



## Book Symposium

Ásta

# Response to Critics

<https://doi.org/10.1515/jso-2020-2007>

**Abstract:** This is a response to the critical comments by Åsa Burman, Esa Díaz-León, Aaron Griffith, and Katharine Jenkins.

**Keywords:** Conferralism; Social categories; Economic class; Response-dependence; Social structure; Intersectionality; Social construction.

## 1 Introduction

I want to begin by thanking my commentators, Åsa Burman, Esa Díaz-León, Aaron Griffith, and Katharine Jenkins, whose deep engagement with my work is heartening. One might think that the worst predicament for a philosopher were to toil away in obscurity. Far worse is it to be read only superficially, with no one really engaging the ideas or probing the boundaries of the theory. It is like being in a room full of people, but not making a single connection. Close, yet so far away.

On the contrary, I am blessed with commentators who betray a deep understanding of my normative commitments and methodological approach as well as a sound knowledge of social metaphysics. They each raise serious and probing concerns regarding the theory I offer. While I am more optimistic about the adequacy of the theory than they are, the engagement itself offers a real sense of communion, for which I am immensely grateful.

## 2 Åsa Burman

What is the scope of the theory offered in *Categories*? I say that I want to give a metaphysics of social categories like sex, gender, race, and disability, but that the theory should be broad enough to account for any social category of individuals.

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Does it do that? Burman thinks not. Not only does it appear that there are social categories that the theory cannot account for, the central one of *class* appears to be unaccounted for. This might not be such a problem for some theorists, but for me – who am motivated by social justice concerns and whose theoretical aim is to cast light on the mechanisms that create and sustain unjust arrangements – this is a potentially decisive blow.

Burman is right to highlight what sorts of examples are taken as paradigm examples for a theorist. These are the cases that guide the theorizing itself and the theory in question has to get right. The choice of the paradigm cases reveals the values of the theorist: these are the phenomena the theorist thinks needs explaining, and they, in turn, constrain their theorizing.

In giving an account of the construction of social categories, I wanted to capture a particular type of social construction, which is the one involved in the slogan *gender is the social significance of sex*. On that conception, sex is biologically given, but gender is socially constructed and connected to sex by being the social meaning of sex. I do not subscribe to that slogan, as readers of my book will know, but that is the type of social construction I aimed to capture. The question then is: what is it for something to be the social significance of something (else)? I answer that question by answering this one: what is it for a feature of an individual to have social meaning in a context? The answer I give is this:

a feature B has social meaning (significance) in a context in which individuals taken to have B (they need not actually have it) are conferred upon them another feature F, which is a social status and consist in constraints and enablements on their behavior in the context.

Have I captured everything one might want to capture with the notion of *social meaning* or *social significance*? No, I have not. I have offered a certain *conception* of social meaning. On this conception, a feature has social meaning in a context just in case people are treated differently in the context if they are taken to have the feature. But a feature can be “socially meaningful” in a way that this conception does not capture. For example, I might be bulimic and deeply ashamed of my bulimia. As a result I decline to partake in various activities, such as going hiking on a sunny day, so I can fuel my bulimia. Over time this leads to social isolation and various changes in people’s behavior towards me and me towards others. This sort of case is one where my bulimia certainly has social significance, on an ordinary understanding, but is not captured by my conception, nor is it intended to. I would rather describe this as *social consequences* of my having the feature (see Chapter 2), and involve a different conception of social construction to understand the case. This is also the way I would respond to the objection raised by Barnes and Andler (forthcoming) concerning disability.

So there are definitely phenomena that someone might want captured by a conception of the social meaning of a feature that are not captured by my conception. I do not think that is a problem, as long as we are clear about what sort of social significance we are after, and as long as this notion can do the explanatory work it is supposed to do.

The social significance I am after is how it changes what you can and cannot do in the particular context. It is the constraints (and enablements) that come with the role you play *in the context*. The context is a specific context you find yourself in, in the case of communal features, and the institutional context governing your actions, in the case of institutional features.

Gender is a paradigm case for me. However, even if we assume that my account does justice to the construction of gender, the question remains whether this notion of social construction and social meaning is really adequate for accounting for the metaphysics of all social categories of individuals. Perhaps the two aims pull in opposite direction here: theorizing the type of social construction involved with gender, on the one hand, and offering a general metaphysics of social categories of individuals, on the other. Burman seems to think that it does. I think the framework I offer has more explanatory power than may appear at first glance, but let's look at it closely, and focus on class.

What is class? Is class socially constructed? Is class best thought of as a social category of individuals? There are a lot of features of individuals that have social consequences, but that does not make those features themselves social and thus the category of individuals defined by that feature may not be a social category. For example, being tall may have social consequences (as well as social significance, in my sense) such that a tall person may not be able to participate easily in certain social activities (micro golf where participants have to walk through doors that are 1 m high?). This by itself does not make being tall a social property and thus tall people are not a social category. This is so even though being tall may have social significance in a context such that people taken to be tall get conferred onto them a social status (*giant troll?*) and treated differently as a result.

What type of feature is the feature of being of a certain economic class? Your class status is defined by the relation you stand in to the means of production. Your membership in that class and the existence of the class itself does not seem to lend itself naturally to a conferralist analysis. Here Khalidi's classification of social kinds is helpful (Khalidi 2015). Khalidi identifies three types: the kind where neither the existence of the kind nor membership in the kind depend on human attitudes. Thomasson's recession case (Thomasson 2003) is an instance of that kind. The second case is such that the existence of the kind depends on human attitudes, but membership does not. An institutional kind like money may be a good example. The third kind is such that both the existence of the

kind and membership in the kind depend on human attitudes. Perhaps cocktail parties are such a kind. I maintain that communal kinds of individuals like genders and races are of the third type, although I do not think that the attitude in question need be *propositional*. I also hold that institutional kinds of individuals, and membership in such kinds, are dependent upon human attitudes, but the story is a bit more complicated. However, it seems that class is best analyzed as a kind of type 1. Is this a problem?

I did not intend for the conferralist framework to work for all social categories. In particular I was sure that social phenomena like recessions were not to be understood using the framework. Something is a recession just in case it meets a certain mathematical specification, irrespective of whether there are any people there to believe that it does or have any other attitude about it. Similarly the kind *recession* exists even though no people have ever had any attitudes towards it. Perhaps there was a recession in ancient Babylon, even though no one would have recognized it at the time. So there are social categories that my theory was not meant to handle. I tried to specify the scope of the theory by saying that I wanted to account for social categories of individuals. So now I am faced with the following choice: say that class is not a social category of individuals; say that class is a social category of individuals but that my theory does not deal with it and specify the scope of my theory in a different way. Let me address each.

## 2.1 Deny that Class is a Social Category of Individuals?

I can deny that class is a social category of individuals and say instead that it is a material category. While being of a certain economic class may be a relational feature (you have it just in case you stand in certain material relations) and may be thought of as social in some sense of the word “social”, it is not social in the same way as being a biological parent of someone is not social. Being a parent is social, but merely standing in the biological relation is not.

How satisfying is this option? Burman rightly points out that my discussion of class in *Categories* is really a discussion of social class, not economic class. My theory does account for the phenomenon of social class, as it excels at illuminating mechanisms that track stigma and privilege and social class is just such a phenomenon. However, it is not helpfully applied to economic class, even though, of course, it well accounts for the social significance of economic class in a context. This will be disappointing to people who see economic class as the central phenomenon that the theory ought to explain. They may think that what my theory offers, at best, is an account of the ideological mechanisms that partake in the construction of social categories of individuals, but be limited by that.

## 2.2 Redefine the Scope of the Theory?

If I agree that being of a certain economic class is a social feature of an individual that the theory, as stated, ought to account for, then I am faced with the problem that the conferralist framework seems ill equipped to deal with it, as we saw above. I can then say that *social* categories of individuals include *communal*, *institutional*, and *material* (and perhaps others?), but that the conferralist theory only deals with communal and institutional categories of individuals.

I am at present unclear which of these two options is the better one. One may be tempted to think that the issue is merely verbal, but I think it is a deep issue and concerns what it is for a phenomenon to be a social one at all. I am of the opinion that current available answers to that are not very satisfactory (see Ásta 2017 for a quick view of current approaches).

## 3 Esa Díaz-León

Díaz-León urges me to take a response-dependence approach to social properties more seriously than I do in *Categories*, where I am perhaps a bit too dismissive. One main objection against a response-dependence account I offer in the book is that it cannot make sense of misplacements and misclassifications. The case of misgendering provides a good illustration, where I claim that on a response-dependence account either the person in question induces the woman-response, say, and is a woman or they don't induce it and they are not a woman. There is no sense in which they ought to have induced some other response, so no room for misgendering. Díaz-León rightly points out that a version of response-dependence, namely a response-dispositional account, fares better. Misgendering can then be accounted for by saying that the person has a disposition to induce a woman-response in subjects under manifest conditions, but that, on this occasion, for some reason, they did not induce it.

But what kind of misgendering are we dealing with here? Díaz-León is correct to worry that the kind of error we have here is not an epistemic error, unless we take on board a naturalistic picture of epistemic correctness in terms of a reliable mechanism. If we want to preserve a normative notion of epistemic error, this framework cannot provide it. Díaz-León's suggestion that we build in the fact that the subject is attempting to track the dispositional power does not seem to help, but perhaps I am not quite understanding the proposal.

The other sort of misgendering is the deliberative kind. This is not a case of an honest mistake, but an act of aggression. How are we to account for it on

the response-dispositional approach? There are two versions of this case. The first version has it that a person is disposed to induce the woman-response in a subject but the response is not induced because the subject deliberately blocks the response. On the second version, the person is not disposed to induce the woman-response, but identifies as a woman and wants to be treated as one, and the subject refuses to honor that. I am unclear whether the response-dispositional theorist would want to give an account of both types of refusal in naturalistic terms, but presumably they would. In any case, the person is a woman in the first case, but not the second, so that sort of misgendering does not seem to be accounted for on the response-dispositional picture.

I agree with Díaz-León that a response-dispositional account can have its usefulness in accounting for various social phenomena. I do, however, remain skeptical about its ability to give an account of a property as a social property of an individual. My skepticism rests on the intuition that when you have a social property, the source of that property is other people, not you, even though they are responding to various actual or imagined features of you. Response-dependence, in any form, makes you the source.

## 4 Aaron Griffith

Aaron Griffith raises the worry that the conferralist framework, with its focus on the attitudes and behavior of individuals, is ill equipped to explain the persistence of gender, racial, and other types of oppression. Why is it that certain features consistently serve as the base features for social statuses (and unequal treatment)? Griffith thinks that I should include a commitment to social structures, in the way Haslanger (2012) does, to explain the persistence and ubiquity of oppressive practices and arrangements.

I agree with Griffith that we want an explanation for the persistence and systematic nature of the various forms of oppression. Some theories of gender, notably those of Linda Alcoff, Sally Haslanger, and Charlotte Witt, do build such an explanation into their theory. Alcoff and Haslanger, on my reading (Alcoff 2005; Haslanger 2012; see Chapter 4), both have materialist feminist commitments, which explains why a person's relationship to the means of reproduction has social significance. On Witt's view (Witt 2011; see Chapter 4), gender practices are there to fulfill the basic need for reproduction, just as dining practices fulfill the basic need for nourishment. Reproduction's being a basic need explains the social importance of body parts related to reproduction. All three theorists could, if pressed, account for the patterns of oppression in terms of a political struggle to control the means of reproduction.

My conferralist framework is not meant to give an explanation (and certainly not a justification) of why certain features serve as base features for the conferral of a social status. My theory is designed to pull apart those questions of how the mechanism works and why, as a matter of fact, certain features have social significance. It is also designed to highlight the questions we should ask next: for example, should sex assignment be a base feature for the conferral of gender in a particular context? Is differential treatment justifiable at all in that context, and if so, on the basis of what features? Is the status conferred in proportion to the importance of the base feature, or is its reach too broad? Differential treatment is, in my view, only justified if there is a difference that merits it. For example, we can ask whether the conferral of the status woman in a particular context, such as for use of bathrooms, should be based on sex assignment or sincere self-avowal. My own view is that when answering that normative question we should look at the potential harm caused, especially to those most vulnerable, which include both women who are trans and women who have been victims of sexual assault, and have empirical evidence guide us, not fear. Given that, sincere self-avowal is, in my view, the better base property for the conferral of the gender status for bathroom use (cf. Finlayson et al. 2018).

Although the conferralist framework does not give an explanation of why a feature serves as a base feature for conferral, the story told in *Categories* offers resources to give a partial explanation for it. The resource there is the notion of a *social map*, mentioned by Griffith above. I think of a social map as an ideological framework that we bring to each encounter we have. This framework is a framework of intelligibility and permissibility of the actions of others and ourselves. Where does it come from? It comes from the other contexts we have found ourselves in: in the past things have been organized such and so; in the future things will be organized such and so. We project the map onto our new encounter and act as if it applies. Tweaks are made along the way, such that each iteration of the map takes a different form, even if the features that have social meaning in the context are the same. My social map is ideological, not material. It can change as a result of material forces, but it is itself ideological. Ideology, in my understanding, are narratives that explain and justify practices and arrangements (and thus I do not think of it in the pejorative sense); something is ideological to the extent it expresses, promotes, or underwrites ideology.

What do I need to posit structure for? I take it that what needs to be explained is a pattern. This pattern can be material or social. Do I need to posit a real structure to explain the pattern or can I explain the pattern by offering a story about the mechanism of conferral, a story about the role of ideology in determining what features are meaningful in a context, and by appealing to notions such as *ideological apparatuses* that police people and keep them in their ideological

role, along with how those ideological elements interact with material resources? If these elements are enough to keep the pattern in place, I do not need to posit a structure as scaffolding. And that is where I remain today. Arguably, I have not offered the fuller story, and in particular said very little about the interplay of the ideological and the material, but so far I believe that such a story would suffice. While I do not have a general antipathy towards positing the existence of things, I would rather not do so, if I don't have to. And at present I do not see the need.

## 5 Katharine Jenkins

### 5.1 The Conferralist Profile

Jenkins' main points of criticism are internal. I am largely in agreement with her criticism, but highlight below where I depart from her suggestions in my response. The first concerns how informative the conferralist schema is and whether I should add the element *constraints and enablements*. The profile currently has five parts:

**Conferred property:** P

**Who:** a person or entity or group with standing (communal) or authority (institutional).

**What:** their conferral, explicit or implicit, by means of a attitudes and behavior (communal) or explicit public act (institutional).

**When:** in a particular context. The context in question is the setting for a particular encounter in the communal case, a particular institutional context in the institutional case.

**Base property:** the property the conferrers are attempting to track in the conferral, consciously or unconsciously. This property is the property that is the basis for the conferral. The individual need not have the property; they just need to be taken to have it.

An instance of an institutional property would be President of the US:

**Conferred property:** being elected President of the US.<sup>1</sup>

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<sup>1</sup> There is the complication that the elected President then has to *assume* office by taking an oath. Similarly, for other institutional offices, the person, who has the status conferred upon them, has to assume the role for it to fully take effect.



**Who:** the current US Vice-President, as President of the US Senate. This is the entity in *authority*.

**What:** the declaration that someone has received the most Electoral College votes for US President.

**When:** on January 6th, following a November election, starting at 1 pm.

**Base property:** the majority of Electoral College votes, i.e. 270 or more.

While I specify the property in question (not just the name of it, *pace* Jenkins), she is right that given that I identify the status conferred with constraints and enablements on a person's behavior in the context, it is helpful to include constraints and enablements in the profile of the property.

Jenkins thinks that when specifying the property in question I am merely specifying the name of the property, and given that I identify social statuses with constraints and enablements on people's behavior in a context, those constraints and enablements themselves should be listed in the profile of the property. Not only is that more informative, but unless I do it, I cannot distinguish between two different properties, both of which bear the name "president of the US", but that differ drastically in constraints and enablements, one being the current status, and the other ceremonial only.

There are various laws that govern the current office of the President of the US and various norms that govern executing that office well. In the hypothetical scenario, there would be various other laws governing that office (and the corresponding constraints and enablements) and also norms that governed executing that hypothetical office well. I do think it would be helpful to include a mention of that in the profile. However, I do not think the characterization of the profile as it stands is subject to the counterexample Jenkins mentions, but the reasons for that are tricky and turn on things in philosophy of language. I am happy to bite the bullet on those things, although generally that is not needed to accept my conferralist framework.

When I use the phrase "being elected President of the US" in *Categories* I manage to refer to the actual feature that Donald Trump and others have had conferred upon them. My use is in a particular context, where certain assumptions are made, that enable me to refer to that feature and not some other one, including a hypothetical feature in some other possible world. If such assumptions did not kick in, our attempts at referring would constantly be indeterminate. Of course, some philosophers may maintain that that is indeed the predicament we are in, but I don't think so. I think pragmatic factors kick in to help us in our referring work. I am referring to that particular feature with the use of "being

elected President of the US". I could also refer to a different property using that phrase, but given the context I am in, I would have to do some work to block the current pragmatic factors from kicking in and referring to the current office anyway. This can be done, but the fact that it can be done does not make my use in *Categories* indeterminate.

## 5.2 Intersectionality

In most contexts we travel, the status we have is deeply intersectional. I am committed to intersectionality's being a constraint on the theory of identity and of the status one has in particular contexts. Jenkins highlights some problems with my characterization of how the content of a status is determined. While there may be statuses (perhaps some institutional ones) such that what the constraints and enablements one has is determined by the contribution that each of one's institutional roles makes, this is unlikely to be the case in communal cases, and such cases are precisely ones where no codified laws or regulations specify the constraints and enablements. I do not think that a commitment to the intersectionality constraint means that it is never the case that a status is additive, but rather that there are statuses where that is not the case, and not merely in an epistemic sense, such that we cannot epistemically pull them apart, but in a metaphysical sense, such that the constraints and enablements are not the metaphysical product of adding up the constraints and enablements of constituent parts. How else are we then to think about this? Given Jenkins' criticism, this is how I want to characterize it: the intersectional status is the status you get by being taken to have base features B1 and B2 and B3, but the constraints and enablements need not be the product of the constraints and enablements that come with being taken to have B1 plus the constraints and enablements that come with being taken to have B2 plus the constraints and enablements that come with being taken to have B3.<sup>2</sup> This way of phrasing it is compatible with the intersectionality commitment, understood in the three senses Jenkins mentions.<sup>3</sup> While I do not say very much about what the constraints and enablements are and why they are what they are, I believe that to be mostly an empirical matter, and thus proper to be silent on that here.

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<sup>2</sup> Slightly more formally:  $f(B1) = C1$ ,  $f(B2) = C2$ , and  $f(B3) = C3$ , but  $f(B1 + B2 + B3) \neq f(B1) + f(B2) + f(B3)$ .

<sup>3</sup> Note, however, that the cross-constitution claim will necessarily be weaker on a radically contextual account like mine.

Jenkins urges me to adopt a probabilistic account of the constraints and enablements to explain why some woman, say, may be able to perform actions that other women could not. I do not want to adopt a probabilistic account of the constraints and enablements themselves at this point. Rather, I want to say that what accounts for the difference is some feature of the context that is socially significant, a feature that one of them has and the other lacks. I believe, however, that adopting a probabilistic framework can be useful and help us theorists explain certain social differences, in the absence of a complete account of what is going on in the context. The probabilistic framework is then, in my view, a shorthand for a fuller picture and helpful in a lot of contexts. The framework, in particular, is useful to adopt when we are interested in prediction, as opposed to an explanation after the fact.<sup>4</sup>

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<sup>4</sup> I want, again, to thank my commentators for their generous and probing engagement with my book. I also want to thank Arto Laitinen for organizing the session in Tampere and this book symposium here.