

## The Stability of Social Categories\*

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**Abstract:** One important thesis Ásta defends in *Categories We Live By* is that social properties and categories are somehow dependent on our thoughts, attitudes, or practices – that they are inventions of the mind, projected onto the world. Another important aspect of her view is that the social properties are related to certain base properties; an individual is placed in a category when the relevant base properties are thought to hold of them. I see the relationship between the social and the base as connected to the problem of explaining how the social properties are sufficiently stable so as to be taken seriously, both in theoretical endeavors as well as in practical matters of how we relate to each other. In this light, I identify stability constraints for an adequate account of social categories. I argue that certain distinctive aspects of Ásta’s conferralist view of social categories, such as the radical contextualism in her account of gender, undermine the stability of categories and are at odds with taking social categories seriously. I end with the suggestion that a distinctive “sheltered” form of normativity might help us do justice to Ásta’s insights while avoiding some of the destabilizing elements of conferralism.

Ásta presents a rich and thought-provoking account of the social in her *Categories We Live By*. I’m new to this literature and am not sure that I can see my way through this philosophical terrain – not by myself at least. The issues discussed below are raised in an exploratory spirit, to get a better handle on a book that will deservedly engage our attention for some time yet.

I start in §1 by sketching one important aspect of social properties and categories, as understood by Ásta. This is the thought that these categories are somehow dependent on our thoughts, attitudes, or practices – that they are inventions of the mind, projected onto the world. §2 considers how these categories can be taken seriously and matter to us, despite their metaphysically dependent status. Another important aspect of Ásta’s view is that the social properties (and the categories of individuals that they define) are related to certain base properties; an individual is placed in a category when the relevant base properties are thought to hold of them. I see the relationship between the social and the base as connected to the problem of explaining how the social can be taken seriously. In this light, I identify in §3 some stability constraints for an adequate account of social categories. In §§4-5, I argue that certain distinctive aspects of Ásta’s conferralist view of social categories, such as the radical contextualism in her account of gender, undermine the stability of categories and are at odds with taking social categories seriously. I end with the suggestion that a distinctive “sheltered” form of normativity might help us do justice to Ásta’s insights while avoiding some of the destabilizing elements of conferralism.

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## 1. Social categories and properties as Euthyphronic

The placement of individuals in categories is, for better or for worse, pervasive not only in theorizing about human subject matters, but also in our day-to-day interactions and interventions with one another. Some of these categories are *natural* – as when in a medical context we might sort individuals in terms of blood types. But some categories are *social*, such as married individual, laborer, doctor, president, immigrant, citizen etc.

What do we have in mind when we think of a category as social, as opposed to thinking of it as natural? A very preliminary suggestion is that a category counts as social if inclusion in it is defined by a social property (Ásta, 2).<sup>1</sup> But then what is it for a property to be social? A social property (and thus, social category) – at least those that are of interest for Ásta – is “not independently given, but rather dependent in some way on human thoughts, attitudes, and practices” (7). Ásta describes social properties and categories as Euthyphronic, after Socrates’ interlocutor who understands something being pious or morally good as a matter of its being loved by the gods – as opposed to the gods loving it because it is pious. For Euthyphro, being god-beloved is more fundamental; piety and moral goodness are explained by and depend upon it.

Something like this holds of social properties more generally, not just those pertaining to individual human beings. Consider Searle’s (1995) example of the property of being a dollar bill, and contrast that with the property of being a gold nugget of such and such mass. Whether *X* is some gold with a certain mass does not depend on what we think. Whereas, whether some piece of paper counts as money in one way or another does. Being a \$1 dollar bill is a social property. Being gold is not. Likewise, being a senator is a social property. Being a marsupial is not.

The Euthyphronic dependence of social properties and categories is sometimes characterized in terms of a distinctive contingency or arbitrariness.<sup>2</sup> Of course, natural properties can be contingent. For example, the fact that there are blood types might have to do with contingent facts about developing resistance to certain diseases like malaria. But the contingency that is distinctive of the social involves an element of invention. For example, Hume distinguishes between the natural and artificial virtues. He says, “...there are some virtues, that produce pleasure and approbation by means of an artifice or contrivance, which arises from... circumstances and necessities...” (*Treatise* 3.2.1.1). We invent something to solve a problem and further some end of ours. What we invent might be a tool, but it could also be a procedure or protocol. The object is given a function, the individual a role to play or a script to follow.

I think that the assignment of a function or role is a helpful way of understanding the sort of dependence and contingency that people identify with the social.<sup>3</sup> But perhaps we might

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<sup>1</sup> All page references are to Ásta (2018) unless indicated otherwise.

<sup>2</sup> Hacking (2000, 6) says of some socially constructed property or phenomenon *X* that “*X* need not have existed, or need not be at all as it is. *X*, or *X* as it is at present, is not determined by the nature of things; it is not inevitable.”

<sup>3</sup> This is central to Searle’s approach in his (1995); see also Ludwig (2017) for developments. However, it needn’t capture everything that we would include in the social. Some social phenomena, such as economic recessions, cannot be understood this way (Thomasson 2003, Khalidi 2015).

characterize the contingency of the social, and its dependent status, in terms that don't quite rely as much on some *overarching* teleology for any sort of status assigned to the individual. We might for example just say that categorizing someone affects how their agency might be expressed, or what it is that they can do – without being committed to there being some single or unified purpose for everything that they do. It might just be a matter of there being additional things that the individual might be in a position to do or get away with, and perhaps other actions that become foreclosed. (This is along the lines of how Ásta sees things, as we shall see.) And we might add that the social category one falls under can affect what sorts of things might be done *to* one.

The main thought behind the idea of a characteristic contingency of the social is that the purpose or agency associated with some category is not dictated by whatever natural theory pertains to the object that falls in the category.<sup>4,5</sup> This is not a blanket rejection of the possibility of a biological foundation for at least some human social categories. The idea, rather, is that there are a host of functions and capacities that are *not* biological, and which correspond to constructed social properties and categories. How are these categories constructed? And what sort of relation do they have to non-social properties and categories?

## 2. Taking the social seriously

Part of why social categories are taken seriously is, as we've just seen, that they are typically defined in ways that assign new roles to individuals and make a difference in the range of actions that might be undertaken.<sup>6</sup> As Ásta puts it, individuals that fall into some category are subject to constraints and enablements they otherwise would not have.<sup>7</sup> For example, she describes the constraints and enablements of kids categorized as popular as a power to do things others cannot (20). They might, for example, determine what sorts of things are cool, bring some individuals into the group, ostracize others, get yet others to do their bidding, etc. In other more official cases (professor, citizen, married, judge, officer) the category confers a deontic status that brings with it rights, responsibilities, duties, privileges (Ásta 18, cf. Searle 1995).

But specifying roles and possible actions of individuals falling under a category does not by itself show that the category is something to be taken seriously. Compare: setting up the rules of a game, or scripting parts or roles in a play, will not by themselves show that the properties and categories so defined have any significance. For the categories to matter, the game needs to be played, the show put on. A moral, then, is that the social categories are significant and to be

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<sup>4</sup> Nor, for that matter, need the purpose or agency at one level of the social be dictated by the purpose or agency of a level of the social below it.

<sup>5</sup> A contrasting picture is offered by at least some forms of essentialist Aristotelian ethics that would see some *relatively* naturalistic understanding of the flourishing of creatures in some category as fixing the sort of purpose or agency those creatures can and should exhibit.

<sup>6</sup> I say typically because there might be certain social categories that are not defined to play a role, but might be causally related to categories that are so defined, for example homeless, unemployed, etc. This is related to Thomasson's point above in note 3.

<sup>7</sup> Indeed Ásta seems sometimes to identify the social property with those constraints and enablements. I think that this should be resisted. See below.

taken seriously if it is indeed the case that the associated roles are inhabited, or there is reason to inhabit them.

To see this, consider the matter from the third person point of view of a theorist in some social science. The investigator might recognize in some goings on the workings of genuine social properties and categories; the invocation of the associated roles is not a sham or farce if the category plays an explanatory role, yields real understanding, and is projectible to other contexts and situations. The *theoretical indispensability* of the category in providing understanding of some scope is one way to appreciate that a category matters and is to be taken seriously (Khalidi 2015, Guala 2010, Roth 2014b).

Another way to appreciate that some social category matters is by recognizing its *practical significance or indispensability*, particularly from an agential or deliberative point of view (Roth 2014b). No doubt this practical significance is really what Ásta has in mind when she brings up the idea of constraints and enablements. Some categories, along with the associated constraints and enablements, are valued. Other categories might be thought to be problematic, oppressive, and to be avoided. In any case, constraints and enablements deontic and otherwise are crucial for many important relationships in the personal sphere, such as marriage, family, and friendship, as well as those in more professional settings such as that between instructor and student, medical professionals and patients, employee and employer, etc.

There is the further practical significance of a category stemming from it being an object of moral or political concern. For example, some feminists think it important to be able to define a gender category of women as a part of a project of understanding and countering distinctive forms of oppression (e.g., Stoljar 1995, Stone 2004).

In sum, theoretical as well as practical considerations might point toward taking social categories seriously. The constraints and enablements of social categories work their way into how we live and relate to one another. What I want to do is to consider what sorts of factors or conditions figure in social categories having this sort of impact and mattering so much for us. But I want to proceed by way of another important element of Ásta's picture of social properties and categories.

### **3. The social and the base, and the stability of social categories**

#### **3.1 The perceived tiered structure.**

Euthyphronic dependence is not all there is to Ásta's notion of social properties and categories. There is the further thought that the social property that defines the category is to be related to certain underlying base properties. Ásta (15) says, "In my application of the conferralist framework to account for social properties, the conferrers are always attempting to track the presence of a base property or properties."<sup>8</sup> Perhaps talk of *tracking* might connote a hyper-

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<sup>8</sup> See also p.21ff where Ásta characterizes the specific form of Euthyphronic dependence in her view – that of conferral. She does it for two types of social properties, communal and institutional. In both cases, the conferrers who are placing an individual in a category are "attempting to track" base properties.

vigilance that is not always warranted. Sometimes it might be reasonable to trust that someone falls in a category, and to take for granted that they satisfy the relevant base properties. This noted, I nevertheless find talk of tracking to be helpful and suggestive, and will continue to use it. The fundamental point is that the social properties are not regarded by attributers as free-floating. These base properties figure in the instantiation conditions of the social property, at least as it is understood by the those making the attributions. When you attribute some social property to an individual – or place them in a social category – you (explicitly or implicitly) regard the individual as instantiating some base properties. As the attributer (the *conferrer* in Ásta’s parlance) sees it, the individual counts as falling into the category *because* they satisfy the base properties.

It’s important to see that the tiered social/base structure is distinct from and complements the Euthyphronic thesis. While the Euthyphronic claim of mind-dependence takes social categories as projections onto the world, the thesis about tiered structure would seem to impose constraints on the projection: it holds that the categories are seen to be tethered to specific parts of that world, parts that are independent of our minds, or at least independent of the particular attitudes projecting the category on this occasion.<sup>9</sup>

As we proceed, we should keep in mind that the base properties that we’re tracking in ascribing or conferring could very well be lower-level social properties. When we categorize someone as an office holder, for example, the President, we track the social property of being the winner of the electoral college.

### 3.2 Why the tiered structure?

What accounts for the significance of the base properties for social property attribution? Why do we take the trouble to track them when engaging in the social categorization of persons and objects? When we make judgements about the *natural* properties of things, we’re trying to get right our beliefs and theories about the world, and so it makes sense to track the relevant aspects of reality. But if social properties and categories are our inventions or constructions, why should we bind ourselves to tracking things in the manner that we do when investigating the natural world?

There are a number of things to say in response here, but I think that, broadly speaking, they all have to do with the stability of categories. And this stability is at least part of the answer to the issue raised in §2, namely, why and how it is that the social categories matter to us and should be taken seriously.

I will turn to several factors that might account for why base properties are important for social categorization. Although the base does figure in Ásta’s conferralist picture, she doesn’t seem to explore why the base plays the role that it does. My suggestions here are tentative; no doubt Ásta will find something to object to about them.

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<sup>9</sup> In this respect, it is somewhat misleading for Ásta to characterize her view as Euthyphronic. After all, the Euthyphronic position targeted by Socrates represents the fancy of the gods as unconstrained by any concern with tracking some underlying feature of the things that are pious.

**Consideration 1: The intrinsic interest of the base.** Perhaps most obviously, we are sometimes interested in the base properties themselves. But why not then just focus on those properties themselves? Why think of them as a base for something else? Why overlay some social property, category, or status on the object in question? The answer is that we might find the base properties of the object interesting, but what we find interesting about the base, and how that interest might affect how we approach, handle, or interact with the thing exhibiting those properties, need not be a proper part of our theory or understanding of those base properties.<sup>10</sup> So, the social status of the object or individual connects the base features we find interesting with the relevant constraints and enablements – the norms governing our handling of the object, or our interactions with the individual.

We might, for example, take an interest in an object with certain base properties that make it very volatile and so of use as a source of fuel, or as some ingredient in the manufacture of explosives. Or maybe the object has significant psycho-active properties. As a result, the objects are designated as hazardous, or as a controlled substance as the case may be. The social categorizations that are imposed on the substances govern how they should be treated or handled. The facts about the base properties of a substance do not by themselves dictate how it should be handled. If something is psycho-active, it doesn't follow that I should avoid ingesting it. Maybe my interest suggests other courses of action. But given our interests and concerns, those base properties are certainly *relevant* to how we handle them. The base properties must for example be such as to serve the purposes we might assign to the object.

Thus in ascribing the social property that brings with it the relevant constraints and enablements on their handling, we are going to want to track the base properties. We don't want to label as controlled something that is not psycho-active; something cannot count as a medicine if it is ineffective in the treatment of any ailment; and we don't want to neglect labeling something as hazardous that is in fact highly explosive.

Another example is food. Food is not merely an ingestible source of nutrients and energy. There are many such things that don't count as food in many cultures. Given that something is food, it can be eaten, it should be handled or prepared in certain ways, etc. But food should also be a source of nutrition and energy. We therefore are interested in those aspects or base properties of the substance for it to count as food. Styrofoam pellets and plastic beads don't count as food even if someone were to declare that they do. (It's an interesting question of how much contamination by say plastic beads would suffice for something losing its designation as food.)

**Consideration 2: The base as focal point for coordination.** Sometimes we're interested in a base property not because it is of any intrinsic interest, but because it serves as a focal point for coordination. A border (to use Searle's example) on a frontier must be identifiable in some way for it to play the social role it is meant to. The base property – some line of stones or aspect of the terrain – might not be of any interest in itself. But we'll need to track some such identifiable and re-identifiable base property in order to have a border. Likewise, what exactly a

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<sup>10</sup> Unless our interest figured in the evolutionary development or the cultivation of the object in question. No doubt our interests (or the history thereof) should figure in a scientific understanding of many features of crops and domesticated animals.

police officer wears while on duty might not be of much intrinsic interest for the public, but an officer must be clearly identifiable as such in order to fulfill at least certain policing duties.<sup>11</sup> It might not matter which side of the road counts as the legal side of the road to drive on. But things go much better when one side is settled on. And so, to figure out the proper side of the road to drive on, we keep track of the relevant base property – e.g. it's *this* (right) side.

Consider as illustration Ásta's discussion of the Sloane Square Set. This is an interesting case where some privileged group of individuals would designate things, activities, practices etc. as 'U' for upper crust or class, I suppose. But it's not at all clear that there is any distinctive underlying feature that makes the objects U. Ásta credits Rae Langton with this proposed counterexample to the importance of base features in social categorizing. I take it that Ásta's reply is to identify the relevant base property determining what counts as 'U' as something like *what is currently favored by the Sloane Square Set*. Now, this might serve as a coordinating focal point so long as it is quite clear at any moment just what it is that the Set favors. But if the Set's tastes are erratic and contradictory, then it is no longer clear to me that being U is to be taken seriously as a genuine social category.<sup>12</sup>

In social categorizing, base properties will, therefore, be of interest to us, either in themselves or as guideposts for coordination. But this suggests...

**Consideration 3: Base properties provide standards for the proper of ascription of social properties.** Our interests, both intrinsic and coordinating, won't be served if there are no standards, no right and wrong, for the ascription of a social property and for categorization of an individual.<sup>13</sup> Natural properties can make themselves felt irrespective of what our attitudes toward them may be. But social properties work through us. Their impact – the extent to which they make a difference – will depend on the consistency and coherence of our attitudes with respect to them. By tying social properties to base properties that can be verified independently of the ascription of that very social property, we can secure the standards needed to avoid the arbitrary categorization that would undermine whatever ends were supposed to be secured with such a categorization scheme.

If the social properties serve our interests, and if the base serve as standards for their ascription, then it makes sense for those standards to be cited as justification for the constraints and enablements associated with the ascribed category. Thus,

**Consideration 4: The base as justification for constraints and enablements.** Base properties figure in the justification of the constraints and enablements associated with the

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<sup>11</sup> And it might turn out that the particular individual serving as a police officer might also have to be clearly identifiable in order for there to be a police force that is accountable for its actions.

<sup>12</sup> This points to the importance of clear markers for social category; otherwise coordination is undermined. See Searle 2006 for his more recent recognition of the need for this.

<sup>13</sup> The base properties serve as standards for the appropriate ascription of the social property, but they are not meant to be truth conditions. The social property is, after all, distinct from the base properties. Moreover, the ascription of a social property, on Ásta's view at least, is not descriptive or "verdictive". It is, as she says, exercitive: in ascribing the social property, one is not describing matters as they stand, but actually making it the case that the individual has the property and placing the individual in the category.

category. The base is relevant for assessing one's accountability to those deontic and normative aspects of constraints and enablements.

For example, categorizing someone as a criminal is subject to standards; one can be mistaken in so doing, and if one is going to ascribe such a property and impose the constraints, one must be prepared to justify doing so by identifying the relevant base properties.

In many cases, the justification needn't be very substantive. In the coordination case, the justification might simply be to defend that one falls into the relevant category, and that therefore one is entitled to act in the way one did. For example, suppose we're coping with a pandemic and trying not to overwhelm a vaccination site. Suppose a policy is implemented so that people are divided into age groups, and divided further based on whether one's birthday is odd or even. Today, only those in such and such age group with an even numbered birthdate are eligible for the vaccine. I might justify or defend my presence at the site simply by presenting identification.

The example is meant to show that justification (and accountability) associated with categorization needn't tie the constraints and enablements in any fundamental way to the base properties; the justificatory connection could be highly adventitious as far as the nature of the base is concerned. Furthermore, the justification and the defense of one's actions in terms of the base properties might not be compelling at all if the categorizing in question is intellectually and morally bankrupt. The point, though, is that categories – especially when we're talking about categories of persons – would seem to come with an apparatus of accountability and justification that relies on some connection to the base properties.

In light of these considerations 1 through 4, I hypothesize that the role that the base properties play in the ascription of social properties and the categorization of individuals is that the base provides the sort of stability a category would need for it to be taken seriously both theoretically and practically. The category is responsive to our interests (either in themselves or for their role in coordination). There are standards for the ascription of the categories, and they are connected to an apparatus of accountability and justification. All this makes for robust categories – ones that are projectible from one context to another and which can become entrenched in theory and in how we live our lives. In positive cases, categories can be a rich resource for normative guidance; but they might also present formidable obstacles for the change that might be required for us to live our lives as we think we should either as a matter of ethics and justice, and perhaps of aesthetics as well.

Part of what's driving these points is the thought that social categorization, indeed all categorization, involves an element of generality, so that categories have application across a variety of contexts. Appreciating the generality and robustness of categories, however, is not necessarily to say that they are unchangeable. They can be modified; it's just that it can be quite a challenge to do so. But appreciating the robustness of categories can clarify the urgency of combating or modifying oppressive categorizations.

Before moving on, we might note that one way you might seek to secure the stability of social properties is by reducing them to (the presumably stable) natural properties, and reading the normative or deontic constraints and enablements off the natural properties. That is decidedly not what I'm suggesting here. No doubt there are all sort of natural categories and properties



that might be relevant for social categorization. But, as has been suggested above, the natural categories do not translate directly into constraints and enablements with any substantive normative content. The problem is that the normativity or deonticity is just not a part of the relevant science (or its highly controversial to think that it is).<sup>14,15</sup> What I am trying to do is to address the stability considerations from within Ásta's conferralist framework. I will argue, however, that the stability considerations do put *some* pressure on aspects of Ásta's picture.

#### 4. Conferralism

In light of these last remarks, I think it's plausible to take for granted that the norms and powers associated with social categories – Ásta's constraints and enablements – are an innovation or invention placed onto individuals identified via lower-level base properties (which might be social themselves, but could also be natural). The specific mechanism in Ásta's picture of how this normative status is attached to the object is that of *conferral*. This is a cognitive act better understood as performative than descriptive. In performing an act of conferring, one is not depicting some state of affairs that exists independently of the act in question. Consider as

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<sup>14</sup> That's not to rule out the possibility. For example, Burge (2003) holds that the notion of representation in cognitive and visual science is arguably normative and governed by the goal of getting right aspects of the environment. Contrast the view that would say that the visual system has nothing to do with getting right the visual environment and is only concerned with increasing odds of survival and reproduction and is simply reduced to the latter. On Burge's view, the veritistic norms associated with perception are not simply to be understood in terms of the teleology of survival and procreation.

<sup>15</sup> The idea that at least in many cases one cannot read off in any straightforward way constraints and enablements from natural or biological categories themselves goes a long way toward addressing some concerns that might be raised against Ásta's claims about sex (as opposed to gender) categories. For example, Ásta contends (in a vein inspired by Butler) that one's sex (e.g. male or female) is not a biological category but social – specifically an institutionally determined category. And this should not be surprising given that nothing in the relevant biological science determines a social arrangement where, for example, certain bathroom spaces are available to a male and others are not. So the point that such norms or rules are attached to certain biological base properties as a matter of invention or innovation makes it straightforward that the category in question, now understood as having these norms attached to it, is not biological – even if the terminology that we use for these categories are also used in biology. That being said, in claiming that sex categories are socially constructed, we needn't deny that there are *biological* sex categories, which Ásta at times seems tempted to do. Denying biological sex categories strikes me as a tall order. I don't find compelling the argument that concludes that the sex categories of male and female have no place in science on the grounds that there are individuals who don't clearly fall into either. It seems to be well-established that sexual reproduction is an evolutionary adaptation emerging about a billion years ago, and the relevant categories seem to figure in a host of serious scientific theorizing (which is not to say that they don't figure in a host of non-serious theorizing as well). I'm not in a position to speak with any expertise on matters within science and the philosophy of science. But I don't think that taking a position on this issue is necessary for Ásta. I think it suffices to distinguish sex categories of the wider society such as  $\text{male}_{\text{social}}$  and  $\text{female}_{\text{social}}$  from biological sex categories of  $\text{male}_{\text{biological}}$  and  $\text{female}_{\text{biological}}$ . The sex categories of the wider community might be informed (as sketched by Ásta) by those with scientific or medical expertise (more so than the gender categories). But the sex categories of the wider community are distinct from those scientific categories in virtue of the norms attached to the former. The norms associated with the social categories of sex are importantly different from those of the biological categories, even if they have *something* to do with the biology. The line I'm taking in this note might be challenged by a form of semantic externalism that holds that the contents of one's thoughts and utterances might be determined in part by the experts in one's community. (I admit that I am sympathetic to such an externalism – it always bothers me when people call a whale a big fish; and don't get me started about those who think that they might have arthritis in their thigh!) I wonder whether thinking of externalism as part of a descriptive theory about content, and contrasting it with an ameliorative or prescriptive construal of conferralism might help address this worry.

examples declaring someone one's heir, or naming one's child, or officiating a wedding. One is, in the relevant act itself, making it the case that an heir is determined, or that a child is named, or that a couple is married. The thought is that something like this is going in a much broader range of cases than would have been imagined. What might seem at first to be a recognizing and a describing of someone being in a category and having constraints and enablements, turns out to be a *placing* of that individual into a category, a constraining and an enabling of them. Ásta describes this conferring act as exercitive (from Austin) or declarative (from Searle), as opposed to merely descriptive.

In one sense, this should not be surprising if we've already accepted the idea that social properties – at least those we're focusing on – are Euthyphronic. The categories corresponding to these properties are invented kinds. If we create some institution, such as marriage, then the categories of wife, husband, or spouse are invented. Ásta is, I think, in agreement with others on this. However, locating an *individual* in a category is a somewhat different matter, and here is one place where the position Ásta takes is distinctive. As Ásta makes clear, for someone like Searle, the individual falls within a category if certain base conditions are satisfied. Locating an individual within the category is an epistemic matter of seeing whether the base properties hold of the individual; it is something one can get wrong. The social status of the individual is determined by the satisfaction of the conditions specified in terms of the base properties. The status is independent of whether one *thinks* those base conditions are satisfied. Whereas, on Ásta's view, while the conferrer sees themselves as in the business of tracking the base properties, the individual is in the category only once the conferrer takes the base properties to be satisfied and confers the status on the individual. The conferrer might fail properly to track the underlying base properties, but the assessment of the social property is **not** something that the conferrer can get wrong. The conferral is what *makes* it the case that the individual has the social property; conferral *places* the individual in the category (25).

The rationale for this picture is that Ásta wants to capture the difference that the social makes – where this is understood in terms of constraints and enablements (11). To take Ásta's illustration with the case of baseball, on her view a pitch counts as a strike only once the umpire declares it to be. In making the call, the umpire is seeking to track the ball to see whether it passes through the strike zone. But whether or not the umpire gets the trajectory right, the umpire's call is what *makes* that pitch into a strike. There may be anger, accusation, and derision if the umpire fails to track the ball well, but the umpire's call is what makes a difference in the progress of the game. Whether the ball's trajectory does in fact fall within the strike zone is not what matters.

In general, the way social properties or categories matter or make a difference is through individuals making a determination about base properties, and conferring the category and the associated status. Never mind whether the base properties actually hold. What matters – the constraints and enablements that are put in place – depend only the *perceived* holding of the properties.

Ásta regards this conferralist picture as particularly suited for what she calls communal properties. In these cases, a category is not set up in any official manner by authoritative declarations that dictate what happens across contexts. Communal categories are determined, rather, in a more fluid manner by individuals encountering one another in particular contexts. If the only people within a context (at least those with appropriate standing) make the call that

some base properties hold of an individual, then it seems that the constraints and enablements associated with the category will be in place – irrespective of whether the base properties actually do hold (28). In sum, the social is what matters. And what matters are the constraints and enablements that in fact hold sway in the context because that’s how conferrers (rightly or wrongly) perceive things, not whatever constraints and enablements are supposed to be in place (29).

Ásta extends this perceptions-first picture to institutional cases such as marriage, where the conferrer has some official authority (rather than unofficial standing) to place someone in a category thereby conferring a status (29). Suppose someone has the authority to officiate a wedding and the ceremony is performed. But suppose that some base properties are not satisfied – e.g. the groom is already wed to someone else. Thus,

The couple may in fact not meet the eligibility requirements, but if the marriage conferrer judges them to, they become married anyway and get the certificate of their new institutional status to prove it. To be married is thus not to meet the various requirements for being married, but to be judged by a person in authority to do so (29).

This line of thought would seem to extend in ways that Ásta does not consider.<sup>16</sup> For example, suppose the individual officiating the ceremony is aware of the illegitimate status of the groom. But, having been slipped several crisp C-notes, he looks the other way and proceeds to solemnize the marriage. I’m not sure how this outcome is significantly different from the scenario Ásta envisions. At this point, the connection the social property and category are supposed to have with the underlying base properties, if it hasn’t already been severed, has become tenuous indeed. The base seems no longer to be of any interest either intrinsically or for the purposes of coordination. Conferral of constraints and enablements has been muscled through without any consideration for standards of ascription of the social property; the apparatus of justification and accountability is idled. In sum, the factors about the base that contribute to the stability of category have been set aside. The moral of section 3 above suggests that the tenuousness of the connection between the social and the base on Ásta’s view makes it harder to appreciate the significance that the social can have for us, hard to see why social categories matter.

For Ásta, however, what’s fundamental to understanding why the social categories matter are the constraints and enablements that they afford in particular contexts. And this connects with a further aspect of her view. The constraints and enablements are so important that Ásta seems at times to **identify** the social property and the category with these constraints and enablements. For example,

a social property, whether institutional or communal, is fleshed out in terms of the constraints and enablements, institutional or communal, on a person’s behavior and action. **To have the status in question just is to have the constraints and enablements in question.** (30, emphasis added)

But I think that this identity should be resisted for several reasons. **First**, it doesn’t acknowledge the possibility that a social property or category might play a role that goes well beyond the

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<sup>16</sup> It would be interesting to think about analogous extensions to the scenario of passing discussed by Ásta.

constraints and enablements *on the part of the individual so categorized*, and even beyond how others interact with the individuals so characterized. For example, certain roles might serve as aspirational models – which might be good, or might just be a way of distracting individuals from what they really should be concerned with. If I can be a movie star like so-and-so, then maybe I won't pay attention to the fact that I am not getting a living wage and don't have medical insurance. Here's another example: the presence of social strata below me might make me complacent about the vast inequalities in opportunity and resources that I face, let alone those faced by individuals in even more dire circumstances. These aspects of social categories are arguably as important to the nature of the properties and categories in question as the specific constraints and enablements imposed on individuals falling into the category.

The **second** reason against the identification comes from recognizing the possibility that the constraints and enablements associated with a category might be had by something that doesn't fall under the category, at least normally understood. Now, in a sense, this simply begs the question against Ásta. But considering this sort of case might help us see what is at stake. Consider a political prisoner locked up on phony charges. Her constraints and enablements are those of an incarcerated convicted criminal. But the base properties are not being tracked; there was no gathering of evidence for an actual crime, no trial, etc. My intuition here is that the prisoner is not a criminal, but being treated as one. Ásta would presumably agree that on moral grounds she should not be a convicted criminal. Also, on the basis of considerations associated with the institution in question (given the trumped-up charges and a trial that makes a mockery of the institution's legal process) she should not be made a criminal. But, for Ásta, in this context the individual IS a criminal because those are the constraints and enablements that pertain to her.

Part of what Ásta is drawing on to support her intuition is thinking of the situation as context-bound. The political prisoner in her circumstances is no different from the common convicted criminal. Never mind how she got there. Never mind that maybe someday she might be released and be able to resume her campaign against the repressive regime. These considerations lie outside the relevant context and don't bear upon it.

Admittedly, there is something important about focusing on the context at hand. But I've been suggesting that there is an inherent generality to the notion of categorization, and this requires that it have the stability to extend across contexts. To insist that social property and category is simply absent in any situation where the typical constraints and enablements are not manifested, would undermine the stability and generality of the category. And, as I have suggested above in section 3, a conception of a category without some stability across contexts does not do justice to the practical and theoretical significance that social categories can have for us.

## 5. Radical Contextualism

Ásta's focus on what happens *within* a context leads to a radical contextualism in the case of communal properties and categories such as gender. The view is supported by what might be called a meta-social observation of how we often are categorized in different ways depending on the contexts we pass through:

Consider this scenario: you work as a coder in San Francisco. You go into your office where you are one of the guys. After work, you tag along with some friends at work to a bar. It is a very heteronormative space, and you are neither a guy nor a gal. You are an other. You walk up the street to another bar where you are a butch and expected to buy drinks for the femmes. Then you head home to your grandmother's eightieth birthday party, where you help out in the kitchen with the other women while the men smoke cigars. (73)

The context sensitivity of category assignment is partly a matter, Ásta thinks, of the differing base properties that are being tracked. Conferrers track different base properties in different contexts: sex assignment, role in biological reproduction, body presentation, role in food production, etc. (74). Ásta thinks it's wrong to assume that these different properties covary.

I think that there is something importantly right about Ásta's meta-social observation, although I suspect that more empirical and interpretive work in sociology, anthropology, and psychology is probably called for. But if we accept the meta-social observation, are we forced to conclude that categories like gender are highly contextual? Does this mean that it's wrong to maintain stability conditions on social categories in the way I was suggesting in section 3 above?

My response is that if the categorizations are overly contextualized in the manner that Ásta describes, then they do not succeed in grounding genuine social categories – at least ones that matter to us. We might not have in these cases real categories that matter. Of course, the categorizing involved might after a while accumulate into patterns so as to have the stability to support genuine social metaphysical categories that have stable theoretical and practical significance across contexts. But that is not yet the case in the scenario Ásta envisions. So I contend that we can accept the meta-social observation without being forced to think that what is involved are genuine social categories that matter to us.

But what should be said of the constraints and enablements one has *within* a context where the social property doesn't properly apply? The normative binding seems real enough, and this is what leads Ásta to conclude that the social status is successfully conferred even when the base properties fail to be tracked. But might there be an alternative way of handling these constraints and enablements, one that is not committed to the successful conferral of the category in this circumstance, and thereby avoids the radical contextualism about social categories?

Consider the couple that Ásta regards as genuinely married even if the groom did not really meet the conditions of eligibility because he's already married in another jurisdiction. Ásta considers the possibility of this couple going on to "act married and live like that for seven decades," implying that the marriage and the corresponding category of being married are genuine, even if the status was conferred in a problematic fashion.<sup>17</sup>

I think that part of what might explain the intuition (to the extent that one has the intuition that there are constraints and enablements similar to those of married couples) is the idea that spending time together as a couple brings with it certain duties and rights that hold *between* the individuals. And these "directed" duties hold irrespective of whether the couple has the official

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<sup>17</sup> See Ásta at 29 (including note 24), as well as 101.

status of being married. These special duties between the couple are distinct from and as it were *sheltered* from the constraints and enablements (or lack thereof) associated with the stable categories associated with the larger society. Thus, each individual in the relationship might owe the other something like what one owes in the way of duties and responsibilities to one's spouse, even if there is no marriage here.

The suggestion, then, is that the sort of "directed" duty one finds in relationships and joint activity might account for the constraints and enablements in the cases where no sufficiently stable categories are applicable. Each participant in joint activity, for example, is in some normative sense committed or obligated to doing their part in the activity.<sup>18</sup> One's commitment is not understood merely as a normative feature or "monadic" property that merely specifies what the individual participant in joint activity is to do. It is constitutive of the commitment, rather, that it is a "contralateral" commitment to another: the commitment relates one to fellow participants; it's a commitment that is owed or directed to others. Fellow participants have a special normative status with respect to one's commitment. To fail to act is not merely act wrongly in some sense; it is to wrong fellow participants. And fellow participants can hold one accountable for not participating – something third party non-participants are not in a position to do.<sup>19</sup>

Now, I think that when individuals engage with one another within the sort of contexts described by Ásta, we will find these directed commitments or duties running between them. I suggest that these commitments account for the constraints and enablements that Ásta locates *within* contexts, even when the conditions for applying a social category are not satisfied. Consider again the couple that lives together for a long time but for whatever reason don't satisfy the conditions for being married. They might not count as married, and so neither is subject to the constraints and enablements of *marriage*. But each is subject to the constraints and enablement of directed commitment or obligation that are a part of what it is to share one's life with another, or to participate in an ongoing joint or collective endeavor. Such constraints and enablements are a matter of what holds between the partners, and are not a matter of some more broadly recognized social status. The commitments that hold between the partners are *their* business, and this is irrespective of the attitudes of others or society at large.<sup>20</sup> Thus, there is no need to invoke a radical contextualism of social categories in order to account for these constraints and enablements. They can be grounded in other ways.

Ásta's oppositional characterization of interactions that impose constraints and enablements might make my proposed strategy seem unpromising.<sup>21</sup> But I want to suggest that there is more

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<sup>18</sup> I think that the commitment involved is normative, but perhaps talk of obligation is too strong and misleading in suggesting that it is a moral commitment. See Roth 2004, 2018.

<sup>19</sup> This is a recurring theme in Gilbert's work, e.g. her 2006 and 2009. See also Roth 2004, 2018.

<sup>20</sup> Of course, that's not to say that it might be important for one's partnership with another to be recognized more broadly. Nothing I'm saying here is meant to deny the importance for society at large to recognize for example marriage equality.

<sup>21</sup> I say oppositional because her characterizations of the relevant interactions are more suggestive of combat, of individuals who are struggling to overcome one another. Ásta doesn't rule out the picture I have in mind, but I think that the possibility of joint agency, or collaboration in conferral, is something we need to emphasize because it offers a somewhat different way to tackle the issues. See the battle of wills and the discussion of Hegel in 6.6. While Ásta certainly does not go that far, she is much further in that direction than what I have in mind. Ásta also talks of

collaboration in the contexts than Ásta acknowledges. No doubt what she describes happens a lot as well. But once we introduce more collaboration – more shared agency if you will – in constituting constraints and enablements *within* the context, there will be less need to posit a radical contextualism for social categories of the communal sort.

Now, Ásta does mention joint or collective agency in cases of conferral. But these cases usually involve the collaboration of individuals in imposing or conferring a status on *another* individual. Whereas, what I think should be emphasized is the possibility that individuals might collaborate in conferring statuses on themselves and each other. If the statuses are associated with a collaboration – a collective or joint agency between participants – then this will involve a distinctive relational normativity between the participants.

In sum, the constraints and enablements of this form of joint reciprocal conferral of statuses should be distinguished from the constraints and enablements of social categories. Social categories have a generality that makes them unsuitable to account for the constraints and enablements in cases that Ásta's insightful meta-social observation brings to our attention. Since the directed duties or obligations associated with joint conferral are a matter of shared agency, they are of necessity bound to the particular context and the specific relationships of the joint endeavor in question. They are not subject to the generality and stability constraints that I have been arguing are crucial for social categories, and which I understand to motivate the tracking of base properties that Ásta emphasizes. The suggestion, then, is that the constraints and enablements that hold for individuals in cases that fall outside the general contours of relevant social categories may nevertheless have an alternative foundation – in the directed or contralateral commitments fundamental to joint or collaborative agency.

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