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Gender Ascriptions Reconsidered

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ABSTRACT


A recent proposal by Quill Kukla and Mark Lance holds that surface appearances notwithstanding, gender ascriptions are closer to normative performatives than descriptions. As speech acts, they share more in common with pronouncing a marriage than a neutral description of a person, albeit this is not commonly recognized. This paper argues that the proposal faces a consistency problem. In order to affect social reality *qua* their illocutionary force, gender ascriptions must on average succeed. However, according to the authors most actual second- and third person gender ascriptions in fact violate the success conditions of the speech act type, which include respect for the individual's first-person gender ascriptions. Their main claim thus becomes that gender roles can be instituted as a series of misfires, though it is left open how this is possible.

KEYWORDS Gender ascriptions; gender; speech act theory; misrecognition

Introduction

In a recent paper, Quill Kukla and Mark Lance (2023) offer an interesting pragmatic account of the speech act of ascribing a gender, with the aim of uncovering the act's allegedly disguised illocutionary identity. Their major claim is that

gender ascriptions are not primarily declarative claims, although they typically have declarative grammatical form, and that disagreements over gender ascriptions are not primarily disagreements over empirical facts, but rather social negotiations over how someone will be positioned within social normative space. We claim that gender ascriptions function in the first instance to *alter and reorganize social space*, not to describe antecedent reality. We are claiming that calling someone a man is more like calling him a friend or saying 'I bet you five dollars' than it is like calling him tall. They are best assessed, not in terms of their truth or falsity, but in terms of whether they were performed with the proper authority or not, and whether their effects are ethically appropriate or not. (1135)¹

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In this short response, I argue that the authors' account faces a difficulty the depths of which they do not seem to have adequately appreciated. To anticipate, the essential problem is this. If gender ascriptions indeed really work to alter and reorganize social, normative space, in analogy to typical normative performatives like pronouncing a marriage or arresting someone, then the success conditions of such ascriptions should in most cases be fulfilled. That is to say, the acts can only affect the social space if they are successful. Yet it turns out that, according to the success conditions set down by the authors, most actual gender ascriptions in second- and third-person are unsuccessful, resulting in a conflict. Moreover, I will point out a problem in the authors' understanding of 'disguised' illocutionary force.

I proceed by summarizing the authors' arguments before presenting what I shall call, first, the 'misfire problem' and, second, the 'the disguised illocutionary force problem'.

The Argument by the Authors

The authors present two kinds of arguments in support of their main claim: arguments from examples and arguments from analogies. As the first, introductory example the authors provide the following, fictional exchange:

Villager: Wait, so these are not your parents?

Child: Yes, these are my parents. (Parents agree.)

Villager: No, they are not your parents. They took you in but they are not your real parents.

Child: They are my real parents! I am their child! (1134)

The background of the example is such that adoption is a rare occurrence in the society in question. Since all the relevant empirical facts are by hypothesis common ground among the participants, the conclusion that the authors press is that the debate is not about empirical but social fact, namely whether parenthood by adoption is on par with parenthood by biology. Another introductory example in similar vein comes from calling someone a friend:

If you say 'No, I am not your friend', then we are not having an empirical disagreement, in the first instance. Rather, your negation is a rejection of my attempt to establish our relationship in social space. (1135)

The social status of being a child of is usually thought of as involving both descriptive and normative elements. If x is a child of y , then x must have

some socially significant relationship to *y*, albeit perhaps not a biological one, and in virtue of this relationship certain normative relations hold true between *x* and *y* (for instance, *y* has authority to order *x* to clean their room). To claim to be a child of implies the claim that some such descriptive relationship holds. However, according to the authors, to claim to be a friend of carries no such descriptive implications, only normative ones. The claim is ‘normatively inflected all the way down; to ascribe them to someone *is* to insert them into a location in social normative space’ (1139).

While it goes without saying that in absence of any descriptive information to back up the claim, it likely won’t be accepted, or at the very least it will be questioned first. Yet this is besides the point that in order to so much as claim to be a friend of, no such descriptive information need be implied *in principle* (though in practice this is usually a good idea), unlike with the claim to being a child of. The authors mention the statuses of being a DJ and ‘working on a book’ as similar, descriptively ‘relaxed’ (my phrase) claims.

Individual cases can always be debated, of course. Personally, despite being anecdotally satisfying, I find it hard to believe that anyone could claim to be working on a book without implying that they can write. Yet overall I agree that at least some ascriptions of social statuses can be descriptively relaxed. The main question here is whether ascriptions of gender are on that list. According to the authors, this is just so:

When it comes to gender, we claim, there is similarly no agreed-upon fixed substratum of empirical properties that anchor our claims to social space or our disagreements over how to position people in social space. Claiming a gender, and receiving social recognition as having one, is more like claiming to be a friend, DJ, or book writer than it is like claiming to have type AB blood or claiming to be in pain. Whether or not there is actually a determinate fact about what gender is and how you get one, there is no general agreement about what properties make up someone’s gender. Gender is taken by different people in different contexts to lie in anything from genitals, to DNA, to reproductive organs, to hormones, to what people feel their identity is on the inside, among other options. What we agree about, when we agree someone is a man, is generally not his genitals, or his DNA, or his inner sense of identity, all of which are typically hidden from us anyhow, but about how he *should be* positioned in normative space. (1139–40)

But is it true that gender ascriptions (or claims) are descriptively relaxed in the way claims to be a friend of are? To begin with, as the authors themselves observe, often ‘we can make a pretty good guess about [a person’s] gender identity based on their social and physical presentation, which are also ways of “telling” us their gender, typically (though not always) (1154).’ Another way to put this is that adult humans are usually able to agree on their (second- or third-person) gender ascriptions based on observed physical attributes such as facial features and voice pitch. Indeed, it should be surprising to find no agreement, or very low levels

of agreement, across the community's gender ascriptions, for without some observable queues to guide them, the ascriptions should be expected to lead to inconsistent social positionings on average. Yet the authors emphasize that 'jamming' individuals into gender roles takes up a lot of concentrated force and effort on the part of the community (1137, 1144).

However, although we often agree in our gender ascriptions based on perceived bodily² features, we should expect the agreement to plummet when asked to provide verbal accounts of the features, for the well-known fact that such properties (e.g. facial features) are difficult to describe. Nonetheless, the fact that there is agreement in perceptions of gender should cast some doubt on the descriptive relaxedness of gender ascriptions, for surely enough such perceptions are based on empirical data that is describable in principle.

We can summarize this line of thought in the following chain. According to the authors, since jamming individuals into gender roles requires concentrated effort on the part of the community, we should expect to find *some* level of agreement in how the community members are perceptually guided in their gender ascriptions. A ready hypothesis that explains the agreement is that the community members have sub-consciously learned to associate at least the most common gender terms with certain bodily features. It is these bodily features that guide their gender ascriptions.

It would still not be right to say that it is the observable bodily features which gender terms describe, simply because someone might lack some or all of the typical features of a gender and still be of that gender, and even be commonly ascribed that gender. The important point, however, is that gender terms and their ascription must be at least minimally descriptive (track the observable properties) even in the authors' picture, in which the descriptive work is only secondary to the acts' illocutionary identity. But secondary how, exactly? To understand this we need to understand the misrecognition mechanism as well as the misfire problem, to which it is offered as a solution.

The Misfire Problem

One major disanalogy in understanding gender ascriptions as normative performatives on the model of pronouncing a marriage comes from the authors themselves. Briefly, the problem is an apparent inconsistency of two claims:

- (1) Only first person gender ascriptions are really authorized; most second and third person gender ascriptions that contradict the first person

ascription are not really authorized but rather violate the individual's fundamental right to self-determination (1156).

- (2) *De facto* social recognition of the individual's gender is sufficient to ascribe that gender position to that individual (1136, 1141).

The authors point out the apparent inconsistency well:

This raises a puzzle: If second- and third-person gender attributions that do not inherit their authority from first-person attributions are not entitled, then why do they have a social impact at all? Why aren't they just misfires? After all, if I order my student to clean their room, I don't impart an obligation to them; I have just misused language. And again, if I shout names at random babies, I do not succeed in naming them. How do people succeed in imposing gender norms upon one another through language, without the entitlement to do so? (1156)

Their answer, however, fares less well, as I shall argue. Key to their solution is the idea of 'constitutive misrecognition', attributed to Louis Althusser and Jacques Lacan. (Lacan's original French expression was *méconnaissance*.) A simple illustration of the basic notion can be presented with the (simplified) example of kingship:

[I]f a man who thinks he is a king is mad, a king who thinks he is a king is no less so. (Lacan 2007, 139)

To be a king, the thought goes, is a social status such that enough people must recognize an individual as their king for him to be their king, and if they do so recognize him, that is all it takes to make a king. In reality, there is no property of an individual that makes them a king, just as there is no property that makes one a professor: these are social statuses. However, this is not how the recognizers themselves see the matter. For them, their recognition of someone as their king is mediated by some property of the individual, e.g. being the current successor in the royal bloodline. For them, not just anyone can be recognized as a king, but kingship is already built in a certain individual due to their family tree, as it were. In summary, the belief in the bloodline is what causes the social recognition of the person of the king, and it is the social recognition that finally makes a king.

How is this supposed to help with the misfire problem the authors face? As I understand them, the idea is that gender ascriptions work roughly like the toy example of kingship does. A person is socially recognized as having a certain gender due to certain bodily features which society agrees marks a certain gender. Just because of the social recognition, the person is inserted into the gender role regardless of their first-person ascriptions of gender. Everyone, perhaps even the subject herself, may think that their gender is a descriptive fact about their body (just as the king and his people think his kingship is due to his

royal blood), whereas in fact the gender role is instituted by the compound ascriptions:

This is a kind of a pragmatic enactment of the naturalistic fallacy; we use speech to establish how things ought to be by acting like we are just reporting on how they already were. (Compare: Of course he is noble. Do you not know who his father is?) (1157)

Of course, there is more to be said about misrecognition than the overly simplistic example of kingship. However, even if the account was to be expanded, it seems that the core misfire problem remains. What the authors' short discussion at the end of the paper expands on is the claim (2), affirming misrecognition as the alleged mechanism underlying gender ascriptions. But then it's left unclear how social recognition of someone's gender does not simply lead to serial misfire, assuming that claim (1) is not dropped at any point. If it is true that gender ascriptions really are disguised normative performatives, and if a necessary condition of success for gender ascriptions is that they respect the subject's first person ascriptions, then most actual second and third person gender ascriptions are indeed misfires. Yet at the same time they succeed in inserting individuals in normative gender roles. The normative status is instituted as a result of a series of misfires. How can this be?

Let me offer one proposal for fixing the discrepancy, though one I shall quickly reject. An intuitive way to defuse the discrepancy is to understand it as a clash of moral and social norms. The claim (1) concerns a moral norm such that the authority of all gender ascriptions is conditional on first person ascriptions. Claim (2) in contrast describes how social norms work: their authority comes from compound effects in second and third person. So, while according to the social norms a person may have one gender, according to moral norms they can have another, and all things being equal the moral norm *should* override the social one, even if *in fact* it doesn't.

But the misfire problem is not about what is morally right, all things considered, but what are the pragmatic success conditions of gender ascriptions. If claim (1), now interpreted as a moral norm, is part of the success conditions, then it *will* override most actual second and third person ascriptions, resulting in *actual* misfires, which claim (2) denies is the case. This was the original problem. But if claim (1) does *not* describe the success conditions of gender ascriptions, then obviously it is not part of the true account of gender ascriptions, which the authors originally set out to describe.

The Disguised Illocutionary Force Problem

There is another issue with the authors' account of gender ascriptions related to the misrecognition mechanism that I will call 'the disguised illocutionary

force problem'. The essence of the problem is with the authors' claim that speakers in general are not aware of what they are doing in ascribing gender to someone; the illocutionary force of their speech acts here is disguised:

When I say to my newborn child, 'You are named Jeremy,' I am not confused over the fact that my speech is constituting rather than describing Jeremy's name. But in the case of gender roles, these constitutive speech acts are situated within an ideology that pushes hard for essentialization and naturalization, casting our social position as an inevitable destiny. In this context, the grammar of gender ascriptions helps to hide the equivocation between the constitutive work of language and its putative descriptive work. In other words, part of the way that constitutive misrecognition gets hidden in our grammar is through our systematic ambiguity, in discourse around gender, between describing social reality, describing intrinsic empirical facts about individuals, and doing the constitutive work of placing people within normatively articulated social positions. We certainly need not be conscious of this strategy; indeed most people take themselves to be making merely descriptive claims when they attribute gender. (1157)

In brief, according to the authors, gender ascriptions disguise their illocutionary identity in a rather strong sense. It is certainly stronger than the familiar way in which a request may grammatically disguise itself as a question ('Is it possible for you to close the window?'). In such a case the speaker intends her speech act to be received as a request, not as a literal question, yet no such intention is needed for a gender ascription to count as a normative performance, according to the authors. The question that I want to raise is whether this view of illocutionary force makes sense.

First we need to clear up a potential confusion. It is clear that actions may have compound social effects regardless of anyone's intentions. My decision to postpone an expensive purchase will contribute to financial deflation whether I'm aware of the fact or not. But in this context we are not interested in the causal consequences of gender ascriptions as such, i.e. their perlocutionary effects, for the authors' main claim is that the detrimental normative effect is built in the very illocutionary identity of (second- and third-person) gender ascriptions. As with the kingship example, gender ascriptions, when compounded, *constitute* the subject's gender role in the society, whereas the compounded financial decisions of agents *cause* deflation and inflation.

To see the problem, let's return to the bareboned kingship example. A speaker says: 'You are my king.' What we might call the 'surface' illocutionary force of the speech act is something like swearing wealthy or obedience, while, following the mechanism of misrecognition, the 'deep' illocutionary effect is to partly constitute the person targeted by the speech act as a king. Now, something similar goes on with gender ascriptions, as I understand the authors. Someone says: 'You are a man.' Here the surface illocutionary act is (at least minimally) descriptive. But notice that the surface could also include something like praise, dismissal, irony or whatever,

depending on the context. These things belong to the surface force because they are (usually) apparent to the interlocutors and intended by the speaker. What is under the surface is the act of inserting, or ‘jamming’, the target of the speech act into a gender role.

The question is, does it make sense to distinguish between the surface and deep illocutionary forces in this way? This is not to ask whether the notion of misrecognition as such makes sense (this paper is too brief to take a stance on that). Misrecognition might be real enough, but it’s a different matter whether it is a good way to understand illocutionary force. Certainly it is very different to the usual accounts of illocutionary force, as the authors recognize. The main contrast, and thus disanalogy, to more typical examples of performative speech acts with normative import (e.g. pronouncing a marriage or arresting someone) is that they carry all their illocutionary force on the surface. Considering this difference, it is curious why the authors think it necessary or useful to locate the misrecognition mechanism on the level of illocutionary force as opposed to a perlocutionary effect. Returning to the example of kingship, an alternative interpretation would hold that the misrecognition has its constitutive effect *because* of the illocutionary force of the speech act swearing obedience, yet it is *not* itself part of the illocutionary identity of the speech act.

There is at least one benefit in shifting the misrecognition mechanism from illocution to perlocution, namely that it would neatly solve the misfire problem. Seen from this angle, the misfire problem ensues because compounded social recognitions of an individual as of a certain gender usually violate their autonomy, i.e. the success conditions of gender ascriptions, which should lead to serial misfire, contra claim (2). But if claim (2), which is what the misrecognition mechanism essentially amounts to, is removed from the illocutionary level, then the clash is lifted. Actual second and third person gender ascriptions are then straightforwardly classifiable as misfires, though they are not commonly recognized as such. While that might raise other questions, at least the misfire problem becomes resolved.

Conclusions

This paper addressed a difficult problem in a recent, interesting paper by Kukla and Lance relating to the illocutionary identity of gender ascriptions. One might think that since the authors themselves brought out the difficulty, their solution to it would be sufficient. I hope to have shown why this is not in fact the case.

Notes

1. Unless otherwise mentioned, all the citations are to the authors’ article.

2. By ‘bodily features’ I mean henceforth to abbreviate various anatomical, physiological and behavioral features which the community relies on, either consciously or subconsciously, to guide their gender ascriptions.

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