereflectively guide and obscure the way we relate to one another at the basic levels of intentionality, constitution, and bodily being. In doing this, I hope to carve out additional avenues for problematising discrimination without appealing to contested conditions of injustice and wrongfulness.

2. Two Paradigm Examples

With the definitional groundwork laid out, I now introduce two sets of examples that I take to be paradigmatic cases of the kind of discrimination outlined above. The first set of examples I refer to as 'discrimination due to dissonance'. These are instances in which the discriminator perceives a dissonance between the discriminatee and the prevailing norms and social scripts of the surrounding environment. We can think of the daily discomfort non-heterosexual couples may feel if they exhibit their sexual orientation in public or how people of colour are often made to feel disoriented and excluded like they "stick out like a sore thumb" (Ahmed 2012, 41) when navigating white-coded environments (Puwar 2004). This form of discrimination occurs so long as a socially salient property (present or not) is experienced as being inharmonious with the space inhabited and its prevailing norms. The discriminatee is made to feel like what Nirmal Puwar calls a "dissonant body" (Puwar 2004, 31–54).

It is important to keep in mind that within this set of examples it is not simply that one feels out of place by virtue of the space itself, but that one is *made to feel* out of place due to the way other individuals respond to and act towards the discriminatee's presence.⁵ Of course, dissonance plays a role in more violent and deliberately calculated forms of discrimination that people experience. Here, however, I want to dwell on the more insidious, non-deliberate instances of discrimination that typically manifest in prolonged looks, observable patterns of bias, and the discomfort and exclusion that discriminatees experience as a result. This form of discrimination can manifest at such a depth of prereflective experience that it is often imperceptible to the discriminator themselves. Yet not only can such instances directly harm the agent who is experienced

⁴ This 'social salience condition' is challenged by some (Eidelson 2015; Lippert-Rasmussen 2014). For present purposes we can circumvent this debate and simply keep in view that we are concerned only with cases of discrimination embedded in relations of power and modes of oppression between groups and social identities.

⁵ There is certainly an atmospheric and spatial nature of discrimination which persists beyond an agent's direct action, but this falls beyond the scope of this paper. For a study of such exclusionary spaces, see Puwar 2004.

as dissonant, but these instances also serve to perpetuate and further sediment exclusionary norms regarding what certain bodies can *do* and where certain bodies can *be*.

The second set of examples will be referred to as 'discrimination due to misperception', wherein the discriminatee is misrecognised by virtue of a perceived property or lack thereof. Anecdotal illustrations of this are aplenty. Two such instances are described by Dawn Butler, a Black female British member of parliament who was—among many other depressing instances—addressed as a cleaner in the British houses of parliament (BBC 2016); and Alexandra Wilson, a Black female lawyer who was presumed to be a defendant three times in one day at the same courthouse (Bowcott 2020). More generally, we can think of the commonplace misperceptions that female-read doctors experience by being constantly presumed to be a nurse (Bhandari, et al. 2021). In these instances, the discriminatee is disadvantageously treated in comparison to those (typically white cis-male) doctors, politicians, and lawyers, etc. who are spared the sting, inconvenience, and disrespect effected through being misrecognised. The notion of misperception can also be extended to the aural misinterpretation of women's voices as "shrill" or "grating" when speaking out in heteropatriarchal environments;⁶ here we begin to see how the two forms of discrimination often inform one another.

Both sets of examples have been oriented around morally problematic instances of direct discrimination. The condition of them being non-deliberate is not self-evident; we can imagine that Dawn Butler was maliciously referred to as a cleaner, or that the queer couple were stared at in the street to deliberately intimidate them. For the sake of the argument, however, I presume that in each of the above examples the discriminator discriminated non-deliberately. Additionally, we can presume that in many cases the discriminator would even disavow themselves of the very prejudicial beliefs suggested in their actions.

One could remark that the above examples are not illustrative of any unique phenomenon. We react to dissonance in similar ways on a daily basis and we constantly misperceive objects and people based on faulty expectations. A person walking down the street in fancy dress might provoke a similar experience of dissonance with its accompanying stares, or someone might be misrecognised in their local café because of a new haircut. Both these examples could fall under the umbrella of *non-moralised*, direct, non-deliberate discrimination. Thus, it strikes me that at the level of phenomenal experience and intentional-affective structures, both non-moralised and moralised instances of discrimination could be taken together. But what we are interested in

⁶ For an analysis of these instances of discrimination, see Kate Manne's dissection of the treatment that Hilary Clinton and Julia Gillard received in their respective political campaigns (Manne 2018).

within this paper is how agents reproduce and perpetuate unequal and oppressive social structures at the level of prereflective embodied experience. Peculiar to these morally problematic instances of discrimination is that we can identify, in the ways in which a sense of 'normality' mediates the discriminator's experience, an intentional *interest* in upholding the normative status quo; even if this status quo—be it heteronormativity, patriarchy, colonialism, ableism—is reflectively recognised by the discriminator as oppressive and unjust.

3. Normality as Concordance and Optimality

With these examples and the definition in mind, let us now turn to Husserl's distinction between two types of normality, namely *concordance* and *optimality*. These concepts of normality, for Husserl, illuminate important intentional structures of perceptual experience and thing-constitution (Heinämaa and Taipale 2018, 287). Our understanding of what is 'normal' affects not only *how* we experience the world and its inhabitants, but also *what* we experience. An experience of the normal often corresponds to a sense of familiarity as it is indicative of the experience cohering with our norm-guided expectations.

Husserl's notions of concordance and optimality corresponds, respectively, to normality as the harmony between experiences, and normality as the clearness, richness, and fullness of experiencing (Husserl 1973a, 1973b; Heinämaa and Taipale 2018, 289). In the former, an experience is harmonious with past experiences when one's expectations or anticipations are fulfilled (Husserl 2001, 61). To make sense of this temporal structure of normality, Husserl speaks of how each perceptual experience involves an anticipation of what is to come (protentions), whilst simultaneously being informed by traces of the past (retentions).⁷ When I experience my friend turning around to walk away, I am at the same time *protending* how they look from behind and the way they comport their body when they walk, and these protentions are informed by my retentions of how their front side looked and how they have walked in the past. A concordant flow of experience is therefore described by Husserl as having a "character of fulfilment" as it is contingent on our protentions being fulfilled rather than frustrated.⁸ In the event that our expectations are not fulfilled, then the experience is felt as *discordant* (Husserl 2008, 646; 2001, §41). If my friend suddenly walks with a limp or they

⁷ For a more in-depth discussion of the temporal character of perceptual consciousness, see Doyon 2018.

⁸ "im System einstimmiger Erfahrung ihre motivierte Stelle haben, daher zu ihrem Teil immer (in etwas) Erfüllungscharakter haben oder, was gleichwertig: 'richtige' Wahrnehmungen" (Husserl 1973a, 366).

have shaved the back of their head, my protentions prove inadequate and I experience discordance.

Discordance can elicit an affective, normative, and doxic discomfort which Husserl describes as being akin to a "slap in the face" (Husserl 2001, 263). To avoid such disorientating moments of unfamiliarity, we attribute a kind of 'proto-normativity' (Loidolt 2021) to our protentions, such that we feel our expectations *ought* to be fulfilled.⁹ Thus, the sense of normality which guides our expectation is entangled with both our normative commitments and our desire to experience familiarity. Rather than superimposing a normativity on our behaviour, acts, and practices from the 'outside', phenomenology illuminates how norms are often inscribed on and instituted by an embodied subject. We comport our bodies in ways which cohere with normative expectations of how we, as gendered and racialised subjects, are expected to comport our bodies. At the same time, these modes of bodily comportment further institute norms through habituation, which can in turn delimit and constrain bodily action (Wehrle 2017).

By encountering discordance, certain affective responses and bodily reactions may be provoked in me which in themselves illuminate my normative assumptions. Why am I surprised to see this body in this space? Why are they behaving in this way? Why do I have an embodied reaction of fear and discomfort toward some people whereas others evoke a comforting familiarity?¹⁰ These questions are central for understanding, on the one hand, how our sense of normality modulates the ways in which we constitute one another pre-predicatively. On the other, they are central for understanding how socialisation and group oppression informs and mediates our very perceptual and affective experiential life (Alcoff 2006).¹¹

Interestingly, Husserl characterises experiences of discordance as anomalous (Husserl 1973b, 155; 2008, 646) rather than *abnormal*. For Husserl, abnormality instead refers to the negation of the more normatively-charged form of normality, namely, optimality.¹² While concordance describes the coherent fulfilment of expectations

⁹ As Di Huang notes, our intentions of expectation with attain a kind of "elementary teleological impulse" to be fulfilled (Huang 2022).

¹⁰ George Yancy, in his essay *The Elevator Effect*, provides an illuminating account of how racism manifests in the body that shifts nervously, the clutching of the purse, the dry mouth. All of which can be registered by the racialised subject encountering these embodied aspects of the white gaze (Yancy 2017, 17–50).

¹¹ The danger, as Linda Alcoff importantly notes, is when the phenomenological description of such perceptual experiences reaches no further than the experience itself. This risks naturalising and even fetishising racial experience, rather than understanding that any discriminatory experience "is a process *preceded* by group oppression" (Alcoff 2006, 184).

¹² Maren Wehrle shows how the different degrees of normativity between concordance and optimality can be understood in terms of concordance being a "static conception of normality" which relies on already-established norms, and

and harmony between experiences, it struggles to qualitatively differentiate between conflicting concordant orders.¹³ We can thus understand concordance to be only 'pro-to-normative' as it statically refers to and further sediments already established norms. This is contra the more normative and genetic form of normality, optimality, which we refer to when we posit something as normal in the first place.¹⁴ For example, I may visually experience my environing world in a way which is generally concordant and familiar, but if I put on glasses for the first time, the experience suddenly becomes discordant as I see the leaves of the trees with an unexpected clarity (Heinämaa and Taipale 2018, 290). Despite this initial experience of discordance, I promptly recognise that this new visual clarity is *optimal*, and it thus becomes for me the new norm.

The way in which we understand optimality need not be limited to (individual) perceptual experience. Husserl characterises optimality in two ways. Firstly, optimality occurs when an experience contributes to the richness and differentiation of the object experienced so that it has more differentiations than previously thought [*so bereichert sich für mich der Gehalt der Welt; dieselbe Welt hat mehr Bestimmungen als ich wusste*] (Husserl 1973b, 121). For example, upon discovering a new species of dog, although the dog may behave discordantly or look unfamiliar, the experience itself is optimal as it enriches my understanding of the different ways dogs may behave and look, and so on. This relates to the second notion of optimality, whereby the experienced object stands in relation to its optimal modes of givenness [*optimale Gegebenheitsweisen*]. My experience of the dog cannot be optimal if I only see it from afar or hear it in the distance. Thus, in a similar way to how concordance bears a 'character of fulfillment', an experience is considered optimal if one's intentions are adequately fulfilled (Doyon 2018).

This teleological aspect of optimality allows us to consider deviations in experience as not only alterations or discrepancies, but as *abnormal* diminutions [*Minderungen*] in the richness [*Reichtum*] of the properties of the thing experienced.¹⁵ This can be illustrated through the ways in which we take certain objects to have better or worse ways of being experienced, even if the experience itself is unexpected. Consider how one's

optimality being a "genetic conception of normality", whereby processes and objects of experience *become* normal (Wehrle 2022, 203).

¹³ If I suffer from a prolonged illness, this will then become felt as concordant, despite diverging from the norms we would prescribe for good health, etc.

¹⁴ This distinction is further supported by the work of George Canguilhem, who writes that what is "normative, in the fullest sense of the word, is that which establishes norms" (Canguilhem 1991, 126–127).

¹⁵ "und diesem wieder gehört zu die Idee einer optimalen Gegebenheitsweise oder eines möglichen optimalen Systems von Gegebenheitsweisen [...] viele Abweichungen sind nicht nur Änderungen, sondern Minderungen im Reichtum der Dingeigenschaften, die sich noch darstellen." (Husserl 1973b, 121).

experience of another subject can be regarded as better or worse depending on whether the encounter is communicatively hindered, disrupted, or even obscured by prejudice. Taking into account these aspects of 'richness' and 'differentiations' allows us to qualitatively distinguish between a concordant experience on the one hand, and a discordant but optimal experience on the other.

For our present concern, the experience of discordance can be easily identified in the first set of examples of discrimination due to dissonance. Puwar provides a telling description of one such instance:

Commenting on what it is like to attend a work-related social function, one 'black' civil servant observed: 'you feel that they are noticing you and can't quite work out what you are doing there. It's like going into a pub in Cornwall. Every one turns around when you open the door...that sort of feeling.' In a sense it is this 'What are you doing here?' look that abnormalises the presence of these 'black' bodies [...] it represents a psychical somatic collision. The presence of these bodies in this place defies expectations. People are 'thrown' because a whole world-view is jolted. (Puwar 2004, 43)

We can imagine many of the pub-goers did not deliberately discriminate against Puwar's interviewee, but the entrance of a Black body in a pub (presumably full of white bodies) was experienced as dissonant. What Puwar refers to as a "psychical somatic collision"¹⁶ is crucial for understanding the prepredicative and often embodied way in which a great deal of discrimination operates. This is not to naturalise such cases of discrimination, but to show that one's—in this case narrow—sense of normality plays a fundamental role in intersubjective experience.

Interestingly, these instances of discordance illuminate how we operate with a "tendency toward concordance" (Husserl 1973a, 430), to "which the proceeding of our experiencing is necessarily and passively directed" (Staiti 2010, 135). This tendency toward concordance plays a significant role in experiential life, without which we would be navigating the world with doxic unease, unfamiliarity, and uncertainty. Concordance accomplishes familiarity. For this reason, we often presuppose, to some degree, a continuous and concordant flow of experience (Husserl 1973d, 88). We do not merely expect our objects of experience to cohere with our past experiences, thus fulfilling our expectations; but we also presuppose that our "intentions of anticipation" [*Erwartungsintentionen*] (Husserl 1973d, 88) are *correct*. If I expect a door to open only by being pushed, I approach this door with the presupposition that my expectation will be fulfilled. I barely slow my pace, extend my arm, and am then confronted with a wholly

¹⁶ Remember how Husserl characterised such an experience as a "slap in the face" (Husserl 2001, 263).

discordant experience as my body crashes into the unbudging door. This all-too-recognisable experience illuminates how we presuppose the fulfilment of our expectations rather than being open to the possibility of being protentionally disappointed.¹⁷ Problems arise when these presumptuous expectations are informed by narrow and prejudicial norms, and then relied on to ensure concordance within intersubjective interactions.

Despite this, discriminatory practices are not only to be found in discordant experiences. In the second set of examples of misperception, discrimination occurs precisely by virtue of a *concordant* experience. In the cases of Dawn Butler or Alexandra Wilson, their experiences of discrimination at work are not simply because people do not expect to see a woman of colour in a role often filled by white men; rather, Butler and Wilson are discriminated against because people presuppose that their expectations and typifications of them are correct. When Wilson was addressed as a defendant in the courthouse this was part of a wholly concordant flow of experience for the discriminator. Only when confronted with the fact that Wilson is a lawyer does the discriminator experience a discordant disruption of their tending toward concordance. Sometimes such discordance never arises, and in these instances the discriminator's flow of experience remains familiarly concordant despite the inaccuracy of the expectations.

Such discrimination-through-concordance often arises from stereotypes being appealed to as the explanatory resource for a person's behaviour. The discriminatory nature of the trope of an "angry person of colour" (Ahmed 2012, 159), for example, does not depend on the person being *incorrectly* identified as angry. Dawn Butler could be justifiably angry in a given context, but her anger may be interpreted as typically *normal* behaviour by virtue of her being a Black woman (Walley-Jean 2009). In this hypothetical scenario we again see a case of discrimination from misperception, as the actual cause of Butler's anger is not properly attended to. Butler is discriminated against by acting in a way that coheres with the discriminator's expectations.¹⁸

Unlike the first set of examples in which the discrimination results from a felt discordance, in the second set of examples we find discrimination occurring as part of a concordant flow of experience. What is nonetheless common to each example is the discriminator's tending toward concordance. However, as this tendency toward

¹⁷ Husserl speaks of there being a "must" harboured in expectation, which, although is not an *absolute* necessity of being, does imply a necessity of *anticipated* being (Husserl 2001, 263). We approach the door as if it will *necessarily* open upon being pushed. Or in the case of discrimination, Alexandra Wilson is addressed as if she is *necessarily* in the courthouse as a defendant; her being a defendant has been necessitated in anticipation.

¹⁸ For further examples, one need only look at the long history of misdiagnoses of female-read persons. Doctors are often inattentive to their symptoms, instead explaining the patients' suffering through appeal to their stereotypically "hysterical" or "emotional" disposition, see Cleghorn 2021.

concordance is a necessary aspect of experience, by blaming such a fundamental intentional structure we run the risk of naturalising and necessitating these discriminatory practices. Instead, I want to argue that it is a problem of attitude. What we find underpinning each of these paradigmatic examples of discrimination is a normalising attitude, characterised by an *interested* and presumptive tending toward concordance.

4. The Normalising Attitude

To move from explaining *how* this tendency toward concordance operates, toward *why* it has such a grip on our experiential, epistemic, and doxic modes of being, we can understand it in light of the natural attitude. By "attitude" [*Einstellung*], Husserl refers to modes of "interest" or "directedness" [*Gerichtetsein*] toward intentional objects (Husserl 1970, 245). One's attitude consists of a framework of intentional structures through which one maintains, over time, a perspective and interest in the world. In the natural attitude we are practically interested in the world and its objective existence (Husserl 1970, 145) whereas the phenomenological attitude is the "opposed attitude of the 'disinterested spectator'" (Husserl 1970, 180; 1960, 35).¹⁹ Depending on our attitude, we subjectively engage with, react to, and are affected by intentional objects in particular ways. The question then becomes, what kind of attitude relates us to the world in a discriminatory manner? In what are we intentionally interested?

Interest can be understood as a general "habitual directedness toward goals which persist as its validities" (Husserl 1970, 137). Like the tendency toward concordance, there is a directional orientation, a leaning toward, a pursuit of ends (Husserl 1970, 138). I believe this tendency, when followed at the expense of properly experiencing anomalousness and treating it as an opportunity to reflect, can be described as a naïve, presumptuous tendency, characteristic of a "*normalising attitude*".²⁰ Husserl himself does not speak of such a normalising attitude, but we find throughout his descriptions of the natural attitude a tendency to normalise our objects of experience (Husserl 1970). As Aldea rightly notes, there is a normalising aspect of the natural attitude which is resistant to novel, deviant, or unfamiliar possibilities (Aldea 2020a; 2020b). This means there is an "*endorsed, accepted finality* coating our experience of possibilities" (Aldea 2020a, 310), such that we see a generalised interest in securing that which is familiar and expected.

¹⁹ Although not crucial for the present argument, it must be noted that within the natural attitude one adopts other attitudes which dictate how one is pulled to varying degrees by different affective significances. As Husserl writes, "the natural world *remains 'on hand'* afterwards, as well as before, I am in the natural attitude, *undisturbed* in it by the new attitudes." (Husserl 1983, 54–55).

²⁰ This notion of 'normalising attitude' is indebted to Aldea's work on the 'normalising stance'. Aldea opts for 'stance' [*Stellung*] instead of 'attitude', as she writes that she wants to outline a stance that primarily pertains to the natural attitude, but which also cuts across the personalistic, naturalistic, objectivistic, and phenomenological attitudes (Aldea 2020a, 307).

Our normalising attitude is interested in our expectations being coherently fulfilled to avoid the possibility of being thrown and affected by a surprising sense of doxic unease, frustration, and unfamiliarity. To have the greatest chance of avoiding this discordant unease, we rely on 'types' as a cognitively and epistemically efficient resource of readymade anticipations. Types delineate the system of lived possibilities or conceivabilities [*Denkbarheiten*] of a lived experience (Aldea 2020a, 308; 2020b, 285). A conceivability correlates both to what we can retentionally recall from past experiences, and what we deem protentionally possible. We can think of how 'dog' is a type of animal with a set of typical attributes and modes of behaviour. The type 'Irish setter' then has its more specified ways of behaving, running, and sounding that distinguish it from other types of dogs (Husserl 1973d, 331; Schutz 1976, 233–234). This analogy of the typical dog can be extended to the objective world of physical objects, as well as the subjective social world of groups of people, such as female-read persons, police, parents, etc. In the normalising attitude, we seek swift resolutions for epistemic and normative conflicts (Aldea 2020b, 287), such that when these resolutions are not immediately possible, we experience a "thrownness" until a familiar sense is reconstituted.

In a novel formulation, Puwar characterises this thrownness as a "psychical somatic collision" (Purwar 2004, 43) which alludes to how discrimination can manifest in embodied and affective responses to discordance. Whereas Husserl illustrated this form of collision in an example of the disorientation we feel upon discovering a person in a shop to be a mannequin, Puwar is concerned with how institutional sites are saturated with exclusionary somatic norms. When bodies which were hitherto outside these sites (in a socio-political sense)—such as British parliamentary buildings, academia, and the art world—are physically on the inside, then those who constitute the somatic norm (the '*normative insiders*') experience disorientation, discomfort, or even terror (Puwar 2004). The thrownness which Puwar speaks of often manifests in a 'double take', or even worse, suspicion and surveillance (Puwar 2004, 144–145). Certain sites amplify the affective force of these collisions as they are typically oriented around a white, masculine, heteronormative subject. This means that inquisitive, suspicious, and threatening looks are commonplace forms of subtle and non-deliberate discrimination for many people who do not constitute the somatic norm.

Interestingly, the discriminator's embodied response to a psychical somatic collision may belie their reflective beliefs whilst illuminating their normative assumptions. These insidious forms of non-deliberate discrimination often stem from a sphere of embodied affective experience more primitive than predicated beliefs. An object of experience can affect us in such a way that our bodily movements tend towards it (or

away in flight) despite this act not being apprehended doxically (Husserl 2020, 115).²¹ The Cornish pub goers may believe themselves to be welcoming toward non-white bodies, but their responses at the somatic level say otherwise (Yancy 2017, 21).

The normalising attitude can thus be seen as the habitual interest in securing affectively, epistemically, and normatively familiar experiences. Forms of implicit, non-deliberate, and subtle discrimination as described above are paradigmatic examples of how this normalising attitude problematically manifests. Stereotypes and prejudices are heavily relied upon to inform expectations, whilst any encounter with dissonance is reacted to with resistance or discomfort, rather than as an opportunity to revise and renew one's doxic, epistemic, and normative commitments. Whether it is the white, cis-male politician who mistakes his Black female colleague to be a trespasser, or the white pub goers who quizzically look at the arrival of the Black 'outsider'; in both cases the discriminator, unlike the discriminatee, stands in a harmonious relation to the prevailing norms. We thus begin to see how certain subjects in the normalising attitude have a prereflective *interest* in maintaining and reproducing the dominant somatic norm (if they stand in alignment with it), even if they reflectively consider it to be exclusionary and oppressive. This normative layer of 'interest' at the level of experience is particularly troubling as the agent's tendency toward concordance is unreflectively informed by prejudicial social norms and oppressive power structures. Not only do they then have this attitudinal interest in securing familiarity, but this familiarity comes at the expense of acknowledging the normative standing of more marginalised, oppressed, and non-conforming bodies.

5. Problematising Discrimination

In this section I want to problematise and critique discrimination at an internal, even immanent level.²² In the previous section, the problems arising from the normalising attitude have depended on an understanding of external factors, such as forms of oppression and exclusionary norms. Here, however, I show how these oft-undetected acts of discrimination also present problematic epistemic, experiential, and normative implications. This means that the following critiques will not only be applicable to instances of wrongful discrimination, but also to some interpersonal encounters within which we tend presumptuously toward concordance but with results which could not be considered *morally* problematic. The aim is thus to enrich more structural approaches to discrimination with a perspective at the level of prereflective perceptual experience and bodily being.

²¹ See Spano 2022, for an illuminating discussion of how Husserl, in *Studien zur Struktur des Bewusstseins (Teilband III)*, understands our 'tendencies', 'actions', and 'drives' to manifest both voluntarily and non-voluntarily.

²² For a detailed account of how Husserl's methodology of phenomenological reflection can be considered a form of (radical) immanent critique, see Aldea 2020b; Aldea et al. 2022.

As I have shown, the normalising attitude pervades discriminatory practices and tendencies. In the normalising attitude, a wholly *static* understanding of normality is operative, whereas normality, in its truest sense, must also be considered *genetically*. Husserl writes that normality is "constituted on the basis of factual differences" and "is not fixed once and for all but is in a constant process of becoming" (Husserl 1973c, 154–155; 176–177). The norms which guide our typifications, doxic expectations, and epistemic commitments, are not fixed but should be the subject of constant reflection. To shy away from opportunities for instantiating new norms is, to some extent, to shy away from one's normative capacity.²³ In the examples of 'discrimination due to misperception', the discriminator exhibits a normative impotence as they refuse to even acknowledge a disruption to their normative framework. The normalising attitude prioritises one's own normative commitments to such an extent that a genetic understanding of normality is foreclosed.

In addition to this normative impotence, our excessive tending toward concordance incurs epistemic costs and experiential obfuscations. The epistemic costs are intertwined with what is obscured in experience. In the examples of 'discrimination due to dissonance', the discriminator is being confronted with anomalousness—with a discomfiting "*unassimilability*" (Al-Saji 2014, 158). Such discordant encounters "put our own possibilities into question in an alienating, shocking, or amazing fashion before we enter into our own wanting-to-know and wanting-to-understand situation" (Waldenfels 2011, 36). However, this wanting-to-know often manifests in embodied acts of suspicion and discriminatory practices of surveillance and inspection. In the natural, normalising attitude this is felt as an affront, as a relativisation of what was previously taken-for-granted as given. Most often, as in the example of the Cornish pub goers, the discomfiting unassimilability of discordance is only momentary and manifests in the embodied turning of heads or suspicious looks. More probing instances of wanting-to-know, however, include discriminatory questions non-white people face, such as: "but where are you *from*?", "can I touch your hair?", or the violent staring, questioning, and inspections which trans*people face with respect to their anatomy. In the normalising attitude we impose a requirement on how our experience must unfold.²⁴ Divergence from the norm—from one's horizon of possibilities—is then greeted with a hostility, resistance, or even exoticisation which precludes reflection and dialogue.

²³ As Georges Canguilhem writes, to be normal is to be normative – normative in the sense of being capable of establishing new and organic norms (Canguilhem 1992, 139). This is in comparison to the "sick man [who] is not abnormal because of the absence of a norm but because of his incapacity to be normative." (Canguilhem 1992, 186)

²⁴ "To set a norm (*normer*), to normalize, is to impose a requirement on an existence, a given whose variety, disparity, with regard to the requirement, present themselves as hostile, even more than an unknown, indeterminant." (Canguilhem 1992, 239)

Yet discordance can be epistemically and doxically enriching. Discordance illuminates the limits of our own perspective, the norms which guide our expectations, and the conceivable horizons which we impose on our surrounding world. Rather than treating the source of discordance as something to be inspected and surveilled, discordant encounters should instead be greeted from a position of epistemic modesty (Jacobs 2013) and responded to by critically reflecting on—and in some cases revising—one's epistemic commitments. Gadamer writes that knowledge "consists in the fact that it is able to conceive of possibilities as possibilities. Knowledge is dialectical from the ground up" (Gadamer 2013, 373). Discrimination, on the other hand, is monological from the top down. Rather than seeing the presence of a "dissonant body" as an opportunity to gain knowledge through revising their doxic and epistemic commitments, the discriminator seeks refuge in a taken-for-granted sense of normality. These encounters should instead prompt *self*-reflection on the fallibility of one's own taken-for-granted norms, thus carving open new possibilities regarding which bodies can constitute and contribute to the somatic norm in any given context.

In the cases of 'discrimination due to misperception', there is an imposition of a matrix of intelligibility on a marginalised subject. What the discriminatory nature of these examples illuminates is precisely the inadequacy of this matrix. These inadequacies can be understood to derive from our "blinkers of habit" (Husserl 1983, 193; see also Al-Saji 2014, 139; Salter and McGuire 2020), which marginalise unfamiliar and unexpected perceptual data for the sake of securing familiarity. For example, Wilson and Butler did not fit the subjective 'type' of lawyer or politician expected and were instead made intelligible through the alternative typifications associated with Black women within these sites. The discrimination in these instances, and innumerable others like them, express an interest in, and over-reliance on, inadequate typifications. The discriminator's perception was obscured such that the discriminatee was seen and interacted with as if their function or purpose for being there was already known. Epistemically, the discrimination in this case did not merely involve the discriminator 'missing the mark'; the discriminator missed the mark but acted as if they did not.²⁵

Even in the example of a trope which seemingly corresponds to reality, similar problems arise. If an optimal experience is that which contributes to the richness and differentiation of the object experienced, to experience someone's behaviour as stereotypical behaviour is to do anything but contribute to the richness and differentiation

²⁵ Tamar Gendler approaches the epistemic problem of discrimination from a different angle, instead showing how implicit biases incur epistemic costs through the notion of 'alief'. Gendler draws on empirical studies to look at the tangible epistemic costs in terms of cross-race face identification, asymmetric feature selection, and in stereotype threat (Gendler 2011).

of that person.²⁶ Although most of our intersubjective experiences do not enrich or further differentiate the person we encounter, to rely on a stereotype for explanation is to do precisely the opposite; namely, anonymise and homogenise them (Schutz 1976; 1972). The individuality of the person is substituted for their being treated as an interchangeable unit of a homogenous whole.²⁷ It is a diminution on the richness of the discriminator's experience and on the individuality of the discriminatee as they become predetermined according to a stereotype (Schutz 1972, 190).

Lastly, discrimination can be further problematised at the *proto-normative* level (Loidolt 2021, 158–159). I agree with Husserl that it makes little sense to speak of concordance originally instituting norms, but it certainly plays a normatively significant role in sedimenting them. Moreover, it seems to me that experiences of discordance are normatively significant as they compel us to thematise the fallibility of the very norms which guide our expectations. Discordant encounters provide us with opportunities to not only critically reflect on taken-for-granted norms, but to also revise and re-establish norms anew, thus widening our horizons for how things *ought to be*. Given how much non-deliberate discrimination occurs at the somatic level, what is needed is not merely a cognitive shift in perspective (Yancy 2017, 21). The critical reflection required must also engage with how one's embodied reaction to 'deviant' bodies further reinforces exclusionary somatic norms.

In discriminatory acts we see a normalising interest in stabilising concordance at the expense of establishing *new* norms. If normality should be constituted on the basis of factual differences (Husserl 1973c, 154–155; 176–177), then practices which hold firm to incongruent norms are at odds with this proto-normative teleology—let alone if these norms are also exclusionary and oppressive. Discrimination relies on this rigid sense of normality which is both epistemically and normatively encumbered by a naïve interest in familiarity.

²⁶ C. Thi Nguyen writes about the dangerous "seduction of clarity" whereby a "sense of clarity can bring us to end our inquiries into a topic too early" (Nguyen 2021, 232). I believe this is what is at stake in these cases of stereotyping in which the epistemic cost is not immediately clear. Instead of inquiring into the genuine motivation for that person's behaviour, beliefs, or emotions, the discriminator ends the inquiry prematurely because the stereotype was able to be concordantly employed.

²⁷ To pre-empt a possible concern, this dimension of typification is why the probing questions mentioned above (the person who asks, 'but where are you *from*?' or who enquires into the anatomy of a trans*person) do not demonstrate instances of optimality. Although it may be argued that the person wants to 'enrich' and therefore 'optimise' their understanding of blackness or transness, their questioning is merely directed toward arriving at an *undifferentiated* typification. It may therefore be worthwhile exploring in greater detail what Thiemo Breyer has called an "ethos of attention" whereby we are attentive to the other in their individuality, not in certain aspects of them that we find affectively alluring (Breyer 2015, 152).

In both paradigm examples of discrimination this paper has drawn on, we see how the discriminatee has fallen outside of the normative expectations of the discriminator. Whether by virtue of being a person of colour in a white-coded environment or being a non-heterosexual couple in a heteronormative space, a static conception of normality has been foregrounded at the expense of its richer genetic alternative. Irrespective of whether the discrimination has been enacted within a concordant flow of experience or a discordant disruption, the discriminator—by virtue of their discriminating—has themselves acted, in some sense, *abnormally*. The abnormality of discrimination rests in its over-reliance on static norms, its fixation on homogenising types, and its refusal to enrich, revise, and dialogically establish new normative commitments.

6. Concluding Remarks

In sum, phenomenology contributes an important perspective on the embodied, spatial, affective, and normatively charged intentional structures which both guide and obscure our experiential life. Within this paper I have argued that discrimination has an attitudinal character which can be located in our normalising tendency towards concordance. Our mere tendency towards concordance is an integral aspect of experiential life and is not problematic *per se* for the constitution of the social world. What I have attempted to problematise, however, is the misguided *constitutional significance and priority* granted to concordance over optimality when relating to the world from the normalising attitude. As concordance is secured by the fulfilment of norm-guided expectations, a troubling implication of this normalising attitude is the way in which exclusionary hegemonic norms are enforced and sedimented at the levels of (affective-)intentionality and habit.²⁸ Phenomenological reflection also provides the means to perform an internal critique which need not appeal to presupposed relations of power and domination. Rather than recognising discordant encounters as enriching and further differentiating in terms of one's doxic and normative commitments, the discriminator resists, assimilates, or is alienated by the unfamiliarity. It is for this reason that we can understand discriminatory practices themselves to be abnormal in a normatively significant manner. Discrimination impedes, obfuscates, and diminishes the discriminator's experience.

²⁸ See also Ngo 2016.

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