A Dilemma for Conferralism

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Abstract: Conferralism is the view that social properties are neither intrinsic to the things that have them nor possessed simply by virtue of their causal or spatiotemporal relations to other things, but are somehow bestowed (intentionally or not, explicitly or not) upon them by persons who have both the capacity and the standing to bestow them. We argue that conferralism faces a dilemma: either it is viciously circular, or it is limited in scope in a way that undercuts its motivation. Keywords: Ásta, conferralism, social properties, social metaphysics, gender, race, social categories

The growing field of social metaphysics is centrally concerned with social properties—properties like being a woman, being Black, being disabled, being money, being art, and so on, that have claim to being both socially significant and socially constructed. Social constructionism about social properties suggests, in turn, the truth of *conferralism*, the view that social properties are neither intrinsic to the things that have them nor possessed simply by virtue of their causal or spatiotemporal relations to other things, but are somehow bestowed (intentionally or not, explicitly or not) upon them by persons who have both the capacity and the standing to bestow them. The most carefully and thoroughly worked-out version of conferralism is the one developed in Ásta's *Categories We Live By*; and so, although our target is broader, that is the version we focus on here. Ásta's view has a great deal of intuitive appeal—so much so that even many of her critics seem at least sympathetic to it, and some have adopted modified versions of

it.¹ But, as we shall argue, conferralism faces a dilemma: either it is viciously circular, or it is limited in scope in a way that undercuts its motivation.

1. The Conferralist Framework

According to Ásta, "a social property of an individual is one that one has because of something about other people...it is a property that someone has conferred on them by others. This property is a social status consisting in constraints on and enablements to the individual's behavior in a context." (2018): 2) The main goal of *Categories We Live By* is to develop a metaphysical framework that can, in principle, account for the nature and membership conditions of any social category. Ásta introduces the conferralist framework by drawing an analogy with the Euthyphro problem: just as we might wonder whether the piety of an act

¹ See, e.g., (Briggs and George 2023; Jenkins 2019; 2022; Rea 2022; Roth 2021). Briggs and George embrace a modified version of conferralism. Jenkins 2019 criticizes Ásta's account but offers a friendly amendment and ultimately suggests (without outright endorsing) a modified version of conferralism that she thinks avoids her criticisms; and Jenkins 2022 endorses conferralism as a correct account of one type of gender kind (as part of a broader pluralistic approach to the metaphysics of gender kinds). Rea borrows in significant ways from Ásta's conferralism in developing his account of the self-conferral of gender, despite also indicating that he has objections. Roth seems sympathetic to conferralism (despite a variety of criticisms of Ásta's account) and perhaps even inclined to endorse a modified version of it, though he does not go so far as *explicit* endorsement.

explains or is explained by the gods' beliefs and attitudes toward it, so too we might wonder whether social properties naturally inhere in the things that have them independently of others' beliefs about them, or whether instead their being possessed by someone or something somehow depends upon the beliefs others have about that person or thing. Ásta opts for the latter view, in contrast to both the "constitution account" of social properties and the "response dependence" account. According to the constitution account, all social properties are ultimately constituted by underlying non-social properties. According to the response-dependence account, the relationship between social properties and their underlying non-social properties is causal: objects have the social properties they do solely by virtue of the reactions causally induced in salient observers by underlying non-social properties.²

The primary example Asta uses in developing her conferralist account is the property (in baseball) of being a strike. On the constitution account, Asta says, "the formula [for the explanation of what makes a pitch count as a strike] is thus: the ball's traveling trajectory T in context C counts as a strike". (10) In other words, the pitch's traveling trajectory T constitutes

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 $^{^2}$ See Ásta 2018: 10 – 12. Note that each of these contrasting views might be considered one on which objects have social properties simply by virtue of their intrinsic attributes or their causal or spatiotemporal relations to other things.

³ A referee objects that our characterization of the constitution account misleadingly "leaves out the crucial element of collective intentionality/acceptance, thereby giving the impression that social properties on this constitution view [associated with Searle] just are or are reducible to underlying natural properties." But, as Ásta notes at the beginning of her discussion of how

it as a strike. On the response-dependence account, she says, "for a pitch to be a strike is for it to causally determine the umpire to call out 'strike', just as for a smell to be nauseating is for it to induce nausea in subjects." (13) On Ásta's conferralist account, by contrast, the property of being a strike is conferred by beliefs and declarations of the umpire that aim to track certain trajectories (the "base properties" for strikes), namely, those that take the ball into what the umpire recognizes as the strike zone. Thus, against the constitution account, Ásta insists that "it is the perception that the base property (or properties) is present that matters...not the *actual presence* of it." (27) Against the response-dependence account, Ásta denies that the presence of the relevant base properties causally determines the responses of the salient observers (such as the umpire, in the baseball case).

Ásta distinguishes two different types of social properties: institutional, and communal. Both types are context dependent, on her view, and depend for their conferral upon the beliefs, attitudes, and actions of what we might characterize as formally or informally appointed "umpires". Conferral of institutional properties (like being a strike), according to Ásta, is grounded in authority; conferral of communal properties (like being cool) is grounded in

conferralism compares with the constitution account, her focus is on Searle's early formulation of the constitution account (in Searle 1997), which omits "the crucial element" to which the referee refers. She discusses his later formulation (in Searle 2010) later in the chapter; but the details of that discussion don't matter here as the main point of contrast applies equally to both formulations. (The quotation by which we present the contrast is in fact drawn from her discussion of Searle's later view.)

standing. (Conferrers with authority are what we are calling "formally appointed umpires"; conferrers with (mere) standing are what we are calling "informally appointed umpires".)

In general, then, according to Ásta, a social property P is conferred on a person or object X in a context C by the members of a group G just when (i) the members of G have the right sort of authority or standing in C to confer P, (ii) the members of G are (consciously or unconsciously) aiming to track certain base properties for P, and (iii) X is perceived as having one or more of the relevant base properties by the members of G.⁴ This is the core of the conferralist account.

One question that naturally arises here is whether social properties must be conferred intentionally or attributed explicitly in order to be conferred at all. In other words, one might wonder whether it is possible for a social property to be conferred inadvertently, or in circumstances where nobody explicitly attributes the property to whomever or whatever has it. The answer seems clearly to be 'yes'. Although it is sometimes the case that explicit beliefs or declarations about a property are among those relevant to conferral, it is often the case that the mere presence of certain kinds of attitudes or actions in a context suffice for conferral even in the absence of explicit beliefs about the property. So, for example, whereas being a strike is conferred by the declared, explicit beliefs of an umpire in the context of a baseball game, a status

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⁴ 'Perceive' here is not meant to be a success term.

like being an outcast might be conferred on someone by (say) the students at their high school even if no one at the school explicitly believes or declares them to be an outcast.⁵

A further question one might ask is what happens in cases where conferrers do not agree with one another. Ásta identifies two types of scenario: ones where the people with standing in a single context disagree amongst themselves, and ones where people with standing in different contexts disagree. In the first sort of case, Ásta simply says that "the group doesn't manage to confer a stable status onto the person." (24) In the second sort of case, however, Ásta suggests that we explain the disagreement by appealing to different base properties that the conferrers are aiming to track, with the result that possession of the relevant social property might vary across contexts. The case of gender is particularly illustrative. According to Ásta, "in some contexts, people are trying to track a sex assignment, in others a role in a societal organization, a bodily presentation, a role in the preparation of food, a role in biological reproduction, a role as a sexual partner and so on." (74) As a result, on her view, gender is "highly context dependent, and the base property or properties vary with context," (74) those contexts being geographic, historical, societal, familial, etc.

Conferralism has some important advantages over its main competitors. Unlike the constitution account, it accommodates the context-sensitivity that many want to attribute to properties like being a woman, being cool, and the like. Unlike the response dependence account,

⁵ In fact, the status 'outcast' might be conferred on someone by mere omissions—collective failures to talk to them, to include them in group activities or in other ways draw them into a social circle, etc.

it accommodates the intuition that social properties depend on the *judgment* of relevant "umpires" without requiring that those judgments (or other responses) be *caused* by underlying base properties. This is particularly advantageous in explaining the acquisition of social properties like *being an outcast*, or *being a woman*, which are often conferred in contexts where there are many relevant umpires and, at best, unclear causal links between relevant base properties and the umpires' responses. Finally, in addition to these first two advantages, Ásta's account has, again, the advantage of being quite intuitively plausible. It just seems *correct* that social properties are generally conferred by people with authority or standing; and it likewise seems correct that the basis for the conferral is something like the attempt on the part of the relevant umpires to track underlying base properties.

2. Circularity

Despite its merits, conferralism faces a threat of vicious circularity. The worry here is not that Ásta's *account* is analytically circular (in the sense described in Humberstone 1997, for example). Rather, the problem is that her view—and, indeed, any view that embraces what we identified earlier as the core of conferralism—seems to require the *existence* of circular chains of authoritative property-conferral. The circularity is vicious for the simple reason that a circular chain of authoritative property-conferral is possible only if each link in the chain, or the chain as a whole, has a kind of independent standing or authority to confer social properties, contrary to Ásta's account. In other words, the viciousness is *not* due to the mere fact that the chain is circular, but to the fact that the mechanisms of social property conferral as Ásta explains them

preclude the possibility of either the links in such a chain, or the chain as a whole, having the sort of independent authority that would be required in order for the chain to exist.

Consider one of Ásta's central examples—which, in agreement with Ásta, we take to be representative in its basic structure of a wide range of social properties: An umpire in baseball is someone who has the authority in a particular context (a baseball game) to confer properties upon various individuals, events, and objects (e.g., players, pitches, and baseballs). But how does an umpire come to have this authority? It looks as if no complete and non-circular answer can be given to this question if conferralism is true.

The natural initial answer to the question of where an umpire's authority comes from is that they have had it conferred upon them by someone else at some point in the past. In general, the property of being an umpire is conferred upon an individual by another individual who possesses the authority or standing to confer such a status. And as with authority, so too with standing: the "cool kid" at the local high school is conferred the property of coolness by those kids who were cool before them and, as such, had the proper standing to confer coolness on others.⁶

⁶ The supposition that coolness is conferred by one senior cool kid bestowing the property upon another is, of course, a simplifying assumption. There are many different ways in which coolness can be conferred within a social hierarchy. E.g.: Maybe in some hierarchies it's always a group of cool people that confers coolness. Maybe in others it's a mix of cool and non-cool people liking or admiring someone that confers coolness. In any of these cases, with just minor modifications to the discussion of the example, the basic point here will still stand.

But, obviously, there can be no infinite chain of senior umpires or prior cool kids (not because of some inherent problem with infinite chains, but just because neither the class of all human beings throughout history, nor even the class of sentient beings throughout history, is infinitely large). So to have a complete answer to the question of where the authority of an umpire or the standing of a cool kid comes from, we will need to find either a foundational source (i.e., an authority or person of standing who possesses unconferred authority or standing), or we will have to somehow take ourselves in a circle—presumably arriving at the conclusion that, at some point, the members of some relevant community simply conferred authority or standing upon one another.

Focus again on the case of baseball. One possible, and possibly tempting, story about the origins of umpire authority in baseball might bottom out in an institution, namely, Major League Baseball. MLB is certainly an important authority in baseball. It is the institution that is the possessor of the authority with which to confer authority on baseball players, coaches, or umpires. As regulators of the rules of baseball, MLB can also dictate who has thorough enough knowledge of the game to count as relevantly competent fans. MLB doesn't settle *all* matters that need to be decided in baseball. But one might be tempted to think, at any rate, that it is the end of the road as regards the chain of authoritative *property-conferrals* in baseball.

But in fact MLB cannot be the end of the road. In order for MLB to possess the authority to confer properties in baseball, authority or standing to do so must have been conferred upon them. By whom? The players, coaches, fans, and umpires, presumably. If all of these people were no longer to recognize the authority of MLB (and if games were somehow to continue to be played in the absence of influence from MLB), MLB would cease to function as an authoritative

regulating institution. Thus, it looks as if the baseball authority of MLB is conferred in part by those upon whom it confers baseball authority, so that the chain of authority-conferral runs in a circle.⁷

One might think the authority chain for baseball bottoms out in the communal standing of some other foundational group of individuals; and perhaps authority chains in general tend to bottom out in the "mass of humanity", or some subgroup thereof. Plausibly, MLB exists and has the authority that it has ultimately because some prior, non-institutionally organized group of people just started treating one another as if they had the standing to make and enforce rules for a game that later came to be called "baseball", and the authority of institutionally appointed baseball officials ultimately derives from the collective standing of the members of that group. Similarly, perhaps standing to confer communal properties like popularity, coolness, and the like bottoms out simply in the collective regard had for certain people or attributes by the members of their larger social group.

These are not implausible suggestions; but they do not by themselves solve the problem. The suggestion that baseball-authority ultimately derives from the communal standing of some prior, non-institutionally organized group raises (without answering) the question of where the standing of each group member, or the group as a whole, comes from. Similarly, the suggestion that standing to confer communal properties like coolness bottoms out in collective admiration

⁷ Or more likely a web; but, as is common in parallel discussions (e.g, in epistemology) we are treating "webs" and "circles" as the same sort of thing here, just for the sake of simplifying our discussion.

raises (without answering) the question of why the collective admiration that a group of people has for some of its members confers, either on the admirers or the group as a whole, the property of *having standing to confer coolness*. On a thoroughgoing conferralist account, the answer *must* appeal to the prior standing that those people have (individually or collectively); but then, again, one must give an account of the origin of such standing.

Might we avoid an appeal to *prior* standing by allowing that the members of bottom-level groups like those just described can simultaneously confer standing on one another?⁸ Tempting though this suggestion might be, it is not really an alternative to options we have already considered. Suppose A, B, C, and D are all and only the members of some bottom-level social group like those described in the previous two paragraphs. On the suggestion we are now considering, A gets standing to confer social properties from B, C, and D; B gets standing from A, C, and D; and so on. But to say this is just to say that, for each person, the chain of conferral that results in their having standing is circular (or weblike—see note 7 above). This is a fact about the *structure* of the chain, so it makes no difference whether the acts of conferral that constitute the chain happen simultaneously or in succession.

Alternatively, one might think the problem could be addressed by denying that authority and standing are always robustly normative. Perhaps at the bottom levels of property-conferral, nobody has robustly normative authority or standing to confer social properties, but people only behave as if they do. Searle (2010) develops something like this idea in explaining how institutional norms, including norms of authority, might evolve out of non-institutional facts.

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⁸ We thank an anonymous referee for this objection, as well as the next one.

Consider a wall around a cluster of buildings that decays so as to no longer be able *physically* to perform the function of keeping people away from the building. Searle thinks the ruined wall might nonetheless retain the "status function" of being something that keeps people away from the building simply because the locals might *recognize it* as something that *ought not* to be crossed even if they are now able to cross it. In this way, he thinks, an institutional fact (the ruin's being a boundary that ought not to be crossed) might evolve out of a non-institutional fact (the original wall's being a barrier that cannot easily be crossed). (2010: 95 – 96) Similarly, he thinks, one might come to be the authoritative leader of a group simply by being treated as leader. (2010: 95 - 96, 122) Perhaps, then, one might try to press a similar story into service as a reply to the concerns we are raising for conferralism.

Unfortunately, however, this idea cannot be adapted for present use. Searle offers no account of how the groups mentioned in his examples came to have standing to confer properties like being a boundary or being a leader; so, on the conferralist picture, there is no explanation for how those properties "arise" out of being treated as a boundary or being treated as a leader. This may not be a problem for Searle, but it is certainly a problem for anyone trying to adapt Searle's discussion for use as a reply to the challenge we are raising for conferralism. For in order to fill in the explanation of how being treated as a leader results in one's being a leader, we will need simply to grant that the people treating one as a leader have a kind of unconferred ur-

standing to confer by way of their treatment in the relevant context the property of being a leader. But this is contrary to what Ásta's conferralist account requires.⁹

3. The Dilemma

Generalizing from the previous section, we offer the following dilemma: Given that authority and standing are social properties, either they are conferred or they are not. If they are, then (because are no infinite chains of conferral) conferralists are committed to viciously circular chains of authority-conferral or standing-conferral. The circularity is vicious because we have no way to explain the presence of authority or standing within the chain without positing some kind of ur-standing possessed either by the individual links in the chain or by the chain as a whole. But if authority and standing are not conferred, then the motivation for conferralism is undermined. If they are not conferred, then presumably their possession is to be explained by way of the response-dependence account, the constitution account, or some other rival account

⁹ In pressing this objection, the referee wondered if we might simply do away with robustly normative authority altogether. They write: "Could Ásta's aim simply be a descriptive project that is not in any substantively normative way committed to the idea of authority and standing? If that's the case, what force is there to the charge of circularity?" We think that in fact this is not Asta's aim—she seems to think of authority and standing as robustly normative, and seems explicitly to acknowledge the existence of robustly normative institutional authority (see pp. 97 – 98). But even if we are wrong, we think that if the price of conferralism is the rejection of robustly normative authority and standing, then the price is too high.

of social properties; and if we are going to rely on one of these other accounts to explain the possession of important social properties like authority and standing, why not use the same account to explain the possession of all other social properties? At this juncture, it appears that the most promising way out might be to somehow deny that authority and standing are social properties; but it is unclear to us how such a denial could be made plausible. ¹⁰

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