



Book Symposium

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Response-Dependence, Misgendering, and Passing: A Comment on Ásta's *Categories We Live By*

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Abstract: This comment on Ásta's *Categories we live by: the construction of sex, gender, race, and other social categories* discusses Ásta's arguments that the conferralist view on social properties does better than a response-dependence view concerning gender. Her key argument is that a response-dependence does not allow for mistakes. This comment tries to show that a response-dependence view can accommodate misgendering and passing.

Keywords: Conferralism; Gender; Response-dependence; Misgendering; Passing.

Ásta's book "Categories we live by"¹ is extremely rich and rewarding. She presents a very useful account of social construction in terms of *conferred* properties, and she applies this account to debates about the metaphysics of sex, gender, race, and other categories of social significance. I am very sympathetic to her account. In this note, I would like to focus on one specific aspect of her account of social construction, namely, the distinction she makes between the notion of conferred properties, on which her account of social properties relies, and the alternative notion of response-dependent properties, which in her view cannot account for the nature of social properties. This narrow focus does not do justice to the philosophical richness of the book, but this is one of the few points where my views differ from Ásta's, and I hope that focusing on the details of her argumentation can help to enrich the discussion. I also hope that all the different elements of Ásta's book get to be as widely discussed in the literature as they deserve.

¹ Ásta, *Categories we live by: the construction of sex, gender, race, and other social categories*. Oxford: Oxford University Press, 2018. All references are to this book.

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In order to explain the difference between her conferralist account of social properties, and an alternative account in terms of response-dependent properties, Ásta says:

When attempting to account for communal properties like being popular, a witch, or a woman, I think it is not ... merely that the presence of some feature causes the behavior of other people to be a certain way, but that those other people *judge* or *take* that feature to be present. ... And on the response-dependence account, the feature *causally determines* the response of the conferrer. A response-dependent theorist treats social properties like nausea: something in that delicious-looking sandwich induces queasy feelings in you and causes you to puke. Likewise, features of people cause us to respond to people in particular ways, including pronouncing them married, classifying them, and treating them in certain ways (24–25).

And then she adds: “A variant of the response-dependent account focuses on the disposition to cause a certain reaction in subjects, but the argument applies equally well in that case” (25, fn. 20). And she continues:

[T]here is a specific problem for the response-dependence theorist who wants to account for social properties. This is allowing for the cases where people are misclassified. To go back to our earlier example of baseball, how can the response-dependence theorist accommodate the intuition that the umpire is wrong when he calls a strike? ... On the conferralist account, there is a fact of the matter as to what the physical trajectory is, and the umpire can be wrong about that fact, and in judging that fact incorrectly bring into being a new institutional fact, which is the baseball fact that the pitch was a ball or a strike. [This option is not] available to the response-dependence theorist. The umpire is simply causally determined to either call a strike or a ball. Just as there is no sense in saying that I am wrong in getting nauseated by anchovies – it is merely a chemical reaction I am having – so too is there no sense in which the umpire should not have had the reaction to the pitch that he had (25).

That is to say, Ásta argues that the response-dependent account of social properties cannot allow for the possibility of miss-classification, whereas the conferralist can, precisely because the conferralist account distinguishes between the property the conferring subjects are trying to track (the *base property*) and the new, conferred property they bring about. According to Ásta’s account, even if the conferring subjects cannot be wrong about the conferred property (since it is constitutive of the implementation of this property that the relevant subjects confer this property to the object), they can still be wrong about the base property they are trying to track. For instance, the umpire can be wrong about the physical property they are trying to track when they call a strike, although if they call it a strike, then it is thereby a strike. But according to the response-dependence account, either the objects cause the subjects to issue a certain response or they do not, and there is no space for error, or so Ásta argues.

In order to illustrate this objection, Ásta focuses on the case of gender, and she argues that whereas the conferralist account can account for misgendering (that is, cases where the subjects make a mistake when they ascribe a certain gender), the response-dependent account cannot. The argument goes as follows:

The response-dependence picture of social properties like being of a certain gender, looks like this:

A person P is of a certain gender G in context C iff P induces response R in subjects in C

For example:

P is a woman iff P causes people to have a “woman-reaction” to P.

This sort of account makes it impossible to make sense of misgendering (when someone is mistaken about a person’s gender) and passing (when a person passes as a member of a certain category), as people’s responses are completely involuntary and there is no room for any sense of “getting it wrong” (26).

In what follows I want to argue that the response-dependent account can also make sense of *misgendering* and *passing*. I will focus on the dispositionalist version of response-dependence accounts of social properties, which we can formulate as follows:

A person P is of a certain gender G in context C iff P has a disposition to induce response R in subjects in C in *manifesting conditions M*.

In my view, this dispositionalist can account for the possibility of misclassification as follows. For example, a person P might have a disposition to induce response R in subjects in manifesting conditions M, but there can be a situation where P is not in manifesting conditions M, and in this case P *does not* induce response R in the relevant subjects, even if P has a disposition to induce that response in the manifesting conditions.

Ásta is right that on the conferralist account, this case would count as a case where P *does not* have gender G, since the subjects do not confer the property to P, whereas on the response-dependence account, this would count as a case where P *does* have gender G, even if P does not actually induce response R in the relevant subjects, because P is still disposed to induce response R in the relevant subjects in manifesting conditions.

In my view, both views can be politically useful. Sometimes we want to emphasize the fact that subjects confer a social property (that is, a class of constraints and enablements) regardless of whether person P has the base property that the subjects that do the conferral aim to track. Conferralism can account for this.

But in other contexts we might be interested in emphasizing the fact that some individuals are disposed to induce some responses in certain manifesting conditions, even if there are some exceptional conditions where they do not actually induce such responses, but the individuals still have the disposition to induce the relevant response. It might be politically useful in some contexts or for some purposes to highlight the fact that they are *disposed* to induce such response, and this might be the politically relevant fact, when it comes to issues such as compensation, affirmative action, and so on, regardless of whether the relevant dispositions have been manifested or no.

How can we account for misgendering and passing, on the response-dependence account? Misgendering occurs when one person is disposed to induce the relevant “gender-response” in the relevant subjects in manifesting conditions, but there are some situations where this person does not actually induce that response in the relevant subjects. So in these situations this person is perceived to have a gender that is different from the one they actually have (that is, the disposition they have but fail to manifest in this case).

On the response-dependence account, this person actually has gender G but the subjects fail to notice it, that is, they *misclassify* them as having a different gender. On the conferralist account, this person does not have gender G in this situation since they fail to induce response R in the relevant subjects.

In a sense, then, the response-dependence account can better make sense of misgendering, since the subject is wrongly perceived as having a gender they do not have, whereas on the conferralist account, the conferring subjects do confer the gender that the individual really has (since the conferring determines their gender), although the conferring subjects can be wrong about the base property they were trying to track (but they cannot be wrong about the gender property itself).

Regarding *passing*, on the response-dependence account a person P might have the disposition to induce the gender-G1 response in the relevant subjects in manifesting conditions, although in a certain situation where the manifesting conditions are not instantiated, P might fail to induce response G1 and instead induce response G2 in the relevant subjects.

On the response-dependence account, person P is actually gender G1, but they are misclassified as having gender G2. On the conferralist account, in this case person P is actually gender G2, although the subjects that confer the property are wrong about the base property they were aiming to track, but not wrong about gender itself (so there is a sense in which this is not passing strictly speaking).

In my view both accounts can be politically useful. They highlight different patterns of similarity: whereas the conferralist focuses on the *actions* of the subjects who do the conferral, the response-dependence account focuses on the

person's *dispositions* to induce responses in manifesting conditions. I believe that Ásta's careful discussion can help us to distinguish these two different but equally useful accounts of social properties.

It could be argued, though, that the dispositionalist account I have developed in this note cannot really account for the epistemic dimension of the claim that the subjects who do the conferral can get the base property *wrong*. On the response-dependent account, either the relevant entities or individuals are disposed to issue a response on behalf of the relevant subjects, or they do not, but it is not clear how this account can allow space for an *epistemic* appraisal of the relevant subjects issuing a response. That is to say, whereas the conferralist account can say that, for instance, the umpire was wrong to call a certain ball a strike because it did not have the base property, the response-dependent account can only say that the ball had the disposition to induce the strike-response on behalf of the umpire or it did not, but there is no space here for an epistemic evaluation of the action of the umpire. In my view, this objection underestimates the potential of the response-dependent account. The advocate of the response-dependent account of social properties can very well focus on cases in which there are subjects who aim to track certain base properties of certain entities or individuals, and we can then formulate a useful notion of *social property* that refers to the *dispositions* of these entities or individuals to issue a certain response on behalf of those subjects who are attempting to track a base property. Thus, we can talk about whether the response of the relevant subjects that was induced by the relevant entities or individuals got the base property right or wrong. What this dispositionalist account can highlight is the fact that some entities or individuals have a disposition to issue a certain response, where this response can be a complex matter, such as certain subjects issuing a response when trying to track an allegedly underlying property of the individuals. As I argued above, the fact that some individuals have this disposition can be politically relevant in some contexts, regardless of whether the disposition is manifested or not. But of course Ásta is also right that the fact that some subjects actually did the conferral (or issued the response) can also be very politically useful.²

² I am grateful to the audience of a panel on Ásta's book at the *Social Ontology 2019* conference in Tampere, and especially to Ásta for her helpful response to these comments at the conference.