On Being Different

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1 Introduction

Consider the following scenario[1]. A woman doing a PhD in philosophy signs up for a logic seminar in which she will be the only female student. In the first meeting of the seminar the Professor leading the group assigns everyone in the group a topic that they will present on during the term. The woman is assigned a historical figure whilst all of the men in the group are assigned topics in contemporary logic. The woman subsequently learns that she was assigned such a topic because the professor assumes that she will be writing a thesis on the history of philosophy. In such a scenario it would be appropriate for the female student to have said:

(S) If I had been a man, I wouldn't have been treated this way

The aim of this paper is to analyse the counterfactual (S). However, I will largely avoid talking about different theories of counterfactuals. Instead I want to concentrate on a potential problem it causes for the thesis of the Essentiality of Origins, as put forward by Kripke in lecture 3 of *Naming and Necessity* (Kripke, 1980). It seems to *prima facie* be the case that when this thesis is put together with a Possible Worlds analysis of counterfactuals there are certain claims that cannot be analysed in a natural way. In fact, the most natural analysis of a counterfactual like (S) seems to be directly at odds with Kripke's theory. In order to analyse the tension fully, I will give a short exposition of the Kripkean thesis before giving the argument and discussing the various assumptions that it requires for validity. In doing so I hope both to highlight the commitments that we must make in order to provide such an argument and to get clearer on what we are talking about when we make utterances like (S).

[1]This scenario is adapted from a recollection given by Sally Haslanger in her paper "Changing the Ideology and Culture of Philosophy: Not by Reason (Alone)" (Haslanger, 2008)

2 The Essentiality of Origin

In lecture 3 of *Naming and Necessity*, Kripke discusses essential properties: a property P of an object x is essential if and only if x has P in every world in which it exists. In his discussion, Kripke is not interested in so-called "trivial" essential properties like self-identity or existence. Instead he discusses the sort of properties that would allow us to answer questions about what makes some individual or object the very same object in different situations. He considers the cases of the Queen (Elizabeth II) being born to different parents and the table in front of him being made from different matter and asks whether the objects in these counterfactual cases are the same objects as the ones referred to in the actual cases.

Kripke thus seems to be offering not just an account of some essential properties but also some thoughts about the properties that underwrite transworld identities, the properties that allow us to say, of two individuals in different possible scenarios, whether or not they are the same. We can identify three essential properties that Kripke identifies as necessary for transworld identity of humans:

i. Being from the same sperm and egg

ii. Being the same sort of thing

iii. Being from the same piece of matter

Of these I will here be interested in the first, which is commonly known as the Essentiality of Origin thesis. Kripke argues for this condition using an example involving the Queen, principally asking whether it is conceivable that she could be born of different biological parents and still be the same person. It is Kripke's contention that were Mr and Mrs Truman to be the biological parents of some individual who then went on to have as many properties in common with the actual Elizabeth Windsor as possible, this new individual would not be Elizabeth. This would hold even if there were no woman born of the actual biological parents of Elizabeth, in which case there would be no individual on that world who was Elizabeth. What is required for some possible Elizabeth to be the same individual as the actual Elizabeth is that the two individuals have the same biological origin, that they are formed from the same sperm and egg.

Since the genetic material that forms the zygote is part of each of the two gametes (the sperm and the egg) that then fuse, it is also the case that the genetic material that is provided by your biological parents is essential to you. This is the assumption that my argument will attempt to challenge. Using some further assumptions about the best

way to analyse (S) I will offer a *reductio* argument against the Essentiality of Origins and discuss how successful the argument is at achieving this goal.

3 The Argument

We can now present the argument a little more clearly using a natural deduction style.

1. A person has their genetic material essentially (Kripke)
2. A person's genetic material determines their sex (Assumption)
3. If characteristic X determines characteristic Y and X is essential then Y is essential (Essentialist Principle)
4. A person has their sex essentially (1,2,3, MP)
5. There is no PW on which the referent of "I" in (S) exists and does not have the sex it has in the actual world bit cumbersome still (5, definitions)
6. If (S) is true then there is a possible world on which the referent of "I" in (S) exists and has the opposite sex to the one it has in the actual world. (Possible Worlds analysis of counterfactuals)
7. (S) is true (Assumption)
8. There is a PW on which the referent of "I" in (S) exists and has the opposite sex to the one it has in the actual world (6,7, MP)
9. ¬1 (5, 8, RAA)

The argument is constructed as a *reductio ad absurdum*. As such, it should be understood as taking a set of assumptions and showing that when we put them together they lead to a contradiction. This in turn shows us that one of the assumptions, as it stands, should be rejected. I suggest that the assumption that should be rejected is 1, the consequence of Essentiality of Origins (and thus that that thesis should be rejected also). However, others might well take the argument as a rejection of one of the other assumptions. The aim of the rest of the paper is to discuss the various assumptions that are active in the argument in order to get a better idea as to which should be rejected[2].

[2]Due to considerations of length, I will not be looking at premise 3 in depth in this paper. However it seems fair to note that if determination is considered to be a supervenience relation and the set of worlds used in determining that relation are the same set as those used in the domain of "essential" then the principle looks innocuous.

4 Premise 2: Genetic Determination

The concept of biological sex is an aggregate of several features including[3]:

- gamete production
- chromosomes
- physiology
- hormone production
- primary sex characteristics

A simplistic thought about the relationship between one's genetic material and these features that we use to classify sex would be that each of these features is determined by one's genetic material and so sex is also thus determined.

This simplistic thought is correctly argued against by Natalie Stoljar (Stoljar, 1995). Stoljar is arguing against an argument similar to the one that I am making here; that the Essentiality of Origin entails that an individual cannot change their sex. She argues that this is not a consequence of the thesis by denying my premise 2. Her point is that genetic material does not determine sex since in many cases factors in the development of the foetus (for example) will have an effect on characteristics that we use to classify sex in humans. Thus, for instance, a foetus that develops from a zygote with XY chromosomes may not develop the ability to produce sperm what about hermaphrodites here, might be a better example and, as such, would not be characterised as a male once fully developed. In this way it is possible for one to have a sex other than the one coded for in one's genetic material.

This line of argument exposes some fallacies in the simplistic thought. The first is that sex is a binary category, that is, that each individual is either male of female. The picture is far more complicated than this, at the very least there should be considered three categories: female, male and intersex. This tripartite division is a somewhat better theoretical basis upon which to consider issues of sex- if there are useful biological categories that are defined by some of the features we looked at earlier then it will certainly be the case that there is a sizable number of individuals who do not fall into one of the divisions that those features make and thus the original binary classification does not fit them[4].

[3]The situation is a good deal more complicated than I have had the opportunity to go into here. For a useful and illuminating discussion of some of the issues in this section see Mikkola (2008)

[4]Some theorists would go further and deny that there are any interesting categories "female" and "male" but that is not an issue I wish to get into here. See Mikkola (2008), section 3.2, for more details.

The second fallacy that Stoljar's argument exposes is the idea that the developmental stage can be dismissed in our thinking about the relationship between the genotype and the phenotype.

Stoljar's argument does not, however, prevent us from continuing with the line that we wish to consider. If we are proceeding with a classification upon which there are three categories (female, male and intersex) then we can allow that an individual can fail to be female and still have the XX chromosome 23 pair, because of foetal development. What is needed for the argument to fail is something more than the ability to change sex in this narrow sense. We require not only that the sex of an individual can fail to be that which is genetically coded for but also that the sex of an individual could be in the *opposite* category, that is, that an individual with chromosomes XX could be *male* rather than *not be female*. This is what the analysis of (S) requires of us since the speaker is not merely saying that their sex is different to what it actually is in the counterfactual situation but that it is the opposite of what it is. What we thus require for the argument is a condition that holds that one's having a particular pair of 23 chromosomes is a necessary condition of being a particular sex (one of male and female). If this were the case then once the genetic material had been determined by the fusing of the parents' gametes it would not be possible for the individual that subsequently develops from that zygote to be of the opposite sex (ie. for a female to be male or vice versa), which is what a correct analysis of (S) is committed to.

How plausible is this condition? The question we now have to ask is whether it would be possible for someone with XX sex chromosomes to be biologically male or someone with XY chromosomes to be biologically female. These possibilities seem to be directly at odds with how the terms are generally used in biological classification- though I have not found any instances of their possibility being denied.

So, a suitably altered version of premise 2 would withstand the argument that Stoljar offers against the simplistic premise that we began with. *Pace* some tricky questions about the biological sex categories we can move on to the next assumption.

5 The Possible Worlds Analysis of Counterfactuals

I take it, for the purposes of this paper, that the Possible Worlds (henceforth, PW) analysis is, if not *the* most widely held theory of counterfactuals, then is at least *one of the* most widely held. There are substantial and interesting questions as to whether a similar problem to the one I am interested in here affects other theories of counterfactuals but those are questions beyond the scope of this paper.

With the PW theory in hand however, we still need to answer a few questions. The first is whether there is any plausibility in supposing that the PW theory was ever meant to go with the Essentiality of Origins. The two most well known supporters of the PW analysis, David Lewis and Robert Stalnaker, advocate the use of a counterpart theory in their modal ontology and thus may be seen to be at odds with the thesis of the Essentiality of Origins which, as we have seen, might be considered to underlie a notion of transworld identity. If there was never any question of a PW analysis of counterfactuals being consistent with the Essentiality of Origins then my argument to the conclusion that they might not be consistent becomes a lot less interesting.

On considering the two positions, there does not seem to be any reason why we cannot separate the PW analysis from counterpart theory. In the first instance, Lewis allows that it would be possible to give an analysis of counterfactuals using transworld identity but argues against it (Lewis, 1973, Chapter 1). Secondly, Lewis holds that essential properties are fine, they are properties that are had by all counterparts. As such we could hold that the origin of a counterpart was essential as long as it was a property shared by all counterparts. No counterpart relation could then be posited which violated this criteria, else the origin would not be essential (since counterparts would have different origins under such a relation). Lewis himself seems not to hold a thesis like the Essentiality of Origins (Lewis, 1973, p.41) but that does not stop some other counterpart theorist from doing so and suitably restricting the possible counterpart relations that could hold.

Thirdly, some PW theorists of counterfactuals have explicitly held theses like the Essentiality of Origins. Igal Kvart (Kvart, 1986) for example holds a PW analysis in connection with a thesis about transworld identity which he calls "genidentity"- a thesis largely the same as the Essentiality of Origins but which is explicitly used as the ground for transworld identity. So we can see that not only is the PW theory compatible with the Essentiality of Origins but that in some cases the two theses are used in conjunction.

Using Lewis's version of the PW theory, we have it that (S) "is (non vacuously) true if and only if some (accessible) world where both A and C are true is more similar to our actual world, overall, than any world where A is true but C is false" (Lewis, 1973)where A and C are the antecedent and the consequent of the counterfactual respectively. This analysis might be taken to imply premise 6 since if (S) is true there is a world in which the antecedent ("I were a man") is true. However, there is a difference in the terms used to describe the counterfactual situation in premise 6 (there exists an individual of the opposite *sex* on some possible world) and the terms used in the counterfactual (S) (if I were a *man*). The difference glosses an important point in the feminist literature- that the biological basis for sex classification and gender categories can come apart. This

distinction between the way that sex terms and gender terms can be used has some implications for premise 6 and the way it makes the antecedent of (S) true.

5.1 Making the antecedent true

It is widely held amongst those working on the categories of race and gender that these groupings are not kinds determined by certain natural facts (to do with gamete production and skin colour for example) but are instead *social kinds*, that is, groupings determined by certain social relations that individuals stand in. Whilst a being of a particular gender or race might bear some relation to being a member of some natural kind that relation does not constitute or determine being of a particular gender or race- it may well be *taken* to do so, mistakenly, but the reality of the situation is that being of a particular gender or race is in fact a matter of being in a particular social relation.

In the case of gender[5] and sex, feminists in general and social kind theorists in particular have widely adopted a distinction between the use of the terms "female" and "male" and "woman" and "man", with the first pair of terms used to name the biological kinds discussed above and the second pair used to name social kinds. It should be pointed out at this stage that the distinction between the sex terms and the gender terms is used to different ends by different theorists; Feminism is a broad church. So whilst some theorists may wish to identify positive roles that the terms and concepts "woman" and "man" can play in an attempt to strip them of the normative power that they have to enforce discrimination others reject the concepts in their entirety, arguing that the force that they have in propping up discriminatory practises can only be overcome by the eradication of the concepts. The attitude that one takes toward these concepts will almost certainly have some relation to the theory that one has of how the concepts are constructed. On Catherine Mackinnon's influential theory (Mackinnon, 1989) the relationship between men and woman is one of sexual objectification; roughly speaking, men are the class of individuals that objectify other individuals on the basis of perceived or imagined differences in sexual features, women are those that are objectified on the same basis. On this type of account we can see both that sexual features, that is features of the natural kind, play a part in determining the categories of woman and man but are not constitutive of them and also that being a woman or a man is dependent upon attitudes borne by you and towards you by other groups of individuals and is thus a matter of social relations.

[5]The race case is also very relevant to the aim of this paper as counterfactuals similar to (S) can be constructed for racial situations. However, race and its relationship to "skin colour" is even more complicated than gender and sex in the aspects that I am interested in here and will thus have to be left to a later date to be analysed in this way.

The interest of these points should now be clear. The analysis I have given of (S) and the other premises in the argument, involves the terminology of the natural kind, sex. In contrast, (S) itself is formulated in the language of gender, which on the prevailing analysis, speaks of social kinds. As we have seen from Mackinnon's account of gender, the relationship between the social kind and the natural kind may only be one of perception, rather than constitution, and so there is no straightforward move to be made from talking about "woman" and "man" to talking about "female" and "male". In particular, it seems that the partial analysis that I have given of (S) on the PW framework, in the form of 6, is incorrect. Instead the analysis should be something like:

6*. If (S) is true then there is a possible world on which the referent of "I" exists and instantiates the social role of someone in the opposite gender category to their category in the actual world.

On this reading (S) can be (somewhat roughly) paraphrased using Mackinnon's theory as "if instead of being treated as an object, I was an objectifier, things would be different" rather than "if instead of my body being this way, it was a different way, things would be different". There are numerous ways in which such a condition could be met. For example, the consequent of 6* would be true in worlds where the social relations that constitute gender were completely reversed: in Mackinnon's terms, a world in which *all* those that are currently objectified on the basis of actual or perceived sexual characteristics are objectifiers. However, we can look to worlds far more similar than that world in order to make (S) true. A world on which the speaker of (S) were in the role of an objectifier, on the dominant side of the power relation, would be one on which (S) could plausibly be true. Sally Haslanger (Haslanger, 1993, pp. 212-3) has persuasively argued that gender, as well as being a social category, is also one that is heavily dependent upon context; in some contexts an individual may fit the category "woman" whilst in others they may not. For example, a white middle-class female in the UK may be objectified in gender-sensitive contexts but might *objectify* in other contexts, those sensitive to race or class for instance[6]. Taking the context sensitivity into account we can see that we require only that *in the active context* does the speaker of (S) instantiate the opposite social role.

All of which forces us to consider whether 6* is (part of) the correct analysis of (S). This might appear to be a neat way of diffusing the tension between the two theses, by understanding the different ontologies of the natural and social kinds we can see that they are committed to different things and therefore that (S) is not in conflict with the

[6]This point assumes that race and class have a similar constitution to gender. For arguments to that effect in the case of race see Haslanger (2005).

Essentiality of Origin. It would be a mistake however to take this way out. What we need to pay attention to when analysing (S) is not what *could have been said* given that the speaker knew a lot about the ontology of gender but *what was said*. We need to ask what the most plausible analysis of (S) given the knowledge and situations of speakers who might use such a counterfactual. It is unlikely that the majority of speakers who say something like (S) will be making a statement of the kind that the social analysis of gender makes. The concepts that the ordinary speaker has confuse the categories of sex and gender, usually assuming a far stronger connection between the two kinds: if not one of identity then at least one of determination or constitution. We can see that this is the case from a cursory glance at such usage, the terms are often used interchangeably with little sensitivity to the idea that they may name different types of kind with different ontologies[7]. As such, we can (perhaps tentatively) conclude that in most cases when an utterance of (S) is made a speaker is making a claim of the kind that 6 suggests, rather than of the kind that 6* suggests.

In objection to this, one might argue that the concept of linguistic deference[8] could be at play in these cases. In particular one might argue that speakers have an incomplete understanding of the concepts of sex and gender and the terms "female" and "woman" but defer to experts in their usage thus securing the "correct" meaning of the term. Such a defence would be weakened however, by the fact that there are several relevant groups of experts who wish not only to *clarify* the terms involved but also to *alter* them so as to overcome any discriminatory role that such concepts or terms might have played. Since different alterations to the concepts are being debated we would end up in a situation where it was not clear which meaning a person was expressing as it is not clear which set of experts they are deferring to[9] and thus it would be unclear as to whether 6* was a legitimate reading at all. This, of course, is on the assumption that deference is taking place in the case. Such an assumption itself appears to be misguided given the strength of feeling that people have over the deployment of concepts of sex and gender- we often see a backlash towards attempts to redefine these concepts with ordinary speakers arguing that their understanding should not be usurped by that of "experts".

Hence, if we are to respect the concepts that people without detailed knowledge of the sex/gender debate deploy in situations like the one described we must allow that a speaker can be using concepts in a way that attempts to make an utterance of the type

[7]For an example of such confusion from the field of business ethics, see Borna & White (2003). The phenomenon is also identified in Mikkola (2008).
[8]See e.g. Putnam (1973) or Burge (1979).
[9]See Segal (2000) for more on this problem.

that 6 describes, one where they are describing a situation in which their sex changes[10].

6 Is (S) true?

It might be contended that the counterfactual (S) is, as it stands, not literally true. Instead the antecedent of (S) is a metaphorical or elliptical usage. Here I will consider the idea that (S) is metaphorical, most of the points that I make will carry across to the case of ellipsis.

Some uses of counterfactuals similar to (S) should be analysed as being literally false and instead as communicating something metaphorical. A particularly good case is that of the joke or barb along the lines of "If you were a country, you would be Switzerland"[11]. In using this type of counterfactual, it is far from likely that we are considering a possible situation in which the person addressed by "you" were actually a country- it is entirely unclear what such a situation would be like. Instead we aim to make a comparison between two objects or situations. In doing this we are almost certainly attributing properties of one thing (the country Switzerland in this case) to the other (the referent of "you"). However, many (if not most) writers on metaphor emphasise the open-endedness and context sensitivity of genuine metaphorical usage; it is not clear that any finite list of properties of the country Switzerland, as applied to "you", would capture what was meant by the metaphor[12]. Metaphors, by their nature, make us attend to novel and interesting aspects of things by way of comparing them (in a strong sense of comparison) with other things that they may not have typically been thought to be connected to. As such, understanding a metaphor requires some interpretation of the context, the speaker's intentions and the like.

With these very cursory thoughts on metaphors in hand it seems perplexing that one might suggest that the antecedent of (S) expresses a metaphor. Most of the identifying properties of metaphors appear to be lacking in the case of (S). There appears to be no attempt to make a *comparison* between two things in (S), let alone a novel, open-ended or contextually dependent one. It seems entirely appropriate to suggest, as an analysis of (S), that if the speaker had had a certain, finite set of properties different to the ones that she actually has then the consequent of (S) would obtain. This is at

[10] If the reader is still not convinced then we could run the argument with the counterfactual: (S!) If I were male I wouldn't have been treated this way. (S!) makes explicit reference to sex categories and thus cannot be given the alternative reading.

[11] Thanks to WB for this example.

[12] See Hill (1997) or Moran (1997) for example. The "Switzerland" case may be slightly different in that the speaker may have a specific characteristic in mind and is therefore using the metaphor as a simile but both readings seem available.

odds with the idea that the meaning of a metaphor cannot be paraphrased by giving such a list, if (S) genuinely expressed a metaphor no such list would be satisfying as an analysis. In situations where we genuinely have little or no idea of what sort of situation would have to obtain for the antecedent to be true it would seem that a metaphorical usage were appropriate, however, this counterfactual situation is pre-eminently more understandable[13].

7 Conclusion

At this point I would like to make a *tentative* conclusion. Whilst it may have been thought that there was an obvious argument to show that two positions, the Essentiality of Origins and the Possible Worlds analysis of counterfactuals, were at odds with each other I hope to have shown that the argument is far from obvious and that it relies on other assumptions that may well be rejected by a theorist who wants to maintain the two theses. I also hope to have shown that rejecting these other assumptions is not something that should be done lightly. Each of the premises 2, 6 and 7 has independent support and thus we have at best equal grounds for rejecting either of the major theses under scrutiny. My preference is to reject 1 and therefore to reject the Essentiality of Origins. I realise however that I have not given an argument as to why we would be better off rejecting this than the Possible Worlds analysis of counterfactuals- this is something that I hope to do in the future.

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[13] A further point to note would be that such a reading (and associated ones giving (S) elliptic or pragmatic effects) would require some interpretation process in order for (S) to be understood: one would first have to realise that (S) could not be literally true and then interpret what was being said. Such a process does not occur on most readings of (S), interpretation goes along the lines of 6, but metaphysicians may be a group that are led to such a process by way of their commitment to, or understanding of, the Essentiality of Origins. In such cases however, I have found that those without prior knowledge of the sex/gender distinction find it difficult to come up with an interpretation of (S) that keeps its semantic force in tact and does not violate the commitments of the metaphysics.

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