

Feminist Gender Theory:  
Charlotte Witt and Gender Uniessentialism

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## Abstract

Professor Charlotte Witt, of the University of New Hampshire, has developed a new gender theory that is unique in the contemporary feminist movement. Her gender theory rests on a form of essentialism called “uniessentialism.” The primary aim of this thesis is to articulate Witt’s theory, and specifically that of uniessentialism, in light of Aristotle. Aristotle serves as a foundation for many of Witt’s arguments, including essentialism, which will be analyzed.

This thesis will seek to clarify Witt’s gender theory and enable a reader, in light of various perspectives and critiques of her theory, to make a determination on whether her theory is coherent. Several analyses on Witt’s gender theory will be presented, including contemporary feminist critiques of her position, a critique of biology and sexual difference in light of her arguments, an analysis of a traditional understanding of essence, and ending with an alternative view of gender from a combined Aristotelian/Thomistic viewpoint.

The author maintains a neutral position while articulating the theory of Witt and Aristotle and the critiques in the final chapter. However, with respect to Witt’s theory, the author’s biases include disagreement on the reality of sexual difference, disagreement on her explanation of personhood and the social individual, and disagreement about essentialism and the constitution view. The author holds a traditional Aristotelian/Thomistic understanding of philosophy.

## Dedication

This thesis is dedicated to everyone suffering from gender dysphoria, as well as other disorders of psycho-sexual development. Know that you do not suffer alone; Christ suffers with you. When life becomes too much, and your struggle too much to bear, remember that the Church will always be your home: “*Come to me, all you who are weary and burdened, and I will give you rest.*” – *Matthew 11:28*

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## Chapter One: Introduction

Recently, several news stories concerning sex and gender have become national headlines. Such stories are challenging the way society looks at sex and gender, often changing preconceived notions. It has also led to claims of bigotry and discrimination by those who hold a traditional understanding. One example of such a story is a current federal court case concerning a child diagnosed with gender dysphoria.<sup>1</sup> The local school board in Gloucester County, Virginia prevented the child (Gavin Grimm) from utilizing the bathroom of his chosen gender, feminine.<sup>2</sup> The case is still working its way through the court system. However, the case highlights serious issues that affect society's understanding of gender and its relation to biological sex – in some cases even asking whether biological sex exists. Gender theory has also worked its way into local and state law. Currently, New York City has a gender enforcement guide; the city can fine violators found guilty up to \$125,000 for violations, and up to \$250,000 for violations that are the result of “willful, wanton, or malicious conduct.”<sup>3</sup>

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<sup>1</sup> Gender dysphoria is defined by the American Psychiatric Association as “a conflict between a person’s physical or assigned gender and the gender with which he/she/they identify.” Ranna Parekh, “What Is Gender Dysphoria?” accessed 4/12/2018. <http://www.psychiatry.org/patients-families/gender-dysphoria/what-is-gender-dysphoria>. The *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5) details the specific criteria for diagnosis.

<sup>2</sup> *G.G. (Gavin Grimm v. Gloucester County School Board)* (United States Court of Appeals for the Fourth Circuit, 2016).

<sup>3</sup> New York City Commission on Human Rights, “Gender Identity/Gender Expression: Legal Enforcement Guidance,” accessed 12/27/2017. <http://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page>.

## 1.1 Gender Wars

At its most fundamental philosophical foundation, the debate about gender is a debate between realism and nominalism. One side includes those who hold a position that sex and gender are not distinct aspects of a human being, but are interconnected (realists). The traditional notion of sex and gender believes that sex is a biological reality. The realists oppose the notion that gender is fluid or that a person can change their biological sex. Regarding the aforementioned court case, their position analyzes it as follows:

Transgender ideology instructs that the body does not reveal the person; the mind does. Except that the mind is invisible, and so reveals nothing. The pragmatic need of gender-identity dissenters from sex, then, is a mechanism by which the mind's determination may be made visible. This need is ordinarily met by such persons' adopting the appearance, fashion, and practices associated with male or female bodies, in a display intended either to conform to or confound those physical categories—but in either event relying on the social authority of the categories and the visible cues and institutions reflecting them. . . . While aiming to replace sex with gender identity, Gavin [the plaintiff] insists on access to the male facilities that exist only because the public acknowledges the meaningfulness of bodies that she denies have meaning. *Her novel theory of identity and her claim for restroom access are mutually refuting* [emphasis mine].<sup>4</sup>

The other side comprises those who believe that sex and gender are merely labels, and are not essential to human individuals. They believe that sex and gender terms are relative and nominal. They contend that gender is fluid and not necessarily the same as one's biological sex. Many would assert that *even biological sex is fluid and merely a label*. Several communities and organizations hold this position, including many in the Lesbian, Gay, Bisexual, and Transsexual (LGBT) community. Other communities, such as the

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<sup>4</sup> Jeff Shafer, "Supreme Incoherence: Transgender Ideology and the End of Law," *First Things*, accessed 11/8/2107. <https://www.firstthings.com/web-exclusives/2017/03/supreme-incoherence-transgender-ideology-and-the-end-of-law>.



Democratic Party,<sup>5</sup> the National Center for Transgender Equality, the Human Rights Campaign (HRC), Gay & Lesbian Alliance Against Defamation (GLAAD) officially believe the same.<sup>6</sup> They argue that:

Gender identity is a person's inner sense of belonging to a particular gender. It is an innate, deeply felt, and core component of human identity that is fixed at an early age. At birth, infants are as [sic] assigned an identity of male or female based on a cursory observation of their external genitalia. That identification is then recorded on the person's birth certificate. Everyone has a gender identity, and for most people, their gender identity is consistent with their sex assigned at birth. Transgender people, however, have a gender identity that is different from the sex they were identified as, or assumed to be, at birth.<sup>7</sup>

## *1.2 Society Divided*

Society is currently engaged in a divisive debate about a fundamental aspect of the human being: sexual difference. Should sexual difference be understood as an objective and fixed aspect of reality not subject to emotivism or preference? For most of human history, there was no distinction between sex and gender. Fast-forward to the 21<sup>st</sup> century, and the debate is now challenging fundamental understandings, even reconsidering whether biological sex is a reality.

If sex and gender are not objective, then should sex and gender be considered subjective and relative, based on an inner sense of who one is as an individual? What is the

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<sup>5</sup> Democratic National Committee, "The 2016 Democratic Platform," accessed 4/12/2018. <https://www.democrats.org/party-platform>.

<sup>6</sup> Anna Brown, "Republicans, Democrats Have Starkly Different Views on Transgender Issues," Pew Research Center, accessed 3/9/2018. <http://www.pewresearch.org/fact-tank/2017/11/08/transgender-issues-divide-republicans-and-democrats/>. The Pew Research Center conducted a study in 2017 which determined that 64% of Democrats believe that sex at birth does not determine an individual's sex. The poll also showed that the "Millennial" generation (aged 18-36) believe this, and as compared to previous generations, shows between a 9% to 13% increase in support of this view.

<sup>7</sup> *G.G. v. Gloucester County School Board Brief for the World Professional Association for Transgender Health et al. as Amici Curiae Supporting Respondent*. Supreme Court of the United States, 2017, 6.

difference between the two terms, if any? Even the terms associated with the arguments cause further misunderstandings. When “sex” and “gender” are used interchangeably and loosely, or the definitions are not agreed upon prior to a debate, it causes even greater confusion. Answering these questions and questions like it will help provide society with a clear understanding of the issue, enabling them to make informed decisions.

Much of the discussion is taking place within the feminist and LGBT communities. Their arguments vary, often motivated by the political desire to restore fairness and equality between men and women or to extend rights to those who claim that they do not fit a particular gender. LGBT members who question their gender have a vested interest in the matter. The approval or disapproval of their political movement by society depends on their being accepted as their self-identified gender. Thus, the understanding of sex and gender as either subjective or objective is critical.

### *1.3 Charlotte Witt and Aristotle*

Philosophers are also engaged in the debate, often in an attempt to reinterpret or explain what previous philosophers have left behind and hopefully to build on a solid foundation previously laid. Charlotte Witt, a professor of philosophy at the University of New Hampshire, has devised an intriguing theory of gender that is insightful for how it goes about answering the questions of sex and gender. She calls her theory “gender uniessentialism.” Her position is unique in that she attempts to reconcile current theories of gender with the metaphysics of Aristotle.

Witt claims to have devised an Aristotelian inspired theory of gender, which raises several questions: What is Aristotle’s understanding of sex and gender? His positions are varied, coming from his biological understanding, yet also from his metaphysical analysis.

How does Aristotle define essence? Essence is a crucial aspect of Witt's theory, and as such an understanding of Aristotle will help clarify her theory.

Witt's theory is controversial, both for contemporary feminism as well as for Aristotelians. Witt's primary audience is the feminist community, and they have responded negatively. Feminists largely reject any sort of essence regarding gender. The feminist position often finds itself in a dilemma. When they reject essentialism, they destroy the very concept of "woman" which they seek to advocate. If they accept that there is an essence, it can potentially exclude some women from the group "woman." Witt's position appears to solve the dilemma by making gender essential in a way that would not exclude some women from the group. However, Witt's fellow feminist Ann Cudd offers a detailed critique of Witt's system that merits consideration.

The Aristotelian academic community is less engaged with Witt's gender theory and more concerned with her underlying theory of essence – uniessentialism. Aristotelians might argue that she does not go far enough, that her essentialism (as will be explained in Chapter Three) is only part of Aristotle's understanding of essence. A comparison of her theory with that of Aristotle will help determine whether her theory of essence is compatible with Aristotle, and whether it serves as a worthy advancement of his metaphysical system.

Finally, a differing view of gender that is Aristotelian, one offered by John Finley, can help highlight the areas of debate. Finley provides an account of gender as traditionally understood, yet advances both Aristotle's and St. Thomas Aquinas' views of how sexual difference originates, as an accident of the form rather than that of matter. Finley's view

is an example of a traditional account of sex and gender that highlights differences in Witt and others, especially in the use of essence.

## Chapter Two: Aristotle, Sex, and Essentialism

Witt's position, uniessentialism, is based in part on Aristotle's metaphysics. It is necessary to examine various concepts that Aristotle uses in his philosophy, as Witt uses them while defending her argument. Another key consideration is Aristotle's notion of essence, as it is the foundation for Witt's argument. Aristotle's understanding of sex and gender play an important role and will be examined. Understanding his system will help clarify Witt's theory and her assertion that it is Aristotelian.

### *2.1 Terminology*

Gender theory is often problematic to discuss because the terminology used is inadequately defined or used inconsistently. Philosophers, reporters, and medical professionals alike mean different things when talking about terms like sex and gender. Often, the meaning of philosophical terms such as essence and substance are not clearly articulated, or they are redefined from one philosopher to the next. A solid base of defined terminology is needed to ensure a consistent use of the terms. Once the terminology is adequately defined, the problems, confusions, and debates concerning gender theory are clarified and become evident. Whenever these terms deviate from Aristotle's definition or are modified, such modifications will be identified to ensure a proper understanding of the manner in which Witt and Aristotle employ them. The terminology used will be primarily Aristotelian unless stated otherwise.<sup>8</sup>

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<sup>8</sup> Where Witt's theory is discussed, her terminology will be used. Later in the critique, any issues that arise due to terminology will be evaluated.

### 2.1.1 Properties and Accident

Properties and accidents are also known as predicables - which also include genus, species, and specific difference, - in that they can be predicated of a thing. The difference between a property and accident lies in the necessity of its application to a subject.

Aristotle defines accident as:

something which . . . belongs to the thing; and something which may either belong or not belong to any one and the self-same thing, as (e.g.) being seated may belong or not belong to some self-same thing. Likewise also whiteness, for there is nothing to prevent the same thing being at one time white and another not white.<sup>9</sup>

Aristotle defines property as:

A property is something which does not indicate the essence of a thing, but yet belongs to that thing alone, and is predicated convertibly of it. Thus it is a property of man to be capable of learning grammar, and if he is capable of learning grammar, he is a man.<sup>10</sup>

W. Baumgaertner states that a property “may indicate something outside the essence but necessarily following it.”<sup>11</sup> As Patrick Rooney defines it, for a particular predicable to be a property, it has to meet two conditions: “(1) the predicate applies to *all instances* [emphasis mine] of the subject term, and conversely, the subject term can be predicated of all instances of the predicate; and (2) the predicate is not essential.”<sup>12</sup>

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<sup>9</sup> Aristotle, “Topics,” in *The Complete Works of Aristotle: The Revised Oxford Translation*, ed. Jonathan Barnes (Princeton, N.J.: Princeton University Press, 1984), 102b 1-10.

<sup>10</sup> *Ibid.*, 102a 15-25.

<sup>11</sup> W. Baumgaertner, “Predicables,” in *New Catholic Encyclopedia* (Detroit: Gale, 2003), 659-60.

<sup>12</sup> Patrick J. Rooney, “Philosophy, Technical Terms in: Property,” in *New Catholic Encyclopedia Supplement 2012-2013: Ethics and Philosophy*, ed. Robert L. Fastiggi (Detroit: Gale, 2013), 1194.

Accidents do not satisfy the first condition, and are contingently associated with the subject. For example, while risibility is a property of a rational animal, having blue as an eye color is an accident as it is not applicable to all humans.

### 2.1.2 Causality

Causality refers to a relationship between a cause, or source of action, and an effect, the consequence of the action. Aristotle defined four types of causes: formal, material, efficient, and final, each answering “why” in a different respect. A material cause is “that out of which a thing comes to be and persists.”<sup>13</sup> A formal cause is “the form or archetype, that is, the statement of the essence.”<sup>14</sup> An efficient or agent cause is the “primary source of the change or coming to rest.”<sup>15</sup> The final cause is “in the sense of end [sic] or that for the sake of which a thing is done.”<sup>16</sup> Thus a cause is a principle to which there is a relation of dependence.

### 2.1.3 Person

There are many definitions of persons depending on context. However, a person in scholastic terms (not Aristotelian) is “any individual [primary substance] of a rational nature.”<sup>17</sup> Aristotle defines man as a “rational animal,” but does not seem to make a further

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<sup>13</sup> Aristotle, “Physics,” in *The Complete Works of Aristotle: The Revised Oxford Translation*, 194b 20-35.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Leonard William Geddes, Willam Augustine Wallace, and Joseph W. Koterski, “Person (in Scholastic Philosophy),” in *New Catholic Encyclopedia Supplement 2012-2013: Ethics and Philosophy*, ed. Robert L. Fastiggi (Detroit: Gale, 2013), 1131.

definition. Traditionally, five notes make up a person: it is a substance, it is a complete nature, it is subsistent by itself, it is separated from others, and it is of a rational nature.<sup>18</sup>

#### 2.1.4 Sex

“Sex” and the following term, “gender” are the most controversial terms to define, as any definition given supposes a particular mindset within the various gender theories. Whereas Christian anthropology uses these terms interchangeably, secular culture and other philosophers of gender such as Witt will differentiate between sex as a biological reality and gender as a societal role.<sup>19</sup> Traditionally (not Aristotelian), sex is defined biologically as “a differentiation that occurs in animals of the higher types and renders each individual either male or female.”<sup>20</sup> Some particular concerns arise when dealing with birth defects which result from differing chromosomal patterns, or abnormalities during fetal development that can result in intersex persons or hermaphrodites.<sup>21</sup> These situations are rare yet challenging. It becomes especially important in determining under what societal or cultural norms to raise a child whose sex cannot be adequately determined. Aristotle’s understanding of sexual difference is detailed in the following sections.

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<sup>18</sup> Ibid.

<sup>19</sup> Dietrich von Hildebrand, Mary Shivanandan, and Mark S. Latkovic, “Sex,” in *New Catholic Encyclopedia Supplement 2012-2013: Ethics and Philosophy*, ed. Robert L. Fastiggi (Detroit: Gale, 2013), 1405.

<sup>20</sup> Ibid.

<sup>21</sup> Biological abnormalities such as intersex and hermaphrodite individuals will be discussed in Chapter Four as it relates to Witt’s understanding of sexual difference.



### 2.1.5 Gender

Gender builds upon the understanding of sex and is broadly defined as the *way* in which a human person exists.<sup>22</sup> However, it is not any way that a person exists, but in relation to sex. Gender terminology typically uses *masculine* and *feminine* as well as *man* and *woman* in relation to the biological sex of *male* and *female*. Philosophers such as Judith Butler “assert that both gender, understood as ‘culturally determined,’ and one’s biological sex are mutable.”<sup>23</sup> Proponents of a traditional view object to Butler’s assertion, insisting that the two are intrinsically tied to one another, even if it is accepted that they are distinct. Aristotle never referred to gender, as his understanding of sexual difference was purely biological.

In many ways gender can be *accidental* (i.e. contingent to the subject), such as differing social or cultural norms (often referred to as gender norms). One example of this is the type of clothing that males would wear as opposed to females. In such a distinction, a masculine trait might be the wearing of pants rather than a skirt, which might be characteristically feminine in a particular society.

On the other hand, some characteristics are derived from the sex of the person. Such characteristics could include the potentiality of fatherhood and motherhood inherent in all healthy men or women. Further, fatherhood or motherhood could be combined with other accidental qualities of gender, such as how the particular role of fatherhood is played out in a particular society (e.g., a father in one society might teach his son how to hunt, while in another how to manage finances). Yet biological fatherhood is intrinsically tied to a male

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<sup>22</sup> J. Marianne Siegmund, “Gender, Philosophy of,” in *New Catholic Encyclopedia Supplement 2012-2013: Ethics and Philosophy*, ed. Robert L. Fastiggi (Detroit: Gale, 2013), 614.

<sup>23</sup> *Ibid.*

as biological motherhood is to a female. A woman cannot be a father, nor experience fatherhood, even while having the ability to teach certain aspects or actions (such as a woman teaching her son how to hunt). Certain biological powers exist only in a male or only in a female.

#### 2.1.6 Essence and Substance

Essence and substance are closely related in Aristotle's works. It is difficult to speak of one without the other. In many places, they are used interchangeably and are equated with one another. Aristotle outlines the various opinions on what essence and substance are in *Metaphysics Z*. In Z.2, Aristotle presents four options:

The word '*substance*' [emphasis mine] is applied, if not in more senses, still at least to four main objects; for both the *essence and the universal and the genus are thought to be the substance* [emphasis mine] of each thing, and fourthly the substratum. Now the substratum is that of which other things are predicated, while it is itself not predicated of anything else . . . that which underlies a thing primarily is thought to be in the truest sense its substance.<sup>24</sup>

In *Metaphysics Z.3*, One Aristotle states that essence is:

the essence of each thing is what it is said to be in virtue of itself. For being you is not being musical; for you are not musical in virtue of yourself. What then, you are in virtue of yourself is your essence.<sup>25</sup>

In Aristotle's work *Categories*, he describes *substance* as the fundamental category of being, along with nine other categories (accidents such as quality, quantity, etc.) which are predicated of substance. Importantly, a substance exists in itself, whereas the other categories of being exist within a substance, such as "whiteness" existing in a white human being. A substance, according to Aristotle, is:

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<sup>24</sup> Aristotle, "Metaphysics" in *The Complete Works of Aristotle: The Revised Oxford Translation*, 1028b 30-35.

<sup>25</sup> Ibid, 1029b 10-15.

that which is neither said of a subject nor in a subject, e.g. the individual man or the individual horse. The species in which the things primarily called substances are, are called *secondary substances*, as also are the genera of these species. For example, the individual man belongs in a species, man, and animal is a genus of the species; so these – both man and animal – are called secondary substances.<sup>26</sup>

Aristotle distinguishes between a primary substance, the individual thing, and substance in a secondary sense. A secondary substance is an essence, and is “the type to which primary substances belong by articulating the essence or whatness that is common to each of these individuals.”<sup>27</sup> Secondary substances do not exist apart from primary substances.<sup>28</sup>

Aristotle, speaks of another distinction in substance. He holds that matter and form are what make a primary substance be what it is.<sup>29</sup> He states that form actually has the greater claim to substance because form is actuality while matter is potency.<sup>30</sup> Aristotle, in *On the Soul*, describes another possibility that matter, form, and the composite could each be called substance, saying:

We call one genus of beings substance; of this one is matter, which in itself is not an individual thing, another is the shape and form according to which

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<sup>26</sup> Aristotle, “Categories,” in *The Complete Works of Aristotle: The Revised Oxford Translation*, 1b 10-20.

<sup>27</sup> Robert E. McCall and John Goyette, “Substance,” in *New Catholic Encyclopedia Supplement 2012-2013: Ethics and Philosophy*, ed. Robert L. Fastiggi (Detroit: Gale, 2013), 1480.

<sup>28</sup> An exception to this according to Thomists would be the human soul, which, as immaterial and immortal, can exist apart from its individual substance, and persist after the bodily death of a human being. A rational soul exists *per se* in this understanding, yet still a secondary substance because it is the form of the composite human being.

<sup>29</sup> McCall and Goyette, in *New Catholic Encyclopedia Supplement 2012-2013: Ethics and Philosophy*, 1481.

<sup>30</sup> *Ibid.*

something is called an individual thing, and the third what is composed from these.<sup>31</sup>

The confusion surrounding these terms is responsible for the debates on what constitutes essence and substance in Aristotelian circles, and how they are similar and different. These debates result in several views, all claiming to be a form of essentialism.<sup>32</sup> The medieval problem of universals finds its genesis in Aristotle due to the ambiguity present.<sup>33</sup> What is new is that the problem of universals is now affecting the understanding of gender. It is important to note by way of introduction that Witt will argue that for her theory, essence is found only in the individual (primary substance), and rejects the notion of secondary substance (i.e., kind essentialism). Witt uses that specific understanding of essence as her sole notion of essence when she develops her theory.

## 2.2 Aristotle on Sexual Difference

Aristotle's theory of sexual difference is strictly biological. He addresses the difference between men and women in several books, notably in *Metaphysics*, *History of Animals*, and *Generation of Animals*. In Aristotle's writings, there is no mention of gender as separated from sex. Aristotle defines male and female on the basis of generation:

For by a male animal we mean that which generates in another, and by a female that which generates in itself; that is why in the macrocosm also,

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<sup>31</sup> Aristotle, "On the Soul," in *The Complete Works of Aristotle: The Revised Oxford Translation*, ed. Jonathan Barnes (Princeton, N.J.: Princeton University Press, 1984), 412a 6-9.

<sup>32</sup> The specifics of the debate will be investigated in Chapter Four. This thesis describes three different views that Witt mentions, namely, kind/species essentialism, identity essentialism, and uniessentialism. The latter two comprise differing views of individual essentialism.

<sup>33</sup> Etienne Gilson, *Being and Some Philosophers*, 2d ed. (Toronto: Pontifical Institute of Mediaeval Studies, 1952), 49.

men think of the earth as female and a mother, but address heaven and the sun and other like entities as progenitors and fathers.<sup>34</sup>

Aristotle further distinguishes based on differing faculties and physical organs:

Male and female differ in their definition by each having a separate faculty, and to perception by certain parts; by definition the male is that which is able to generate in another, as said above; the female is that which is able to generate in itself and out of which comes into being the offspring previously existing in the generator . . . it follows that certain parts must exist for union and production of the offspring. And these must differ from each other, so that consequently the male will differ from the female . . . . Now as a matter of fact such parts are in the female the so-called uterus, in the male the testes and the penis.<sup>35</sup>

Aristotle describes various attributes that he categorizes as belonging to men or to women, some physical, and others emotional or temperamental:

...the male is larger and longer-lived than the female...Again the female is less muscular and less compactly jointed, and more thin and delicate in the hair...And the female is more flaccid in texture of flesh, and more knock-kneed, and the shinbones are thinner. . . .<sup>36</sup> Woman is more compassionate than man, more easily moved to tears, at the same time is more jealous, more querulous, more apt to scold and to strike. . . . As was previously stated, the male is more courageous than the female, and more sympathetic in the way of standing by to help.<sup>37</sup>

Aristotle believes that male and female are contraries within the same species, and that in such a pair of contraries, one must be the *privation* of the other.<sup>38</sup> This privation “provided the early metaphysical framework for sex polarity,” concluding that a female is

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<sup>34</sup> Aristotle, “Generation of Animals,” in *The Complete Works of Aristotle: The Revised Oxford Translation*, 716a 10-15.

<sup>35</sup> *Ibid.*, 716a 20-30.

<sup>36</sup> Aristotle, “History of Animals,” in *The Complete Works of Aristotle: The Revised Oxford Translation*, 538a 22 - 38b 10.

<sup>37</sup> *Ibid.*, 608b 8.

<sup>38</sup> Prudence Allen, *The Concept of Woman*, vol. 1 (Grand Rapids, Mi: W.B. Eerdmans Publishing, 1985), 89.

inferior to the male.<sup>39</sup> It is important to note that this does not necessarily follow, as other Aristotelian philosophers (such as John Finley, introduced in Chapter Four) have shown.

### *2.3 Sexual Difference in Matter and Form*

Aristotle believes that all material substances (and as such, men and women) are composed of matter and form. In *Metaphysics*, Aristotle states that “male and female are indeed modifications peculiar to ‘animal,’ not however, in virtue of its essence but in the matter, i.e. the body.”<sup>40</sup> For Aristotle, *matter, and not form, determines the sex of an individual*. He argues that when reproduction occurs, women are the providers of the matter of the new human being, while men provide the form. Gareth Matthews describes the donation of matter and form by the parents as the “Doctrine of Paternal Agency.”<sup>41</sup> Aristotle thus attempts to explain the process of human reproduction ontologically:<sup>42</sup>

The female always provides the material, the male that which fashions it, for this is the power that we say they each possess, and this is what it is for them to be male and female. Thus while it is necessary for the female to provide a body and a material mass, it is not necessary for the male, because it is not within what is produced that the tools or the maker must exist. While the body is from the female, it is the soul that is from the male, for the soul is the substance of a particular body.<sup>43</sup>

Moreover:

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<sup>39</sup> Ibid.

<sup>40</sup> Aristotle, “Metaphysics,” in *The Complete Works of Aristotle: The Revised Oxford Translation*, 1058b 21-23.

<sup>41</sup> Gareth B. Matthews, “Gender and Essence in Aristotle,” *Australasian Journal of Philosophy* 64, no. sup1 (1986): 20, <http://dx.doi.org/10.1080/00048402.1986.9755422>.

<sup>42</sup> Allen, 91.

<sup>43</sup> Aristotle, “Generation of Animals,” in *The Complete Works of Aristotle: The Revised Oxford Translation*, 738b, 20-25. Note that this is an example of another equivocation in how Aristotle uses the term substance.

For as we said above, the male and female principles may be put down first and foremost as origins of generation, the former as containing the efficient cause of generation, the latter the material of it.<sup>44</sup>

#### 2.4 Norm-Defect and Complementarity Theory

Matthews describes two different theories of Aristotle's sexual difference, the "Complementarity Theory" and the "Norm-Defect Theory."<sup>45</sup> The Complementarity Theory argues that "there would be a collection of pairs of contrary features . . . such that one feature in each pair would go to make up a configuration that is one of two possible realisations [sic] of humanity."<sup>46</sup> The Norm-Defect Theory argues that "one of the two types is normative, the other, defective."<sup>47</sup>

Both of these theories are seen in Aristotle's works. The Norm-Defect theory is the theory that understandably offends the feminist community. Aristotle clearly believes that women are defective and impotent as compared to men, stating that "the female is, as it were, a mutilated male,"<sup>48</sup> and also:

Now a boy is like a woman in form, and the woman is, as it were, an impotent male, for it is through a certain incapacity that the female is female, being incapable of concocting the nutriment in its last stage into semen.<sup>49</sup>

However, Aristotle also notes the difference between men and women as complementary. Matthews cites a portion of Aristotle's *Nicomachean Ethics* where

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<sup>44</sup> Ibid., 716a 5-15.

<sup>45</sup> Matthews, 17-18.

<sup>46</sup> Ibid., 17.

<sup>47</sup> Ibid., 18.

<sup>48</sup> Aristotle, "Generation of Animals," in *The Complete Works of Aristotle: The Revised Oxford Translation*, 737a 27.

<sup>49</sup> Ibid., 728a 17.

Aristotle examines the emotion of grief and the difference in reaction to grief found between men and women, stating:

It seems to me that Aristotle shows at least some fleeting appreciation for the possibility of loving sympathizers as ‘friends and companions in sorrow.’ But if so, the appreciation is only fleeting. For immediately we are admonished to ‘imitate the better type of person.’ . . . Instead of seeing these two patterns as complementary patterns of human response to grief, Aristotle makes one the norm and the other the defect.<sup>50</sup>

While Aristotle does see complementarity in the difference between male and female, he sides more often with the Norm-Defect Theory than with the Complementarity Theory.<sup>51</sup>

### *2.5 Prudence Allen’s Three-Phase Approach*

Allen provides a summary of Aristotle’s position by using a three-phase approach, distinguishing sex in terms of logic, metaphysics, and philosophy of nature.<sup>52</sup> In the first phase, logic, Allen states:

Aristotle’s logic sought the formal essence of the thing being defined. . . . Since, for Aristotle, forms did not exist without matter, the essence of “man,” or human being, always included some reference to its material identity. However, the reference was simply to the presence of a kind of materiality common to its classification as animal life. Its difference from other animals was defined by the presence of reason. Individuals, as examples of primary substances, were instances of the species.<sup>53</sup>

At the level of logic, Aristotle defines “man”<sup>54</sup> as a rational animal.

At the metaphysical level, Aristotle questions whether male and female are different species; he states:

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<sup>50</sup> Matthews, 19.

<sup>51</sup> Ibid, 18.

<sup>52</sup> Allen, 104-08.

<sup>53</sup> Ibid., 104.

<sup>54</sup> Allen uses “man” here as a term signifying the species, not sex.



why a female and male are not different species, though this difference belongs to animal [sic] in virtue of its own nature, and not as paleness or darkness does; both “female” and “male” belong to it qua animal.<sup>55</sup>

Allen considers that Aristotle struggled to explain how two different sexes can be in one species, stating that they can be different “1) in form; 2) in matter as contraries in virtue of its own nature; or 3) in matter as contraries not belonging to its nature.”<sup>56</sup> Male and female fall into the second category, as Aristotle believed that the sexual difference was in the matter (as previously stated above), but it is not a difference in the form. Citing Aristotle as stating “Contraries which are in the definition make a difference in species, *but those which are in the thing taken as including its matter do not make one* [emphasis mine],”<sup>57</sup>

Allen argues that Aristotle would say that sex is a necessary accident, as something that:

belonged to human life *qua* animal or in *virtue of itself*. Accident in this sense was *usually* or *necessarily* present. . . . Therefore, in the *Metaphysics*, sexual differentiation was considered closer to definition of species than other differences not present by virtue of the material nature; and sexual differences were accidents in a stronger sense than other differences.<sup>58</sup>

Lastly, Allen addresses the third phase, the philosophy of nature. Allen states that Aristotle uses “sexual distinctions that are necessarily or usually present in woman and man.”<sup>59</sup> She cites previous passages of Aristotle in *Generation of Animals* that describe the female as passive and the male as active, the female as providing the matter and the man

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<sup>55</sup> Aristotle, “Metaphysics,” in *The Complete Works of Aristotle: The Revised Oxford Translation*, 1058a 30-34.

<sup>56</sup> Allen, 105.

<sup>57</sup> Aristotle, “Metaphysics,” in *The Complete Works of Aristotle: The Revised Oxford Translation*, 1058b 1-4.

<sup>58</sup> Allen, 106.

<sup>59</sup> *Ibid.*

the form, and other previously mentioned differences. These are based in Aristotle's examination of the physical world.

Allen ends her consideration of the three-phase difference in definition with an interesting insight as to how in contemporary times Aristotle's understanding of gender was confused:

Historically, a wedge was eventually placed between the first and the third notion of definition [between logic and the philosophy of nature]. When a consideration of the metaphysical category of contraries was dropped from western thought, the philosophy of definition slowly but surely became identified only with the definition of species or formal nature. Consequently, *the consideration of material differences between woman and man was relegated to the same category of accident as colour of hair or skin* [emphasis mine]. In contemporary language, this is described as the separation of analytic from synthetic predicates, and the preservation of only analytic predicates in definitions.<sup>60</sup>

While it is beyond the scope of this thesis to evaluate Allen further in regard to Aristotle and definition, her insight might warrant consideration when analyzing Aristotle to better understand his theory.

In conclusion, the language that Aristotle used is often considered offensive today. Working with a limited understanding of biology, Aristotle developed his theory of the differences of sex based on faulty science (especially with respect to the biological workings of reproduction), as well as the opinions of the day regarding men and women. As such, many of his observations as related to the philosophy of nature, and his general observations about the differing behaviors and roles that men and women play, led him to incorrect conclusions that rightly anger many in the feminist community. Such conclusions are a product of his era rather than holding any scientific truth. The challenge is to separate

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<sup>60</sup> Ibid., 106-07.

Aristotle's natural philosophy, which had basic facts of reproduction incorrect, from his logic and metaphysics, which still have much to contribute. His metaphysics and logic constitute a framework on which someone could build an understanding of sex and gender. Charlotte Witt is such a person, and she attempts to do so with her theory of gender uniessentialism.

### Chapter Three: Charlotte Witt and Gender Uniessentialism

Charlotte Witt is the creator of a unique gender theory called gender uniessentialism.<sup>61</sup> Witt explains her theory in her book *Metaphysics of Gender*. According to Witt, the need for such a theory comes from the fact that in every individual, there is an intuition that gender is somehow essential to the individual's understanding of their own self-identity. Natalie Stoljar explains:

Part of the motivation for defending gender essentialism is to explicate the centrality of gender in individuals' own intuitions about their sense of self. Many people think that if their gender were to change, they would not be the same individual. . . . This suggests that gender is an essential property of individuals in at least some sense of the concepts "gender," "individual," and "essential."<sup>62</sup>

Witt's position claims to use an Aristotelian metaphysical framework to build a gender theory that is an ontological theory, rather than a sociological or anthropological theory, as is common among many feminists. By using an Aristotelian framework, she takes a position that is unique among feminist gender theorists, presenting the claim that gender can be grounded metaphysically. Witt ultimately believes that this metaphysical accounting of gender is important because understanding gender in such a way will help advance the causes of the feminist community.

Witt employs several terms within gender theory, some coming from Aristotle and others she creates. Witt also redefines some terms, or understands them differently than a traditional Aristotelian would understand the terms. It is vital for clarification to identify where she differs in her definitions from those of Aristotle.

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<sup>61</sup> Many feminists use the term "essentialism" as a broad descriptor of the views that hold that gender is somehow essential to the human. Witt makes her theory distinct by claiming it is uniessential, which over the course of her argument she will explicate.

<sup>62</sup> Natalie Stoljar, "Witt, Charlotte: The Metaphysics of Gender," *Ethics* 122, no. 4 (2012): 829.

### 3.1 Types of Essentialism

Witt's details her understanding of essence in another book, *Substance and Essence in Aristotle: An Interpretation of Metaphysics VII-IX*, which she uses as the foundation of her gender theory. Witt defines essence in two ways. The first way is essence in relation to kinds. Witt states that in this view, it is "a property that determines kind membership."<sup>63</sup> Witt refers to this as "kind essentialism,"<sup>64</sup> describing it as an essence which is "the determining factor constituting a grouping of individuals."<sup>65</sup> Aristotelians understand kind essentialism as referring to a universal, or secondary substance. Witt argues however, that essences are actually "substances and particulars, or individuals."<sup>66</sup>

Witt believes that essences are only individuals and then addressed the understanding of secondary substance. Witt argues that, while it is traditional to interpret Aristotle this way, she rejects the interpretation of essence as "universals that explain species membership."<sup>67</sup> Witt specifically believes that kind essentialism is mistaken on three accounts:

First, it is wrong in holding that the most important function of form or essence is to explain species membership. . . . Second, the traditional interpretation mistakenly holds that the essence of an individual, composite substance is universal rather than [sic] individual. . . . Third, on my view, an essence is not a property (or a cluster of properties) of the substance

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<sup>63</sup> Charlotte Witt, *The Metaphysics of Gender, Studies in Feminist Philosophy* (Oxford: Oxford University Press, 2011), 5.

<sup>64</sup> Witt also refers to it as "species essence."

<sup>65</sup> Witt, 5.

<sup>66</sup> Charlotte Witt, *Substance and Essence in Aristotle: An Interpretation of Metaphysics VII-IX* (Ithaca: Cornell University Press, 1989), 145.

<sup>67</sup> Mary Louise Gill, "Reviewed Work(s): Substance and Essence in Aristotle: An Interpretation of Metaphysics VII-IX by Charlotte Witt," *The Classical World* 84, no. 4 (1991): 331, accessed 3/22/2018, <http://www.jstor.org/stable/4350845>.

whose essence it is . . . no property (no Aristotelian property) can be the cause of being of an actual, individual substance.<sup>68</sup>

She argues instead that “no universal can be substance or essence. Rather, the essence is the cause of the individual’s being and is as such individual in itself.”<sup>69</sup> Witt also believes that an essence is not “a set of properties that necessarily belongs to an object throughout its existence,” and “[essences] are not properties (necessary or accidental) of sensible substances or of their constituent matter.”<sup>70</sup> *Witt rejects kind essentialism.*

Witt believes that there is another interpretation of essence, also Aristotelian, that she refers to as “individual essentialism.” Rather than kind essentialism, Witt argues that what Aristotle means by essence is individual:

(i) the cause of there being an actual individual substance and (ii) the cause of its being a unity rather than a heap. That is to say, Aristotle’s primary interest in the question of what is responsible for the existence of an actual individual substance, rather than in the question of why we classify individual substances in the way that we do (i.e., into species).<sup>71</sup>

Witt claims that this view is the correct general interpretation of essence. Witt understands essence as more connected with the understanding of an Aristotelian primary substance, the individual. She believes that individual essentialism divides into two different subtypes, “identity essentialism” and “uniessentialism.”

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<sup>68</sup> Witt, *Substance and Essence in Aristotle: An Interpretation of Metaphysics VII-IX*, 3.

<sup>69</sup> Horst Seidl, “Reviewed Work(s): Substance and Essence in Aristotle. An Interpretation of Metaphysics VII-IX by Charlotte Witt,” *The Review of Metaphysics* 44, no. 1 (1990): 173, accessed 3/22/2018, <http://www.jstor.org/stable/20129009>.

<sup>70</sup> Gill, 331-32.

<sup>71</sup> Witt, *Substance and Essence in Aristotle: An Interpretation of Metaphysics VII-IX*, 3.

Identity essentialism, according to Witt, is the understanding of essence as explained by Kripke. It is defined as “what makes an individual be the individual it is.”<sup>72</sup> Kripke’s understanding asks what individual property is necessary to be that particular individual.<sup>73</sup> Witt explains that Kripke’s understanding of essence deals with the *identity* of the individual. According to Witt:

Kripke’s basic idea is to consider the properties of an object, (in this case, a lectern) and to reflect about those properties in relation to the identity of the object. Which properties are such that the lectern, if it lacked them, would not be this lectern? Those properties are the necessary or essential properties of the lectern. . . . The properties an object must have if it exists at all are the properties that, if the object did not have them, it would not be that very object.<sup>74</sup>

One of many problems that Witt sees with identity essentialism is that:

The radical individuality of essential properties of origin makes them unsuitable for inclusion in an Aristotelian essence . . . the individual forms or essences of two human beings could not be specified in a single definition that would specify both essences.<sup>75</sup>

Witt also believes that Kripke’s essentiality of matter is problematic, stating that “Aristotle does not include matter in the definition of a composite substance; the definition, he holds, is a determination of the form and actuality.”<sup>76</sup> *Witt rejects identity essentialism.*

The second subtype of individual essentialism Witt labels uniessentialism. She makes the distinction within individual essentialism to avoid the critique of identity essentialism. She argues that in uniessentialism, “the essence is the cause of being of the

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<sup>72</sup> Witt, *The Metaphysics of Gender*, 6.

<sup>73</sup> Ibid.

<sup>74</sup> Witt, *Substance and Essence in Aristotle: An Interpretation of Metaphysics VII-IX*, 182.

<sup>75</sup> Ibid., 191.

<sup>76</sup> Ibid., 192.

individual . . . more precisely, its essence causes these materials or parts to constitute a new individual substance rather than a heap of stuff or collection of parts.”<sup>77</sup> Uniessentialism is “a theory about the unity of individuals, and it holds that individuals are unified and exist as individuals . . . by virtue of their essences.”<sup>78</sup>

Witt argues that a uniessence is a functional property that explicates the existence of the particular individual, and answers the question “what is it?”<sup>79</sup> Witt notes that while artifacts and biological individuals have a principle that explains their existence as individuals, she believes that the principle is a functional essence.<sup>80</sup> This functional essence is “an essential property that explains what the individual is for, what its purpose is, and that organizes the parts towards that end.”<sup>81</sup> Paul Gilbert describes uniessentialism as “the property which makes some individual thing into the thing it is, as, for instance, having the function of being a shelter for humans or animals makes various material parts into some individual house.”<sup>82</sup> The question asked in this view is “what is it?”<sup>83</sup> The answer to the question is its functional essence.

Witt continuously uses an analogy of a house to describe uniessentialism, in that the parts of the house make up the whole, but that the functional essence of a house is to

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<sup>77</sup> Witt, *The Metaphysics of Gender*, 10.

<sup>78</sup> Charlotte Witt, *Feminist Metaphysics: Explorations in the Ontology of Sex, Gender and Self*, ed. Charlotte Witt, Feminist Philosophy Collection (New York: Springer, 2011), 11.

<sup>79</sup> Witt, *The Metaphysics of Gender*, 6.

<sup>80</sup> Witt has now described three different views of essence: kind essentialism, individual essentialism, and a functional essence within individual essentialism called uniessentialism.

<sup>81</sup> Witt, *The Metaphysics of Gender*, 14.

<sup>82</sup> Paul Gilbert, “Book Review: The Metaphysics of Gender,” *Journal of Gender Studies* 22, no. 1 (2013): 104.

<sup>83</sup> Witt, *The Metaphysics of Gender*, 6.



provide shelter, and the disparate parts do not realize that function. In the analogy, she states that uniessentialism is a “theory about the ontological constitution of unified individuals, and it applies to any unified individual that is made up of parts, including artifacts, organisms, persons, agents, plays, God, and so on.”<sup>84</sup> *Uniessentialism is Witt’s understanding of essence.*

### *3.2 Human Organism, Person, and Social Individual*

Witt’s understanding of essence leads to the next distinction within her theory of gender uniessentialism, that of the ontological division of the human being. The crux of Witt’s theory of uniessentialism rests on her dissection of the human being into different ways of being, namely into a human organism, a person, and a new distinction called the social individual.<sup>85</sup> She uses an example of her daughter Anna, who is adopted. Witt argues that if Anna were left in Vietnam, the two “Annas,” “Vietnamese Anna” and “American Anna,” while the same human organism, would not be the same person.<sup>86</sup> Nor would they be the same social individual, because American Anna would have a different social role, such as adopted, or a minority – roles that Vietnamese Anna would not possess.

#### 3.2.1 Human Organism

Witt defines a human organism as “individuals who are members of the human species and who realize the human genotype, or whatever other criteria are proposed to

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<sup>84</sup> Ibid., 15.

<sup>85</sup> Ibid., 52-53.

<sup>86</sup> Ibid., 51.

define species membership,” and as such are subject to biological or functional normativity.<sup>87</sup>

### 3.2.2 Person

Witt defines the term “person” as “individuals who have a first-person perspective (or self-consciousness) and are characterized by the related property of autonomy.”<sup>88</sup> She would argue that some members of the human species are not persons, using the example of a baby, as the baby lacks a first-person perspective and is not self-reflective.<sup>89</sup> Mari Mikkola in her critique explains Witt’s definition of person “in terms of intrinsic psychological states of self-awareness and self-consciousness (i.e. the first person [sic] perspective)”<sup>90</sup> A person is autonomous and has associated ethical normativity.<sup>91</sup>

### 3.2.3 Social Individual

Witt’s new addition, and what she claims makes her theory a metaphysical theory, is her understanding of a social individual. Witt defines social individuals as “those individuals who occupy social positions such as a parent, a professor, a contractor, or a refugee.”<sup>92</sup> For Witt’s theory to work, it is critical that she establish the nature of the social individual as an ontological reality, distinct from both human organisms and persons. Later

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<sup>87</sup> Ibid., 54.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Mari Mikkola, How Essential Is Gender Essentialism? Comments on Charlotte Witt’s the *Metaphysics of Gender*, vol. 8, *Symposia on Gender, Race and Philosophy* (Massachusetts Institute of Technology: 2012), 1.

<sup>91</sup> Witt, *The Metaphysics of Gender*, 54.

<sup>92</sup> Ibid.

in her argument, she will argue that human organisms and persons are not gendered, only social individuals are gendered.

Social individuals, according to Witt, differ from both persons and human organisms, by way of their relation to social positions:

Social individuals differ from both human organisms and persons because they are defined relationally as social position occupiers. Social individuals exist in relation to the social world and its network of social positions. Being a social individual is a relational status that is fixed by an individual's social position occupancy.<sup>93</sup>

She also states that "I distinguish social individuals from persons because the first-person perspective is an essential property of persons but not of social individuals, who are essentially social position occupiers."<sup>94</sup> She believes that not every member of the human species is a person, in that a person must have the ability of self-reflection.<sup>95</sup> Some human organisms, such as babies or children, do not possess this power. While they are social individuals by virtue of their role as "child" or "student," they are not fully capable persons.

Witt argues that "persons and humans have different persistence and identity conditions," using the example that while American Anna and Vietnamese Anna are the same human organism, they would be different persons.<sup>96</sup> She argues that the same is true of the social individual:

If the social world did not exist, then social individuals would not exist. Social individuals are essentially relational beings and their existence is dependent upon the existence of social reality. In contrast, to be a person is essentially to have a first-person perspective (or self-consciousness). . . . An individual person could exist independently of social reality because having

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<sup>93</sup> Ibid., 55.

<sup>94</sup> Ibid., 61.

<sup>95</sup> Ibid., 54.

<sup>96</sup> Ibid., 55.

a first-person perspective does not require the existence of the social world, but a social individual could not exist independently of a set of social positions and roles.<sup>97</sup>

Witt believes that a social individual has different persistence and identity conditions than the person (such as the requirement of a social reality). Therefore, a social individual is ontologically distinct from both a person and from a human organism. Each have a different manner of being. Human existence then, is a combination of human organism, person, and social individual, which Witt calls “the trinity.”<sup>98</sup>

### *3.3 Ways of Being – Constitution Relationship*

Witt elaborates on how the human organism can constitute both the social individual and the person by explaining it in terms of a constitution relationship.<sup>99</sup> The “Constitution View” was created by Lynne Rudder Baker. She describes it as:

It is a relationship that may hold between granite slabs and war memorials, between pieces of metal and traffic signs, between DNA molecules and genes, between pieces of paper and dollar bills - things of basically different kinds that are spatially coincident.<sup>100</sup>

Witt bases her understanding on how both a social individual and a person can be constituted in a human organism on the constitution theory.<sup>101</sup> Witt argues that the

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<sup>97</sup> Ibid., 55-56.

<sup>98</sup> Ibid., 57.

<sup>99</sup> Ibid., 69.

<sup>100</sup> Lynne Rudder Baker, *The Metaphysics of Everyday Life: An Essay in Practical Realism*, Cambridge Studies in Philosophy (Cambridge, UK ; New York: Cambridge University Press, 2007), 32.

<sup>101</sup> Witt states that she developed her views independently of Baker, but that Baker “provides an impressive articulation and defense of the concept.” (Witt, *The Metaphysics of Gender*, 69.) The constitution view is another debatable position concerning identity in Witt’s theory. It rejects the typical hylomorphic view which would argue how one thing can be many in terms of matter and form. A block of marble can also be a statue because while the material is one, it comprises different forms. Much more could be said of the constitution view and its implications. However, while outside the scope of this thesis, constitution view makes up her understanding of how the concepts of human organism, person, and social individual are

constitution relationship explains how “three individuals [are] related to one another when they occupy the same place.”<sup>102</sup> The constitution theory states that constitution is a relation of unity and not identity. Witt says that “when a human organism constitutes a person, the organism (the constituter) does not cease to exist, but the constituted thing is a person, a unified being, and not two or more beings.”<sup>103</sup>

Witt argues that the constitution relationship allows for “branching,” a term that means that one object can constitute two different objects.<sup>104</sup> Witt uses an example of a lump of clay, a statue, and a religious object as having different relations in social contexts, even though they share certain properties.

### 3.4 Sex

Witt does not define sex as explicitly as she does the other terms in her book. Nor does she believe that there is a clear “bright line” distinction between sex and gender or a direct one-to-one relationship.<sup>105</sup> Witt uses the terms “male” and “female” when talking about biological sex.<sup>106</sup>

On one hand, Witt believes that “there are empirical problems with thinking of sex difference as a biological matter. . . For one thing, there is good reason to doubt that sex

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unified, and is summarized here to complete her theory. It will not be critiqued further, but should be considered another area of concern that Aristotelians would debate.

<sup>102</sup> Witt, *The Metaphysics of Gender*, 69.

<sup>103</sup> Ibid., 70.

<sup>104</sup> Ibid., 71.

<sup>105</sup> Ibid., 32.

<sup>106</sup> Ibid., 28.

difference is based entirely on biological markers.”<sup>107</sup> She argues that “it is a cultural, medical practice to bifurcate into two categories what is naturally more complex.”<sup>108</sup>

On the other hand, she identifies that there are biological markers associated with being male and female, and with being intersexed, but it is important to recognize the cultural forces involved in categorizing all human animals as either male or female.<sup>109</sup>

Witt states that the human reproductive function can be seen from two perspectives. As a biological function, “human reproduction has a normative component. . . . This biological normativity is species based; it is as a member of the human species that our biological functions are fixed.”<sup>110</sup> The other perspective is from a socially mediated function, where there is a second layer of normativity called social normativity. In that layer, “gendered social roles that are defined in relation to reproduction are not determined by species membership alone.”<sup>111</sup> The sex of a human organism will have a role to play in gender, but it is not definitive. Witt argues that:

While sexual morphology and other biological markers provide a basis for distinguishing male from female human beings (although not all humans are either male or female), it is not necessary that an individual satisfy the criteria for being male to be a man or the criteria for being female to be a woman.<sup>112</sup>

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<sup>107</sup> Ibid., 35.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid., 31.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid., 28.

### 3.5 Gender

Witt uses the terms “man” and “woman” for gender.<sup>113</sup> She describes gender as “a pervasive and fundamental *social position* [emphasis mine] that unifies and determines all other social positions both synchronically and diachronically.”<sup>114</sup> Witt’s view of gender is also that it provides the “*principle of normative unity* that organizes, unifies, and determines his or her other social roles [emphasis mine].”<sup>115</sup> Natalie Stoljar describes Witt’s definition of gender:

[Witt] proposes a definition of gender using what Witt calls the “engendering function”: [sic] “to be a woman is to be recognized as having a body that plays one role in the engendering function: women conceive and bear” (40). Thus on Witt’s analysis, being a woman is tied to the bodily aspect of being a female human—the biological function of conceiving and bearing children—but defined using criteria of social recognition. Therefore, the normativity that is appropriate to the notion of gender is social, not biological. A female human may not live up to biological norms when her childbearing function is impaired but may nevertheless live up to the social norms that are associated with a body whose function is childbearing (and vice versa).<sup>116</sup>

What is unique about Witt’s theory is where in “the trinity” of the human being Witt attributes gender. Witt asserts that the *social individual* is gendered, and *not* the person, nor the human organism. A person, according to Witt, has no gender because a person is merely the first-person perspective of an individual human being. A person, therefore, is independent of cultural and social relations. Gender is a social role, and must be attributed to the social individual.

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<sup>113</sup> Ibid.

<sup>114</sup> Ibid, 19-20.

<sup>115</sup> Ibid, 60.

<sup>116</sup> Stoljar, 830.

Witt argues that “gender is a social position and a social role,”<sup>117</sup> and that “being a woman or being a man is a social position, and whether an individual is a woman or a man is determined by which engendering function that individual is recognized by others to have.”<sup>118</sup> The consequence of this is that gender cannot be merely a matter of personal self-identification. Witt proposes “to define the social position of being a woman and being a man in terms of the socially mediated reproductive (or engendering) functions that an individual is recognized (by others) to perform.”<sup>119</sup> If society determines that a particular individual is a woman, it is because they have determined that her engendering function is to conceive and bear children. As noted above by Stoljar, there is a biological aspect to the determination of gender, the function; but it is defined in the context of a social role – that of a mother. If the biological function is damaged (i.e., the woman is unable to have children), the social role remains undisturbed (society still recognizes her engendered social position).

Witt also believes that while there is a cultural aspect associated to gender, “part of what it means to be a woman or a man is to be recognized to have a certain kind of body that is linked to certain biological processes like reproduction.”<sup>120</sup> Witt states that:

there is no plausible way of thinking about gender that is entirely detached from bodily, biological existence even if – as we have just seen – those biological processes, or sexual and reproductive functions, are complex and culturally mediated.”<sup>121</sup>

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<sup>117</sup> Witt, *The Metaphysics of Gender*, 58.

<sup>118</sup> *Ibid.*, 59.

<sup>119</sup> *Ibid.*, 18.

<sup>120</sup> *Ibid.*, 35.

<sup>121</sup> *Ibid.*, 36.



Witt states that “some feminists distinguish sex from gender by basing sex difference on biological criteria and gender difference on social and cultural criteria.”<sup>122</sup> However, she argues that this is overly simplistic on both accounts. Witt believes that the division of sex into male and female is made by anatomical, chromosomal, and hormonal criteria, often at birth. However, she believes that there are more than just two sexes, referencing hermaphroditism,<sup>123</sup> and that it is a simplification to categorize humans into two sexes.<sup>124</sup> She believes this categorization to be a cultural, medical practice rather than something more innate, even though she does not deny the biological markers associated with the male and female sex.

### *3.6 Gender as the Sole Unifying “Mega Social Role”*

Witt, near the end of her argument, makes the further claim that gender is not merely one of many social positions or roles, but the *sole unifying role* that unifies all of the other social roles and serves as the foundational organizational principle of the social individual. Witt declares gender a “mega social role,” which “provides a principle of normative unity for social individuals.”<sup>125</sup> Witt writes that “gender unifies the sum of social position occupancies into a new social individual.”<sup>126</sup>

A social individual might occupy many different social roles at one time. What is needed is a role that “unifies her or him into a single individual, despite holding several

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<sup>122</sup> Ibid., 34.

<sup>123</sup> Here Witt cites Alice Dreger’s book *Hermaphrodites and the Medical Invention of Sex*, for her argument that multiple types of sex exist beyond male and female. See footnote 186.

<sup>124</sup> Witt, *The Metaphysics of Gender*, 35.

<sup>125</sup> Ibid., 86.

<sup>126</sup> Ibid., 19.

different social roles.”<sup>127</sup> For example, an individual might be occupying the role of woman, mother, doctor, and friend all at the same time. All of these social roles have a set of social norms specific to each social role, and yet some might conflict with others. The mega social role is the role that takes precedence over and above any other social role that a social individual may occupy: “An individual agent requires an integrated or unified set of norms that tacitly or explicitly govern his or her social activity, perhaps prioritizing some normative requirements and minimizing others.” A mega social role acts as this unifier and prioritizes the various and disparate demands that any particular social role might make.

Witt believes that gender is a social individual’s mega social role. According to Paul Gilbert, “one’s gender is the mega social role that gives normative unity to others and makes us the individuals we are.”<sup>128</sup> While a social individual is evaluated on the basis of many social roles in society, the social individual is primarily evaluated by and responsive to the mega social role of gender.

### 3.7 Witt’s Theory

Having defined and elaborated on Witt’s terminology, it is possible to see her theory in its entirety. Witt believes that uniessentialism is a “relational property that orders all of the individual parts into a functional unity,”<sup>129</sup> which she refers to as a “uniessence.” For Witt, gender is the uniessence of a social individual; it is *the* relational and normative property that orders all of the other social roles. Gender is *the* unifying social role. Gender is the uniessence, the organizing principle, and the mega social role of a new ontological

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<sup>127</sup> Gilbert, 105.

<sup>128</sup> Ibid.

<sup>129</sup> Witt, *The Metaphysics of Gender*, 12.

concept called a “social individual.” Gender takes precedence and priority over any other social role a social individual may possess.

She argues that a social individual is gendered. Social individuals are ontologically different from both persons and human organisms, yet they constitute one individual.<sup>130</sup> The flexibility in her position allows her to maintain a distinction between sex and gender, and also allows for a social individual to change their gender if the social individual undergoes a change which would modify the way the social individual is evaluated in society (such as a sex-reassignment surgery). Her theory thus allows for multiple genders because she believes there are more than two sexes, as evidenced by intersex and hermaphrodite individuals.<sup>131</sup>

Finally, Witt attempts to correct misconceptions about her theory as well, arguing that other forms of essentialism (kind essentialism and identity essentialism) cannot explain gender adequately.<sup>132</sup> The critiques that many feminists use do not apply to her version of uniessentialism, but to the other two types of essentialism. Witt argues that her theory avoids those pitfalls and better explains gender than the prevailing views, with the benefit of providing a metaphysical grounding of gender that feminism lacks.

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<sup>130</sup> Ibid, 61.

<sup>131</sup> Ibid, 39.

<sup>132</sup> Ibis, 8-10

## Chapter Four: Analysis of Gender Uniessentialism

Witt's theory is unique in both the feminist and Aristotelian communities. Essentialism is largely an unacceptable position within the feminist community, and many feminists have a critical analysis of her theory. However, it is important to understand in a broader context the contemporary feminist position and how Witt's theory relates to it.

Biologically, Witt's assertions about sex require further examination. Biology can explain a great deal about sexual difference and development. Using this knowledge, Witt's theory can be evaluated further to determine if her understanding of sex opens itself to critique when considering how human biology works, as well as how it accounts for disorders of sexual development.

Finally, within the Aristotelian community, her position of uniessentialism and gender is set within a broader debate of Aristotle's philosophy. While Witt takes a uniessentialist approach, many others reject her position on the grounds that it rejects some of Aristotle's principles. Instead, they prefer a traditional approach that includes kind essentialism. What would a gender theory grounded in a traditional Aristotelian understanding of essence look like?

### *4.1 Feminist Gender Theory Dilemma*

Theodore Bach, a professor of philosophy at Bowling Green State University Firelands College, argues that feminist gender theory tends to fall into two positions, namely, cultural feminism and post-structuralist feminism.<sup>133</sup> Cultural feminists "describe women as a real kind but claim that the essence of this kind has been obscured and devalued

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<sup>133</sup> Theodore Bach, "Gender Is a Natural Kind with a Historical Essence," *Ethics* 122, no. 2 (2012): 232, <http://dx.doi.org/10.1086/663232>.

by andro-centric cultural practices.”<sup>134</sup> Post-structuralists, on the other hand, argue that “the very idea of a coherent category ‘woman’ is a myth that functions in the service of patriarchy.”<sup>135</sup> Witt’s theory is unique in that it wants to affirm that gender is essential, yet allow for flexibility by attaching gender to the social individual. Various societies have various social norms which are subject to modification. Given this, it is possible to see that gender norms could change with society over time. Seemingly, Witt attempts to synthesize the two positions.

These two positions are susceptible to critique by positing a dilemma that neither position seems to be able to answer adequately. The dilemma inherent in the two positions of feminist theory is that it leads to either accepting that there are normative consequences in accepting gender kinds, or else accepting the consequences of rejecting gender kinds.<sup>136</sup>

For example, cultural feminism, by claiming that men and women are real kinds, have a problem in that they are “limited by their exclusion of *prima facie* [sic] women who fail to satisfy enough properties of the posited feminine essence.”<sup>137</sup> In short, they cannot fail to exclude some women from the category<sup>138</sup> of women. If gender is a natural kind, it inherently limits the freedom of the feminist movement to define femininity in the matter they desire as well. To avoid the dilemma, Witt and others employ essentialism to affirm that there is a category of women. They claim “the category ‘woman’ is defined by an

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<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> The term “category” is not being used in the Aristotelian sense, but seeks to refer to the grouping of individuals.

essential social property: women are real, but their unity is socially rather than biologically caused.”<sup>139</sup>

By invoking an “essential social property,” two problems arise: The commonality problem and the representational problem. The commonality problem is fourfold, describing various issues of inseparability, universality, immutability, and normativity for which a social essentialist position cannot adequately account:

1. Inseparability: Gender is not a feature that exists and develops independently of other (social) features such as race, class, and religion.
2. Universality: There is simply no feature that all women of all times and places have in common.
3. Immutability: By defining women according to property P it follows that (i) the elimination of P entails the elimination of women, (ii) if an individual possesses P at time 1 and loses P at time 2, then that individual is no longer a woman.
4. Normativity: Defining women according to an essential property privileges those who possess this property, or who possess more of it, and marginalizes those who do not possess this property, or who do not possess enough of it.<sup>140</sup>

Post-structuralism avoids the horn of the dilemma for which the cultural feminists must account because they reject essentialism. However, rejecting all essentialism leads to the second horn of the dilemma, the representational problem. The representational problem states “if there is no real group ‘women,’ then it is incoherent to make moral claims and advance political policies on behalf of women.”<sup>141</sup> Post-structuralism results in a nominalist position which destroys the very grouping of “woman” for which feminists

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<sup>139</sup> Bach, 235.

<sup>140</sup> Ibid. The entire list is quoted.

<sup>141</sup> Ibid., 234.

are advocating. If they deny the category “woman,” then they are unable “politically to represent women.”<sup>142</sup>

Both positions reject “biological essentialism” or “biologism,” which “ascribes an intrinsic essence to gender categories.”<sup>143</sup> Biologism is rejected by feminists, including Witt, because biologism “has historically been placed in the service of misogynist agenda . . . the view is most commonly attacked on the grounds that it is empirically false and that it explains the social status of women as inevitable, necessary, and therefore justified.”<sup>144</sup>

Several conclusions can be drawn from the dilemma within feminism. First, for any gender theory to be sound, it has to choose which horn to address and explain coherently. Second, both positions argue that biologism, because it has been put into the service of discrimination, is an unacceptable position. However, it would be wise to address the substance of the position rather than how people have misused it over the years. Any tool can be misused, especially in the political sense. Biologism should be evaluated in greater detail, and separated from how it was utilized in the past.

#### *4.2 Feminist Critiques of Witt*

One critique leveled by other feminists is that they reject any sort of gender essentialism. Some believe that essentialism is equivalent to biologism.<sup>145</sup> Witt rejects this as she believes that gender is essential but tied to the social individual. She also denies the claim that “essentialism could only be true of natural or biological entities,” using an

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<sup>142</sup> Ibid., 232.

<sup>143</sup> Ibid., 233.

<sup>144</sup> Ibid., 233-34.

<sup>145</sup> Witt, *The Metaphysics of Gender*, 57.

example of persons such as angels, having no gender at all, to prove that persons are not necessarily gendered.<sup>146</sup>

#### 4.2.1 General Anti-Essentialist Critiques

Witt believes that uniessentialism is better equipped to deal with several other arguments against essentialism by feminists, which she claims are all arguments that affect kind or identity essentialism, and not uniessentialism. Witt addresses three such arguments: the *social construction argument*, the *exclusion argument*, and the *ontological argument*.<sup>147</sup> She uses these arguments to distinguish her position from kind and identity essentialism, thus inoculating her theory from critique.

*The social construction argument*, as Witt describes it, is motivated by the feminist rejection of gender realism – the position that “men and women are kinds whose members share a defining property.”<sup>148</sup> She states that “on the assumption that essences are biologically determined or natural and that gender is socially constructed and *not* biologically determined, an anti-essentialist position concerning concepts of gender follows.”<sup>149</sup> Witt argues that her detractors “assume that only membership in natural kinds (like biological species) could be defined by a common property, because only natural kinds are stable and homogenous.”<sup>150</sup> They claim that essentialism cannot be true because

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<sup>146</sup> Ibid., 58.

<sup>147</sup> Ibid., 7-8.

<sup>148</sup> Ibid., 7.

<sup>149</sup> Charlotte Witt, “Anti-Essentialism in Feminist Theory,” *Philosophical Topics* 23, no. 2 (1995): 324, <http://www.jstor.org/stable/43154216>.

<sup>150</sup> Witt, *The Metaphysics of Gender*, 7.



features that would be used for classification into kinds are variable across both time and culture.

The social construction argument leads to the *exclusion argument*. Essentialism, it is argued, results in excluding some men or women from their natural kind. Her detractors argue that due to essentialism using some attribute to effect the categorization of women, it would “necessarily marginalize and exclude some women by defining kind membership using properties that they do not have.”<sup>151</sup> They also argue that “there are no, or no significant or interesting, features common to women across cultures.”<sup>152</sup>

*The ontological argument* claims that “individual essentialism treats subjects as objects and leaves no room for individual choice and agency.”<sup>153</sup> These detractors argue that essentialism, broadly speaking,

runs counter to the correct view of the self as a subject that chooses, negotiates, rejects, or performs identities like gender . . . nothing *makes* (sic) the individual man or woman the individual that he or she is, because the identities and self-understandings that make up our social selves are chosen, negotiated, performed, rejected, and so on.<sup>154</sup>

Common in all of these arguments is the question “of whether the social construction of gender categories is incompatible with gender essentialism.”<sup>155</sup> Witt dismisses them as applying to identity and kind essentialism, but not to her position of uniessentialism. Against the social construction argument, she argues that “the fact that an individual, institution, or kind has a social origin or social definition does not in and of

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<sup>151</sup> Ibid., 8.

<sup>152</sup> Witt, “Anti-Essentialism in Feminist Theory,” 329.

<sup>153</sup> Witt, *The Metaphysics of Gender*, 9.

<sup>154</sup> Ibid., 8.

<sup>155</sup> Witt, “Anti-Essentialism in Feminist Theory,” 325.

itself rule out essentialism about that individual, institution, or kind.”<sup>156</sup> Witt states that “kind essentialists mistake what is social and variable for what is natural and fixed,” and that her form of essentialism is not susceptible to this problem.<sup>157</sup>

The exclusion argument fails because it applies only to kind essentialism, and not individual essentialism or uniessentialism. She also believes it to be a hasty generalization that would require some other theory which shows exclusion to be the result. Lastly, the ontological argument fails because it again does not apply to uniessentialism, but to identity essentialism.

#### 4.2.2 Witt-specific Feminist Critiques

Witt’s theory has also been critiqued by several feminists. One such feminist is Professor Ann Cudd of the University of Kansas. Cudd believes that Witt gets many things right. She states that Witt “elucidates the tacitness of social norms, in a way that was reminiscent to me of Heidegger’s concept of thrownness.”<sup>158</sup> However, she identifies four aspects of Witt’s theory that she finds to be problematic: social individuals, a social individual as redundant to a person, other candidates for the mega social role, and questioning the engendering function.<sup>159</sup>

First, Cudd does not believe that a social individual is necessary. She takes issue with Witt’s argument that “the type of unity we need . . . is normative unity, and this means

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<sup>156</sup> Witt, *The Metaphysics of Gender*, 8.

<sup>157</sup> *Ibid.*, 7-8.

<sup>158</sup> Ann Cudd, Comments on Charlotte Witt, the *Metaphysics of Gender*, vol. 8, *Symposia on Gender, Race, and Philosophy* (Massachusetts Institute of Technology: 2012), 1.

<sup>159</sup> *Ibid.*

it must be a social role that organizes the prioritization of all of the social roles that one individual occupies.”<sup>160</sup> She replies:

This seems to me to be contradicted by the example of the woman professor who is evaluable under both the norms of caring about and not caring about appearance. In Witt’s case it is the woman norm that rules. In my case it is the professor norm that rules: my question on the first day of class is always “What (the hell!) am I going to say?” . . . I think we put social norms on hold all the time, whenever we are not in the right context to be evaluable under that norm. . . . If I am right about the question of whether the social norm for worrying about appearance is put on hold when I am considering the more urgent question of what to say on the first day of class, then that means that gender is not unifying my other social norms. *But if there is one norm that rules them all, then that norm cannot be put on hold, it must be either flouted or followed or blended with any other norm that is activated for one* [emphasis mine].<sup>161</sup>

Next, Cudd argues that there is no need for a unifying relation for social roles, and that the person could occupy the role rather than the social individual.<sup>162</sup> Cudd continues her critique stating that in regards to Witt’s understanding of the person:

Witt’s conception of the person is inadequate, and this is why persons on her conception cannot provide the principle of normative unity . . . reflection . . . is a normative practice that is enabled by language and other social norms, such as epistemic and practical reasoning norms.<sup>163</sup>

Cudd believes that although Witt argues that persons are characterized by autonomy, “autonomy [is understood] in a relational way . . . [which] implies that it is a social

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<sup>160</sup> Ibid., 3.

<sup>161</sup> Ibid., 3-4.

<sup>162</sup> Ibid., 3.

<sup>163</sup> Ibid., 4.

property.”<sup>164</sup> For Cudd, this understanding of person removes the need to posit a social individual because “persons cannot exist entirely without society.”<sup>165</sup>

Cudd also critiques the notion of mega social roles, arguing that “there would be other equally good candidates to gender for the exalted position.”<sup>166</sup> She proceeds to make the argument that the social role of disability could qualify as a mega social role:

As with gender, which Witt argues empirically affects how individuals are perceived in all their other social roles, being able-bodied positively affects one’s role as parent, professional, citizen, etc. . . . I would venture that it affects everything we do and how we are seen and classified by others at all times.<sup>167</sup>

Cudd also argues that race is an equally compelling alternative to gender, refuting Witt’s argument that “racial categorization is not a cultural universal as gender is.”<sup>168</sup> Cudd argues instead that:

Race is simply the way categorization works in our society. . . . But even if something like race or ethnicity is not a cultural universal, it is certainly highly salient for many societies of the world for a significant period of history to claim that it is now a mega social role.<sup>169</sup>

Witt’s second objection against race is that “race is not connected to any central and necessary social function by definition in the way that gender is.”<sup>170</sup> Cudd rejects this objection as well, arguing that:

Gender does not have a definitional connection to such a function [a central and necessary social function], and that race has an equally close connection

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<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid., 5.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> Witt, *The Metaphysics of Gender*, 99.

to the function of work. After all, many women do not bear or raise children, and many men do not beget children.<sup>171</sup>

Finally, Cudd argues that the engendering function described by Witt is not central to our lives. She recalls that in her life, prior to children, “The norms that govern childrearing and bearing were not significant for me in my late teens and twenties and are receding in normative significance for me [as I get older].”<sup>172</sup> She also worries that “[the] claim that the engendering function is central to our lives is not falsifiable,” because “[there is] no simple empirical refutation of it.”<sup>173</sup>

Witt replies to each of these concerns. With regard to the skepticism about social individuals, Witt argues if Cudd’s position is correct that she can set aside norms (such as that of a woman versus that of a professor), then:

It would be a mystery why aspiring women philosophers even have to worry about what to wear for an APA interview besides the basics . . . if I am right then social roles are less like discrete items on a buffet table and more like a soup or stew with intermingled and mutually inflecting ingredients. And we are not the cooks.<sup>174</sup>

Regarding a misunderstanding about person, Witt argues that Cudd misunderstands her position. Cudd argues that Witt describes a person primarily as autonomous, a position Witt does not hold. Rather, Witt argues that her view of persons describes them “as necessarily having a first person [sic] perspective or being capable of self-reflection,” and that persons are “not *essentially* social position occupiers”<sup>175</sup> In terms of autonomy, she

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<sup>171</sup> Cudd, 5.

<sup>172</sup> Ibid., 6.

<sup>173</sup> Ibid.

<sup>174</sup> Charlotte Witt, *The Metaphysics of Gender: Reply to Critics*, vol. 8, *Symposia on Gender, Race and Philosophy* (Massachusetts Institute of Technology: 2012), 6.

<sup>175</sup> Ibid.

argues that “I don’t think that Cudd’s view of autonomy gives us any additional reason to think that persons are essentially social in the sense of essentially social role occupiers.”<sup>176</sup>

On the critique of mega social roles, Witt grants that Cudd may be right in that gender may not be the only candidate for the mega social role.<sup>177</sup> Witt does not address Cudd’s arguments for race as a social mega role. However, with regards to disability, she describes it as “gappy,” in the sense that it is a relatively new social category and that there are various types of differing lengths and severities of disability.<sup>178</sup> Due to this inconsistency, she dismisses it, stating that:

It is difficult to see how there could be a social role of disability with a set of norms that could perform the prioritizing function of the mega social role. It seems to make more sense to think that disability refers to many different social roles with many different norms.<sup>179</sup>

Finally, on engendering as central to our lives, Witt states that the issue is not whether women are “obsessing about children,” but rather that “the engendering function an individual is recognized to have establishes his or her gender.”<sup>180</sup> She argues that regardless of the fact whether women decide to have children or not, the functional specification of gender is normative, not descriptive.<sup>181</sup>

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<sup>176</sup> Ibid., 7.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid., 8.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid., 7.

<sup>181</sup> Ibid.

### 4.3 Witt's Sex and Gender Distinction

Witt, along with other feminist gender theorists, believes that there is a distinction between biological sex and gender. While Aristotelians could hold that gender is socially constructed, they would also argue that sex is grounded in a biological reality, and that gender is informed by the cognition of sexual difference. Witt makes several assertions about sex that should be examined.

Witt states near the beginning of her argument that she believes there are more than two biological sexes.<sup>182</sup> She implies through her citations of Alice Dreger<sup>183</sup> that hermaphrodites and intersex individuals are additional sexes. She also cites Anne Fausto-Sterling to bring in gender politics and how sex is ultimately socially constructed.<sup>184</sup> However, Witt also believes that human reproduction is a biological function, where “the biological normativity is species based; it is as a member of the human species that our biological functions are fixed.”<sup>185</sup>

#### 4.3.1 Biological Understanding of Sexual Difference

Ryan Anderson in his book *When Harry became Sally: Responding to the Transgender Movement*, makes an argument for understanding sex as a biological reality. Anderson argues that “our genetic code determines our sexed body,” explaining that “sex, in terms of male or female, is identified by the organization of the organism for sexually

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<sup>182</sup> Witt, *The Metaphysics of Gender*, 35.

<sup>183</sup> Alice Domurat Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge, MA: Harvard University Press, 1998).

<sup>184</sup> Anne Fausto-Sterling, *Sexing the Body: Gender Politics & the Construction of Sexuality* (New York: Perseus Books, 2000).

<sup>185</sup> Witt, *The Metaphysics of Gender*, 30-31.

reproductive acts.”<sup>186</sup> He also states that “the conceptual distinction between male and female based on reproductive organization provides the *only* [emphasis mine] coherent way to classify the two sexes.”<sup>187</sup> Anderson cites Lawrence Mayer and Paul McHugh, doctors from John Hopkins University, who argue that:

In biology, an organism is male or female if it is structured to perform one of the respective roles in reproduction. . . . Different animals have different reproductive systems, but sexual reproduction occurs when the sex cells from the male and female of the species come together to form newly fertilized embryos. It is these reproductive roles that provide the conceptual basis for the differentiation of animals into the biological categories of male and female. *There is no other widely accepted biological classification for the sexes* [emphasis mine].<sup>188</sup>

The sexual distinction is biologically dimorphic in that “males are organized to engage in sexual acts that donate genetic material, while females are organized to engage in sexual acts that receive genetic material and then gestate the resulting offspring.”<sup>189</sup> In other words, sex in mammals (and thus in humans) is the male-female relational actualization of the inherent power to reproduce. There are no other sexual organs found in the human species, and as a result, there are only two biological sexes within the human species. This bifurcation into male and female holds for human beings as it does for any species in the genus of mammal. As Anderson argues, “this really isn’t that controversial. Sex is understood this way across species.”<sup>190</sup>

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<sup>186</sup> Ryan T. Anderson, *When Harry Became Sally: Responding to the Transgender Moment* (New York: Encounter Books, 2018), 79.

<sup>187</sup> *Ibid.*, 80.

<sup>188</sup> Lawrence S. Mayer and Paul R. McHugh, “Sexuality and Gender Findings from the Biological, Psychological, and Social Sciences,” *The New Atlantis* Fall 2016, no. 50 (2016): 90.

<sup>189</sup> Anderson, 81.

<sup>190</sup> *Ibid.*



A *man*, or *male*, is the mode of a human being who has the sexual organ (penis) responsible for injecting half of the genetic material (semen) into the woman. In traditional terms, a man has the reproductive faculty of begetting offspring. A *woman* or *female* is the alternative mode of being with a different sexual organ (vagina) which receives the genetic material of the male, providing the other half of the genetic material (within the ovum) necessary for procreation. Stated biologically, a woman has the reproductive faculty of conceiving and bearing.

Anderson describes how the sex distinction begins. During conception, the sperm fertilizes the ovum, conception occurs, and an embryo is formed. Sex is determined genetically at conception, through the contribution of either an X or Y chromosome by the sperm that fertilizes the ovum. The presence of the Y chromosome (which contains the “SR Y,” or “sex-determining Region on Y”) begins a series of hormonal events within the embryo.<sup>191</sup> The Y chromosome directs the creation of testicles in males during fetal development. The absence of the Y chromosome directs the formation of the female reproductive anatomy.<sup>192</sup>

Witt’s position, that there are more than two sexes, seems problematic in light of Anderson’s refutation of the notion of three or more sexes. In the reproductive act, there are only two types of gametes – the sperm and the ovum. There is no third gamete necessary for reproduction, nor does one exist.<sup>193</sup> Witt argues that gender is determined by the engendering function that an individual is socially recognized to have: men beget and

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<sup>191</sup> Ibid., 82.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid., 88.

women gestate, carrying a child to term. In this sense, Witt acknowledges that gender is linked to sex. However, sexual difference is determined by way of the reproductive power of the particular human couple. If there is to be a third gender, it would seem that it must be linked to a particular power of reproduction. Therefore, for her theory to admit a third gender, Witt would require an additional sex (other than male and female). If such a third sex could be defined, then a third gender could be “engendered” to that particular power of reproduction. If a third sex does not exist, then no third gender could exist.

#### 4.3.2 Categorizing Sexual Disorders

Witt argues that one of her reasons for believing there are more than two biological sexes is that sometimes during fetal development, mutations occur that result in intersex or hermaphrodite individuals. These abnormalities can be explained with an understanding of biology and the formation of fetuses in the womb. For example, science explains several medical conditions that result in the deformation of the sexual organs, or the formation of female sex organs in an XY male (and vice versa). Often these abnormalities come about for a variety reasons, most of which involve the presence or absence of testosterone during the fetal development of the sexual organs.<sup>194</sup> These abnormalities result in confusion after the child is born, sometimes resulting in the misidentification of sex, or raise ethical and moral dilemmas in the treatment of these individuals.

However, accidents of nature or deformities during fetal development do not change the fundamental biological understanding of the human being. Disorders of sexual

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<sup>194</sup> Ibid., 82.

development (DSD) are exceedingly rare, occurring once every 5,000 births.<sup>195</sup> Nor do these individuals comprise a new sexual difference. As Anderson argues, “male and female organisms have different parts that are functionally integrated for the sake of their whole, and for the sake of a larger whole – their sexual union and reproduction.”<sup>196</sup> Anderson continues, stating that although “chromosomal and hormonal pathologies can disrupt and prevent normal development . . . activists want to recast all such abnormalities as only ‘differences,’ in effect normalizing disorders.”<sup>197</sup> He challenges the notion that a disorder could potentially be a third sex:

People with DSDs do not constitute a third sex. Rather, DSDs are a pathology in the development and formation of the male or female body. *This is the consensus view of medical experts who study and treat DSDs* [emphasis mine].<sup>198</sup>

Philosophically speaking, a sexual disorder would be accidental, such as the disorder of blindness in the eye. Hermaphrodites and intersex individuals are victims of a birth defect or accident during fetal development.<sup>199</sup> Such causes include “genetic mutations, hormonal influences, the formation of a chimera or mosaic as an early embryo, or chromosomal abnormalities at fertilization.”<sup>200</sup>

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<sup>195</sup> P. A. Lee et al., “Global Disorders of Sex Development Update since 2006: Perceptions, Approach and Care,” *Hormone Research in Paediatrics* 85, no. 3 (2016): 159.

<sup>196</sup> Anderson, 79.

<sup>197</sup> *Ibid.*, 78.

<sup>198</sup> *Ibid.*, 88.

<sup>199</sup> Gender dysphoria could also be considered a disorder in the mental or psychological category, as it pertains to an understanding that someone believes they are a different biological sex than the sex which their bodies indicate, and seeks to modify their bodily characteristics to conform to their desired sexual identity.

<sup>200</sup> Anderson, 88.

Secondly, the human species is a member of the genus “mammals.” All mammals exhibit a sperm-egg reproductive system, and as such, all mammals are classified as either male or female. The reproductive aspect of mammals is not accidental. It is a necessary property of being a mammal. Witt does not explain nor provide evidence of how a species such as human beings are radically different from the genus in which it is contained. Given Witt’s position, it seems that she argues that the species *Homo sapein* is materially distinct from every other species in the animal genus, having the possibility of more than two sexes. Witt is unclear in this regard, and must explain how a species within a two-sexed genus has the potential for a third sex, when sexual reproduction is a necessary property of the genus in question, and applies to every species within the genus.

#### *4.4 Kind Essentialism vs. Uniessentialism*

Witt’s position of uniessentialism was developed in Chapter Three. To summarize, Witt built her theory of gender uniessentialism on her understanding of what Aristotle meant by the concept “essence.” Witt describes her position of uniessentialism as conceptually different than that of kind essentialism:

I think that individual and kind essentialism are conceptually independent of one another. According to one interpretation of Aristotelian essentialism, however, the species form (e.g., the property of rationality) is both what grounds species or kind membership *and* [sic] what is essential to the existence of each individual (Spelman, 1988, Stoljar 1995, Alcoff 2006). *This is not my interpretation of Aristotle’s theory of form and essence (Witt 1989), [emphasis mine] but it is a common and traditional understanding of his view.*<sup>201</sup>

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<sup>201</sup> Witt, *The Metaphysics of Gender*, 11.

Witt continues by stating that a uniessence of a particular thing “explains the existence of the new individual as a unity and not just a sum of material parts.”<sup>202</sup> She thinks that an understanding of essence as in an individual (and in her theory, gender being the essence of a social individual) allows her to develop an Aristotelian model that can explain gender ontologically.

#### 4.4.1 Overview of the Aristotelian Debate

Witt bases her theory of uniessentialism in Aristotle by way of an inconsistency in the use of Aristotle’s language. Previously in Chapter Two, Aristotle speaks of essence and substance as:

That which is neither said of a subject nor in a subject, e.g. the individual man or the individual horse. The species in which the things primarily called substances are, are called *secondary substances*, as also are the genera of these species. For example, the individual man belongs in a species, man, and animal is a genus of the species; so these – both man and animal – are called secondary substances.<sup>203</sup>

Aristotle’s definition of essence is not altogether clear<sup>204</sup> because in *Metaphysics Z*,

Aristotle questions whether:

Each thing and its essence are the same or different. This is of some use for the inquiry concerning substance; for each thing is thought to be not different from its substance, and the essence is said to be the substance of each thing.<sup>205</sup>

Aristotle continues, stating that:

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<sup>202</sup> Ibid., 30.

<sup>203</sup> Aristotle, “Categories,” in *The Complete Works of Aristotle: The Revised Oxford Translation*, 1b 10-20.

<sup>204</sup> Lucas Angioni, “Things Are the Same as Their ‘Essences?’ Notes on Aristotle’s *Metaphysics Z-6*,” *Analytica* 16, no. 1 (2012).

<sup>205</sup> Aristotle, “*Metaphysics*,” in *The Complete Works of Aristotle: The Revised Oxford Translation*, 1031a 15-18.

Each thing then and its essence are one and the same in no merely accidental way . . . because to *know* each thing, at least, is to know its essence, so that even by the exhibition of instances it becomes clear that both must be one<sup>206</sup>

Aristotle concludes: “Clearly, then, each primary and self-subsisting thing is one and the same as its essence.”<sup>207</sup>

In *Categories*, Aristotle states:

Being (οὐσία), in the true, primitive, and strict meaning of this term, *is that which neither is predicable of a subject, nor is present in a subject* [emphasis mine]; it is, for instance, *a particular horse or a particular man*. [emphasis mine]<sup>208</sup>

These differences between *Metaphysics* and *Categories* is the cause of great debate within the Aristotelian community. Some believe that they are mutually refuting, while others believe the differences can be reconciled.<sup>209</sup> Witt agrees with the former assertion; it is the foundation for her theory.

#### 4.4.2 Etienne Gilson’s Argument

Etienne Gilson summarized how he comprehends the debate in *Being and Some Philosophers*. Gilson understands the distinction between essences as traditionally understood. He first explains Aristotle’s position using an example of “manness:”

Manness then is not a property that belongs *in* certain subjects; rather, it is a characteristic which can be ascribed to those subjects. “Man” is what can be “said of” any actually given man. Let us call “predicability” this particular property. . . . “Manness” and “stoneness” do not exist in themselves; they only represent what I can truly ascribe to real “men” or to

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<sup>206</sup> Ibid., 1031b 15-20.

<sup>207</sup> Ibid., 1032a 5.

<sup>208</sup> Aristotle, “Categories,” in *The Complete Works of Aristotle: The Revised Oxford Translation*.

<sup>209</sup> Michael Wedin is one Aristotelian who believes the controversy can be resolved, stating “The theory of *Metaphysics Z* is meant, rather, to explain central features of the standing theory of the *Categories* and so, in effect, it presupposes the essential truth of the early theory.” Michael V. Wedin, *Aristotle’s Theory of Substance: The Categories and Metaphysics Zeta, Oxford Aristotle Studies* (Oxford: Oxford University Press, 2000), 3.

real “stones;” so much so that to turn them into real beings would be to repeat Plato’s mistake. It would be to substitute Ideas for actual realities.<sup>210</sup>

Once Gilson has predicability defined, he then argues:

in our sensible experience, which is the only one we have, the most striking indication we have that a certain substance is there is the operations it carries . . . we first detect substances by what they do. Let us call “nature” any substance conceived as the intrinsic principle of its own operations. *All true substances are natures*<sup>211</sup> [emphasis mine].<sup>212</sup>

Gilson recognizes the inconsistency of what he has just stated: “having reached this point, Aristotle had to stop, leaving his doctrine open to every possible interpretation and misinterpretation.”<sup>213</sup> Gilson argues that Aristotle’s problem is a misunderstanding of the verb “to be:”

The primary mistake of Aristotle as well as of his followers, was to use the verb “to be” in a single meaning, whereas it actually has two. If it means that a thing is, then individuals alone are, and forms are not; if it means what a thing is, then forms alone are and individuals are not. The controversy on the being of universals has no other origin than the failure of Aristotle himself to make this fundamental distinction.<sup>214</sup>

While beyond the scope of this thesis to investigate further, Gilson believes that the answer to the problem is *existence*:

Thus, the world of Aristotle is made up of existents without existence. They all exist, otherwise they would not be beings; but, since their actual existence has nothing to do with what they are, we can safely describe them as if they did not exist. Hence the twofold aspect of his own work.<sup>215</sup>

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<sup>210</sup> Gilson, 43.

<sup>211</sup> Recall from Chapter Two that nature and essence are used interchangeably.

<sup>212</sup> Gilson, 43-44.

<sup>213</sup> Ibid., 44.

<sup>214</sup> Ibid., 49.

<sup>215</sup> Ibid., 50.

#### 4.4.3 Witt's Theory of Essence

The inconsistency identified by Gilson is what has led scholars down through the ages to debate what Aristotle ultimately meant by essence. Witt creates her theory of essence on the very problem stated above. Ultimately, the three historical positions are moderate realism, conceptualism, and nominalism.<sup>216</sup> In sum, Witt is tackling the medieval problem of universals. Witt's position resurrects the debate specifically with regards to gender. If gender is essential, then in what way? As her theory is based on essences existing only in the individual, Witt argues that gender is essential to the social individual – it is the social individual's unessence. It is not an essence found in a kind (she rejects kind essentialism). However, it is also not merely a label. She states that it is somehow grounded in biology (even if to her the biology is not a simplistic bifurcation of sex) even though it is ultimately socially mediated.<sup>217</sup>

If essence is only individual, her argument raises several questions: if she does not believe that essences are universals, how does she explain species? What makes one species different than another? What is a universal? It is not clear what she would say a universal is, if anything. From the historical point of view, if she rejects the realist position on universals, her remaining choices are either nominalism, akin to social constructionist feminists, or conceptualism, akin to William of Ockham or Abelard.<sup>218</sup>

Witt's understanding of essence without the understanding of it as a universal secondary substance is intriguing and requires further analysis and critique. It is a vital

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<sup>216</sup> Plato's position is one of extreme realism, in that forms exist actually and not in a substance.

<sup>217</sup> Witt, *The Metaphysics of Gender*, 31.

<sup>218</sup> Gilson, 48.



component of her gender theory. She appears to be a conceptualist; if this is so, other Aristotelians could critique her position on gender by attacking the underlying theory of essence and of universals. The way that she grounds gender as a uniessence is a novel use of the principle of essence. It serves as a different perspective for the Aristotelian community to consider. The position should be compared and contrasted with an alternative approach that accepts both primary and secondary substances.

#### *4.5 Thomistic Alternative: Gender Theory of John Finley*

John Finley has developed an Aristotelian and Thomistic theory of gender that serves as an example of a traditional defense of sex and gender. It is an advancement of the historical understanding of Aristotle's notion of essence. Finley has an elegant solution that is simpler in its ontology (it does not require an ontological social individual) and maintains the normative biological understanding of sex and gender.<sup>219</sup> The term "gender" for Finley is used differently than Witt:

I here use the term 'gender' to refer to the biological, sexual structures, and capacities in virtue of which humans have been traditionally referred to as male or female. Although the field of gender studies has often invoked the 'sex/gender' distinction, I do not intend my use of the term 'gender' to coincide with this distinction's notion of gender as subjectively or culturally constituted personal identity, distinct from biological structure.<sup>220</sup>

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<sup>219</sup> John Finley, "The Metaphysics of Gender: A Thomistic Approach," *The Thomist: A Speculative Quarterly Review* 79, no. 4 (2015): 586, <https://doi.org/10.1353/tho.2015.0031>.

<sup>220</sup> Ibid.

In his article, Finley seeks to offer a philosophic account of gender in its metaphysical structures.<sup>221</sup> He determines that “being male or female, while properly characterizing the composite human individual, stems primarily from the soul.”<sup>222</sup>

Finley first evaluates St. Thomas Aquinas’ position on sex. Sex for Aquinas is a type of accident. However, he refers to male and female as properties as well. Sex is classified as an inseparable accident, “adhering to particular human beings in lasting fashion.”<sup>223</sup> Gender is identical to sex and results from the principles of the individual through permanent causation, distinguishing gender from separable accidents that have temporary causation, such as the ability to sit or stand. Finley then asks from what principle does gender originate in individual human beings:

Thomas addresses this question in chapter 6 of *De ente*, while articulating a more metaphysical classification of accidents. Because substances like humans are composed of form and matter as principles, certain accidents follow from (*consequuntur*) form while others follow from matter.<sup>224</sup>

As Finley further explains accidents as related to form and matter, in Aquinas’ third distinction, he finds a case for gender; Aquinas holds it as an accident of matter:

So, third, among accidents following from matter some relate to a special form (*formam specialem*); thus masculine and feminine follow from matter, but precisely in relation to the form of “animal.” A sign of this connection is that once the form of animal has departed, gender properly speaking no longer remains, just as an eye of a corpse is called an eye only equivocally.<sup>225</sup>

Finley argues that:

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<sup>221</sup> Ibid.

<sup>222</sup> Ibid., 587.

<sup>223</sup> Ibid., 589.

<sup>224</sup> Ibid., 589-90.

<sup>225</sup> Ibid., 590.

Thomas's account holds that gender is an inseparable accident following from matter, though only present when a "special form" – an animal form – is present. . . . Thomas gives two reasons for assigning gender's origin to matter rather than to form. One reason is grounded in the difference in the activity of the two genders; the other reason is grounded in their shared essence, or species.<sup>226</sup>

Finley believes that both Aristotle and Aquinas come to the conclusion that gender is an accident of matter (and that both were mistaken) because:

contemporary biology has shown that the female reproductive abilities are not imperfect versions of the male abilities. Man and woman do not, respectively, supply the active, formal principle of generation and the passive, material principle of generation.<sup>16</sup> That a man's production of semen and a woman's ovulation each supply distinct elements of the offspring's genetic material reveals that in this capacity the two are co-contributors to the offspring. . . .<sup>17</sup> Thus, Thomas's empirical reason for assigning gender's origin to matter (his first reason, mentioned above) is no longer tenable.<sup>227</sup>

Finley proceeds to show how an accounting of gender (i.e. sex) flows from an inseparable accident of the soul, arguing "the presence of an organ indicates a particular configuration of matter for the sake of one of the soul's powers, which in turn flows from the essence of the soul."<sup>228</sup> He continues: "The soul itself arranges material structures as organs so that they might fittingly serve as means through which the soul's various powers can operate effectively."<sup>229</sup>

Finley concludes:

Hence gender is not a characteristic in or of the soul, as though the soul could be considered a substance in its own right with this particular accident. Instead, like sensation, gender is a characteristic of the composite substance, stemming from the soul. . . . Hence we can provisionally locate

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<sup>226</sup> Ibid., 591.

<sup>227</sup> Ibid., 595-96.

<sup>228</sup> Ibid., 596.

<sup>229</sup> Ibid., 597.

gender, with sensation, in the category of accidents that stem from form and have a share in matter.<sup>230</sup>

Finley's article is helpful because it is an example of an Aristotelian advancement in gender theory concerning the essence of accidents. While neither Aristotle nor Aquinas believed that being male or female stems from the form of an animal, the advancement that Finley proposes does no harm to the foundational elements of essence, form, and matter as traditionally understood.

If Finley is correct in attributing gender (i.e. sex) to form rather than merely to matter, gender would have a different metaphysical foundation – the unience or substantial form of the human being. As such, there would be no need for Witt's ontological invention of the social individual. She could abandon the constitution-without-identity theory of the human individual and retain a fully Aristotelian anthropology which preserves the unity of the human organism with its personhood and sex. The social aspects of Witt's theory could possibly be subsumed into a sociological account of gender as a socially cultivated accident (role) based in human cognition of sexual difference. Witt's insights could then be used to explain the human being's unience in relation to society, rather than society enforcing or creating normative genders.

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<sup>230</sup> Ibid., 598.

## Chapter Five: Conclusion

Charlotte Witt's gender theory seeks to answer two questions which she asked at the beginning of *The Metaphysics of Gender*: 1) "Are there any properties that define membership in the kind woman or the kind man?" and 2) "Would you be the same individual if you were gendered differently?"<sup>231</sup> Her theory attempts to answer these questions, and she believes that current theories of gender within the feminist community lack a sufficient answer to either or both questions. Witt's theory introduces a possible uniting of a traditional feminist understanding of gender with an essentialist grounding that provides a sure foundation. Does Witt make her argument? Many on either side would answer "no."

### 5.1 Biological Concerns

Biologically, Witt's position relies on other feminist research on sex, as noted above in Chapter Four. Her position that even sex is socially mediated runs counter to empirical data, and, outside of her metaphysical views, is the most troubling aspect of her theory. Due to her consideration of sex, she is unable to make a "bright line distinction . . . between what is natural/biological and what is cultural in relation to the distinction between sex and gender."<sup>232</sup> Her argument that, given different sexual disorders, there could be a third sex appears to be invalidated by the majority of the medical community. Philosophically, her argument runs counter to a traditional understanding of species. It warrants the explanation of how disorders of sexual development - accidents - result in a new sexual forms. Why could she not consider disorders such as those who are intersex

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<sup>231</sup> Witt, *The Metaphysics of Gender*, 3.

<sup>232</sup> Ibid, 36.

and hermaphrodites as disabilities related to reproduction? They would then be accidental to the human organism and would not constitute new species of sex. Should she adopt the traditional view of sex as dimorphic, her engendering functions could easily be lined up with their biological counterparts.

## 5.2 Feminist Concerns

From the traditional feminist perspective, most feminists reject any sort of essentialism, choosing a nominalist position instead. For them to accept that gender is somehow essential to the person, even to the social individual, would deny the fluidity needed within the broader political context. If gender were socially normative and ascriptive, it could potentially be an attack on the transgender community. It would not permit the individual to *choose* precisely who they are. The traditional feminist view runs counter to Witt's understanding of the person as only the capacity for first-person reflection. Inherent in the transgender community's understanding of gender is the ability to choose.

In the Introduction to this thesis, a court case *amicus* brief was cited that described gender as “a person's inner sense of belonging to a particular gender.”<sup>233</sup> Witt's position undermines the concept of gender as an inner sense. In Witt's view, society defines gender, not the individual. In fact, Witt's theory could support those defending a traditional understanding of gender. As previously cited, “While aiming to replace sex with gender identity, Gavin [the plaintiff] insists on access to the male facilities that exist *only because the public acknowledges the meaningfulness of bodies that she denies have meaning*

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<sup>233</sup> *G.G. v. Gloucester County School Board Brief for the World Professional Association for Transgender Health et al. as Amici Curiae Supporting Respondent*. Supreme Court of the United States, 2017, 6.

[emphasis mine].”<sup>234</sup> Witt’s position would argue that this is true – society determines the social roles, and the social roles are *normative*, whether or not the individual in question agrees with them. Of course, Witt does believe that existing social roles are typically unjust and must be opposed in principle.

Witt also disagrees with Cudd’s theory of disability being a possible mega social role. Witt argues that Cudd’s assertion is problematic, because of the difficulties in categorizing disabilities. Besides the many types of disabilities, others differ in their duration. Blindness could either be temporary or permanent, and individuals could be born with blindness or acquire it at some point in their life. The severity of a disability differs from one individual to the next as well. These reasons, according to Witt, make it a poor choice for the mega social role. However, gender in Witt’s conception allows for the same problems, if in fact there could be more than two genders. If an exponential increase in the types of recognized genders were allowed, would not the result be the same “gappiness” that Witt argues against with respect to disability?

### *5.3 Aristotelian Concerns*

Aristotelians would object to the notion that her theory is “remarkably clear,” as Cudd declares. Aside from directly critiquing her understanding of essentialism and the constitution view of the human person, several questions remain. Witt claims that Aristotle would not include common matter in a definition of a composite substance; yet, Aristotle defines man as “rational animal.” Does that not include matter in the definition?<sup>235</sup> Further,

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<sup>234</sup> Shafer, 4.

<sup>235</sup> If she argues that “animal” is a form, then how is that not a secondary substance? How could she then argue that Aristotle never intended secondary substance or universals as essences? Does that not admit some form of kind essentialism?

Witt often equivocates in her terminology. She uses terms such as *essence*, *category*, *relation*, *accident*, *property*, and *necessity* liberally throughout her book. To Aristotelians, those terms mean something more than just descriptive attributes. It can be challenging to identify in what context she uses those terms; does she use them in an Aristotelian sense, or in a modern sense?

As an example, Witt uses the term “relation” to describe gender, but then argues that gender is an identity constituted by the human organism. To Aristotelians, relation is an accident, and one’s rationality and sexuality are inseparable from one’s identity, but one’s social roles are not. What Witt calls “person” is the actualization of an inherent rational power of the human organism. What she calls “gender” is a socially cultivated accident based in a rational knowledge of biology. If gender exists in relation to a social determination of what it means to be a man or a woman, then is it not an accident? But for Witt, it cannot be an accident of a human organism. She fragments the human individual into three distinct identities and invokes constitution relation.

Further, an understanding of person as an identity distinct from that of a human being would have serious ramifications for Aristotelians. It could be argued that her theory has a unity problem that the hylomorphic view can solve, but the constitution view cannot. Her theory also results in severe moral and ethical consequences, especially with regard to understanding person as an identity separable from the organism and its sex. Does a human organism that lacks personhood have any rights? If so, when do those rights begin? When do they end? Is a person in a vegetative state still a person? Do they continue to have a right to life or to medical care? Witt already rejects that babies are persons. By that reading,



it would seem to imply that abortion should be morally permissible.<sup>236</sup> It would be helpful to see Witt's theory in light of these and many other ethical concerns – not merely the ethical concerns surrounding the feminist movement.

Ultimately, most Aristotelians would argue that Witt needs to accept the traditional understanding of essence, both uniessentialism and kind essentialism. In doing so, sex would be regarded as inseparable from the person, as a composite of matter and form. An Aristotelian can admit that gender is a socially generated and sustained role but must also affirm that is informed by human nature and ultimately by human happiness. Witt would need to grant this in her theory in order to provide a teleological explanation of the essential social structure of gender that is apparent in all cultures.<sup>237</sup>

As the philosophical debate about sex and gender rages on, at the heart of the debate seems to be a desire to project the self onto reality rather than to understand reality as an objective fact. An Aristotelian philosophy is one that seeks to determine reality not as a projection of the mind, but rather by a realization of the truth in concrete reality. Witt has some keen insights on how a culture or society views gender and how it plays a prominent role in social organization and relations. Her theory contributes significantly to an issue that will only face greater scrutiny as time moves forward. It will require further study, clarification, and investigation to ultimately determine its overall value and significance, but Witt's contributions should not be underestimated, even as the dispute continues.

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<sup>236</sup> Given that the feminist movement is strongly pro-choice, this would not be a shocking assertion. However, the ramifications for those who have dementia, are severely autistic, or have other mental disorders which inhibit reasoning and awareness could be disastrous. Witt ought to provide a position on the matter if she is to defend her concept of person, and relate that to human rights.

<sup>237</sup> To borrow from C.S. Lewis, there is a "Tao" of gender that is ultimately based in universal human knowledge of human sexuality, even though different cultures have varying customs and laws with regards to men and women. See C. S. Lewis, *The Abolition of Man* (New York, NY: HarperOne, 1944).

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