

Class Twelve: Kukla and Lance on Gender Ascriptions

Doing Things with Words - Ryan Simonelli

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1 Some Recap and Contextualization

- **The Influence of the Fregean Picture:** “Philosophers frequently write as if the basic function of language is merely to convey information – to describe what’s true and false about the world,” (3).
- **The Turn to (Varied Kinds of) Use:** “Philosophers such as Wittgenstein and J. L. Austin initiated an alternative tradition in philosophy of language, emphasizing that utterances are *actions* and they can do all sorts of things other than convey information,” (3)
- **How Speech Acts Work (on the K&L framework):** “[T]he characteristic way that such speech acts causally affect the world is by reshaping social norms. They alter what is permissible, obligatory, socially appropriate, transgressive, legal, and so forth,” (3).
- **Some Important Austinian Points:** Kukla and Lance preface their discussion of gender ascriptions with the following important points from Austin, which will all be familiar by now:
 - **Felicity vs. Truth:** “[F]or all these speech acts that are not declaratives, assessing whether they are appropriately uttered is not about assessing whether they are true or false,” (4)
 - **Misleading Declarative Grammar:** “[S]ome speech acts have the grammar of declarative assertions, yet they actually serve not to describe truly or falsely, but rather to institute a social state of affairs,” (4).
 - **Multiplicity of Performative Force:** “[A] given speech act can have multiple pragmatic roles,” (4).
 - * **Example:** “ ‘Hey! It’s really hot in here!’ ” is often *both* a description of the temperature, and a request to turn down the heat or open a window.

2 The Core Claim about Gender Ascriptions

- **Question:** Why do gender ascriptions matter?
 - **Answer One:** “Because they describe people correctly or incorrectly, and truth matters.”
 - **Answer Two:** “Because people’s feelings can be hurt and they can feel disrespected when they are described or referred to differently from how they present themselves.”

While Kukla and Lance acknowledge that both of these answers can be right at times, they both miss what is fundamentally wrong with misgendering someone.

- **An Illustrative Exchange:** Consider the following exchange between influential political commentator Ben Shapiro and talk-show host Samantha Schacher, which is indicative of a lot of public debates on gender these days:

SHAPIRO: Bruce—Caitlin Jenner, I’ll call *him* “Caitlin Jenner” because that’s the name—

SCHACHER: No it’s *her*. You’re not being polite [with regard] to the pronouns. It’s disrespectful.

SHAPIRO: Forget about the “disrespect.” Facts don’t care about your feelings. It turns out that ... [proceeds to attempt to provide an explanation for why the use of masculine pronouns with respect to Caitlin Jenner is factually correct]

Despite the very different perspectives of the two participants of this debate, they both presuppose that either one of the above two answers to this question. Kukla and Lance’s proposal constitutes a third alternative.

- **The Basic Claim:** Gender ascriptions are not fundamentally declaratives. Their main function isn’t to state the facts. Rather, they principally function to situate people in social space with respect to gender norms.
- **An Important Distinction:** Kukla and Lance’s concern is not with what gender itself *is* but with what gender ascriptions *do*. That is, their concern is not with the *metaphysics* of gender, but with the *pragmatics* of gender *ascriptions*.
 - Though their approach is going to be more amenable to some accounts of the metaphysics of gender than others, they try as much as they can to stay neutral on the metaphysical question of what gender really is. (It’s a good question to ask how neutral they’re really able to stay.)

3 Defending the Core Claim

- **Two Analogies:** Kukla and Lance provide the following two analogies for gender ascriptions, as they understand them:
 - **The Parent Analogy:** Someone says, to an adopted child, that they’re adopted parents are not her “real parents,” to which the child responds “They are my real parents! I am their child!”
 - * **The Kind of Disagreement Here:** We can stipulate that there’s no disagreement about the facts here, and, as such the disagreement is not an empirical one, even though the disagreement is expressed through the utterance of contradictory sentences that are grammatically declarative. Rather, “the utterance of ‘I am their child!’ is a call for a type of recognition as being placed within social space in a particular way,” (5).
 - **The Friend Analogy:** Suppose you say to someone, “You’re my friend, right?” And they respond, “No, I’m not your friend.” Here, they’re not disputing some factual claim you’re making, but rejecting your proposal to be socially situated with respect to them in the way constitutive of friendship.
- **A Crucial Observation:** There are several cases in which people disagree about gender ascriptions even when they agree on all of the empirical (e.g. biological, psychological, etc.) facts. This seems to show that the disagreement can’t be *empirical*, giving some *prima facie* reason to think that it’s more like the examples above.
 - **An Objection:** One might think that the disagreement is *metaphysical*—that is, the empirical facts are agreed upon but the different parties take it that different empirical properties constitute the property of gender.
 - * **Response One:** These disputes rarely appear to be metaphysical—a move to the metaphysical level is often going to be met with resistance by at least one of the parties to the dispute.
 - * **Response Two:** There are cases in which someone might privately hold a metaphysical view about gender and so privately *believe* that, for instance, someone is not a man, and yet still publicly *ascribe* manhood to them. So this suggests, once again, that the speech act is not merely descriptive (and we implicitly have some understanding of this fact).
- **A Qualification:** *Sometimes* (for instance, at the Doctor’s office) gender (or sex) ascriptions are used in mainly descriptive ways.

- **The Proposal:** In cases where there is some empirical fact, it is generally both more accurate and more ethical to simply use the descriptive vocabulary that the (e.g. simply asking whether one has a cervix rather than asking whether one is a woman).
 - “If there is some empirical property of a person that we can, in context, pick out with a gendered ascription, then one can do whatever descriptive and explanatory work one is doing in that context more clearly and without extraneous pragmatic effects, simply by forthrightly and explicitly talking about that empirical property,” (11-12).
- * **Question:** Is Kukla and Lance’s proposal feasible? What would the practical implications be of adopting it (for instance, in a medical setting)?

4 The Ethics of Gender Ascriptions: Three Kinds of Cases

- **First-Person Gender Ascriptions:**

- **A Default Right to Social Autonomy:** It seems like it’s a basic human “right to determine our own social location, as part of our basic right to self-determination,” (14).
 - * **Defeasibility of this Right:** If positioning oneself in social space *harms other*, then the basic right that one has no longer applies.
- **Ethical Conclusion:** Given what gender ascriptions do, then it follows that one should be entitled to a gender self-ascription that situates them in social space unless there’s some reason that doing this is harming others (and it’s hard to see what that reason could be).

- **Second-Personal Gender Ascriptions:**

- **Providing/Refusing Uptake:** In order for first-personal gender ascriptions to actually constitute acts of situating oneself in social space, they need *uptake* and this is what affirmative second-personal ascriptions do. On the flip side, disputing someone’s first-personal ascription by making a contradictory second-personal ascription is to *refuse* to give the sort of uptake required for their ascription to situate them in social space in the way they intend.
- **Authority:** Situating someone in social space in a way that’s contrary to their own will typically requires a special kind of authority (e.g. “You’ve been drafted by the U.S. government), and it’s hard to see how anyone, in the case of gender ascriptions, could possess this sort of authority.
- **Ethical Conclusion:** Given that second-personally ascribing someone a gender that disagrees with their own self-ascription, they’re almost never justified.

- **Third-Personal Gender Ascriptions:**

- **Petitioning Others to Provide Uptake:** When one uses a third-person gender ascriptions (ascribing the gender to someone when talking *about* them, rather than *to* them), one is not directly giving their self-ascriptions uptake (or the opposite), but, rather, making a claim on others to give them uptake in a certain way.
- **Ethical Conclusion:** The same sorts of consideration apply here as with second-personal ascriptions. It’s almost
- **Some Other Cases of Third-Personal Ascription:**
 - * **Strangers:** We generally do make gender ascriptions to strangers, referring for instance, to “the man at the bustop,” even though we don’t have any explicit knowledge of the genders they self-ascribe. Kukla and Lance take it that, generally, it is fine to ascribe the gender that they seem to be presenting, though such ascriptions should always be provisional and open to revision. Moreover, if there is ambiguity in presentation, gender should generally not be ascribed.

- * **Babies:** Babies are generally gendered before birth, even though they don't have the capacity to ascribe themselves a gender (or lack of gender) and won't have this capacity for some time. Since second or third-personal gender ascriptions are ethical just insofar as they function to give uptake to one's first-personal ascriptions through which they autonomously situate themselves in social space, the technically consistent view with the paper is that we shouldn't gender babies at all. Since this is probably impractical for most people at the moment, the practical proposal is that "third person gender ascriptions of babies be as pragmatically gentle and provisional as possible," (22).
- **Question:** In the case of babies, can Kukla and Lance really stay metaphysical neutral as they want to?