The Metaphysics of Discrimination:

from Aristotle to hard shell tacos

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I. Habitable Kinds

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I. HABITABLE KINDS

A mark of social and structural oppression, marginalisation and injustice is that it targets not only individuals but groups (or individuals *as members of a* group). Thus, in order to better understand and challenge this sources of injustice, it is important to understand the social distinctions and classifications that underly them. It is not surprising, therefore, that much recent work on the philosophy of social injustice has dealt with problems that belong to the metaphysics of distinctions, in general, and of human distinctions in particular. It must no be surprising either that much political debate regarding these distinctions comes sharper into focus once we get clear on the metaphysical status of our so-called habitable human categories and related issues. Thus, the goal of these small texts is to draw a few distinctions of my own on the many debates surrounding the metaphysics of the distinctions behind discrimination hoping that they may shed light on the debates themselves.

I will divide metaphysical questions regarding discriminatory social categories [from now on, when I talk of categories I will mean habitable categories of this sort, except when explicitly indicated] in four broad kinds: Aristotelian questions, Quinean questions, Ontological questions and Meta-metaphysical questions:

Aristotelian questions are questions about the metaphysical basis for these distinctions, i.e., what makes (or would make) someone belong to a certain human category or another. I call these questions "Aristotelian" because, as well will see further ahead, they are very closely related to what is currently known as "Aristotelian metaphysical questions", i.e., questions about the relations of fundamentality between different kinds of facts and objects. So, Aristotelian questions regarding social kinds, for example, have to do with questions like: how do human kinds relate to human action and, in particular, human agency? how

strong do they determine or constraint our actions? how are they determined or constrained by our actions?, etc.

Quinean questions are questions about whether these categories are empty or not. I call them "Quinean" because they are ultimately about what there is. My friend and colleague Angeles Eraña has suggested that we see the distinction between Aristotelian and Quinean questions as the metaphysical analogue of the well-known distinction between the intensional and extensional accounts of concepts.

Structural questions are questions about the structure of the systems of categories the categories belong to.

M**eta-metaphysical** questions are questions about how to answer questions of the previous two kinds, i.e., what criteria must a good answer to a metaphysical question meet.

I will give now a brief summary of some of the key issues in each of these sorts. Hopefully, this will bring new light into the distinction itself.

1. Aristotelian Questions

In broad strokes, we can classify the main positions in the Aristotelian debate in three major camps: common-sense accounts, ethno-social accounts and identity accounts.

I call the first camp "**common sense** accounts" because they endorse common sense answers to the Aristotelian questions (or something as close to them as possible). So, for example, considering that the difference between men and women is biological, that poverty just is the scarcity of material resources, that being short is just having a below average height, that being Hispanic is just to be an American with Native Spanish speaking ancestors, that being a Mexican is just to be born in Mexico, that being dirty is just having bad habits of hygiene, that being ignorant is lacking much important

knowledge, etc. are all common sense accounts of the distinctions underlying different cases of discrimination and oppression. Some social categories, however, lack a straightforward common sense definition. A common sense account of the category of *naco* in Mexico, for example, has proved to be quite elusive.

Few philosophers endorse common sense accounts nowadays. They are commonly considered naive and misguided insofar as they fail to address the oppressive and discriminatory nature of the distinctions they are supposed to characterise. Efforts towards addressing these shortcomings have given rise to more sophisticated theories that stress their social and ethnic aspects. According to these **socio-ethnic** accounts what makes someone belong to a given category are the social and cultural traits and relations she has in common with others like her. Thus, feminists who consider the sex/gender distinction central to understanding womanhood adopt an ethno-social stance towards gender in this sense (Lecuona 2016). Similar stances lay behind ontological theses like identifying the Mexican nationality with certain cultural practices, habits, signifiers, values, etc. shared by many, but not all, and certainly not only the people born or living in Mexico. Social constructivist theories are another paradigmatic example; for example, considering that what makes someone short, dirty or ignorant are standards of height, hygiene or knowledge that are not objective (like an average, for example) but depend on many social factors that deeply interweave them with other social categories, like class, race and gender; thus how clean need a white American woman be in order to be clean is substantially different from how clean an African American man must be in order to fit the same category. Philosophers who think that what makes a person an African American is a common history or common experiences are also embracing a socio-ethnic stance towards these categories. I will deal with social-constructivist theories in more details in the next chapter.

Socio-ethnic accounts have been criticised recently because they place social categories *outside* the classified subject – the relevant *other* – and thus do not leave enough room for genuine *agency*. By

defining social kinds by the social conditions under which the persons who belong to them live, including those that oppress them, it makes such oppression constitutive of the kind, and as such, leave no room for liberation (without leaving behind the category itself). This concern has given rise to a new set of theories that have been broadly call d "**identity** accounts". Identity accounts can be easily summarized as accounts of the belonging to a habitable category as a kind of **constrained act** (or something act-like like a skill or personal project). Identity accounts incorporate the insights from both socio-ethnic and common-sense accounts as constraints to the act, but reinstate the agent at the center of her belonging to one category or other. Thus, they hold categories like womanhood, disability, Mexicanity, foreignness, etc. not so much as things that one is, but more fundamentally, as things one does. To be a Mexican, for example, is to choose to act in a certain way in given occasions – like partying the night of September the 15th by listening to Ranchero music from mid-20th Century and eating certain food (like tacos and pozole) and not other (like hamburgers) – constrained by the social and material factors affecting her in her context – such as those that would make it hard for her to find good tacos in downtown Reykjavik, but would make it hard to avoid if she lived in downtown Coyoacán neighbourhood in Mexico City.

Presenting these three broad tendencies this way, of course, abstracts from important differences within each one of them. My presentation so far is also misleading, insofar as it leaves the impression that the matter has been (or should have been) settled and that identity theories are just better. Nothing is further from the truth as accounts of the three sorts have both advantages and disadvantages over the others. Common sense theories, for example, have the obvious descriptive advantage of respecting common sense. Furthermore, they can easily argue that criticisms against them are question-begging in so far a they asume, instead of show, that (at least part of) the social aspects of discrimination lie within the ontological category itself, instead of belonging to the more complex material and social network it is situated in. Ethno-Social accounts, in turn, criticise identity

theories for being either not a genuine alternative to socio-ethnic theories or overtly individualistic and for drawing the boundaries between categories in the wrong place (where 'wrong' here means both 'inaccurate' and 'unjust') by overestimating the importance of individual action and choice. Furthermore, they also claim that identity theories make it too easy for those belonging to privileged groups to get *off the hook*.

These later criticisms are important (and controversial) enough to merit some detailing. The basic criticism branded at identity theories is that the notion of a constrained act of identification at the center of identity theories is an ill-defined notion, unstable between two equally undesirable positions. On the one hand, if a constrained act of identification were just the mere act of freely asserting one's will of belonging to a certain social group, that would cheapen the social categories to the point of being too arbitrary for being of any use in the fight for social justice. Such an action would not be a *constrained* action. On the other hand, if we require the act to be socially recognized within the group as being the kind of act that constitutes the kind, then what identity theorists mean by a constrained act is nothing but what socio-ethnic theorists call a social practice. Thus, identity theory would not be an actual alternative to socio-ethnic theories, and would not have achieved the desired des-exteriorization of our social ontology. Thus, in order for identity theories to be a genuine alternative there must be some third alternative, but it is not clear that there is really such a third way, and identity theorists have certainly not given us one.

2. Quinean Questions

Related to the Aristotelian debate, but not fully determined by it, the Quinean debate holds mostly between **eliminativists** – those who take discriminatory categories to be empty – and well, whatever you want to call non-eliminativists. I have already used the term "common-sense theories" above, but the term would also be adequate for non-eliminativists). Furthermore, as I will develop in more detail

in the third chapter, eliminativists usually (but not necessarily) endorse common sense accounts, and use them as arguments for their eliminativist arguments. For example, some people have argued that races are empty because our common sense conceptions of what a race is – i.e., substantial phenotypic differences between social groups of common ancestors – do not correspond to anything in biological reality. Similarly, some philosophers have recently argued that since it is constitutive of our common sense understanding of some social categories that people that belong to them are somehow inferior, and this is patently false, nothing can fit inside them (I will not mention examples, because these categories are commonly expressed by the use of slurs and other derogatory terms. This phenomenon will be addressed in further detail in the third and final chapter).

I find it interesting that this relation between eliminativism and common sense happens in other areas of metaphysics, afor example, in the philosophy of mathematics, where nominalists (that is, eliminativists regarding mathematical entities) adopt a common sense view of the ontological nature of mathematical objects – i.e., that they are abstract entities – and then use this common sense account as a premise for the conclusion that there are no mathematical objects.

Even though in the rest of this manuscript I will focus on Quinean and Aristotelian questions, I still want to give at least a superficial presentation of what other sort of metaphysical questions can we make regarding habitable categories, in general, and the social categories behind discrimination in particular.

3. Structural Questions

Besides the Quinean and Aristelian questions, there are also important questions regarding the **structure** of these systems of categories, its dynamics and context of application. In this regards, I identify five major questions:

1. Are categories **unified** or are they **fragmented**? For example, is there *one, unified* thing that it is to be a Mexican or is Mexicanity a complex web of interconnected things instead?
2. What categories belong to the same **system** of classification? For example, is *Jewishness* a race? Are races and ethnicities the same sort of categories? How many human genders are there?
3. Are the categories within a system mutually **exhaustive** and/or **exclusive**? For example, is it possible for someone to be neither a man nor a woman? Is it possible for someone to be both rich and poor?
4. How do the categories **develop** over time? For example, how old must a woman be in order to be a spinster? Can one switch races during one's lifetime?
5. In what socio-historical **contexts** do these categories apply? For example, are there races outside colonial and post-colonial societies? Are communist societies actually classless?

4. Meta-metaphysical Questions

Finally, there are several important **Meta-metaphysical** questions:

1. **Epistemological** and **methodological** questions about what factors should be taken in consideration when answering the (Aristotelian, Quinean and Structural) questions above and what weight should be given to them. For example, what role should the empirical sciences play? and, furthermore, which sciences should be taken in consideration (natural, human, social)? What credence should be given to autobiographic testimony and narratives and from whom? Should we only listen to the voices of those who belong to the relevant oppressed groups or is there a place for the voices of the rest of the community even if they profit from their oppression?
2. Questions about the **goal** or goals of answering those questions? For example, how descriptive/prescriptive should our answers be? Should we adopt a critical stance towards these categories? If

we aim at prescription, should our prescriptions be reformist or revolutionary?

These questions might seem peculiar to social metaphysics or to the metaphysics of politically relevant (not necessarily social) kinds; however, this is would only be true under a very broad notion of social metaphysics. In the philosophy of science, for example, analogous meta-metaphysical questions are also relevant. Many philosophers of cognitive science, for example, who work on the metaphysics of mind conceive of their work as normative or critical as they are not trying to understand what are the metaphysics of mental categories but what *must be* the metaphysics of mental categories. Once again, this is because – as we will see in the next chapter, many (perhaps most) scientific categories have social and practical (ethical, political, etc.) consequences. For example, where we draw the line between say, entities with minds and entities without minds will have great consquences to those very entities.

Keeping metaphysical questions sharply identified also helps in disentangling them from questions of other **political** and **ethical** sorts, like: what role do they play in the emergence of social injustices, oppression and discriminatio? how do we challenge unjust categories? and how do we build better ones? What do they tell us about the moral responsibility (or lack thereof) of the members of society in the development and maintenance of their unjust consequences? What do they tell us about the moral responsibility (or lack thereof) of those who fall under them in their actions *as* members of those groups?

5. Does it make sense to speak at such an abstract level?

One might be skeptical about the value of talking about habitable categories in such generak terms. Unfortunately, I have little to say to convince anyone already skeptical of dealing with social problems

as pressing as these at such a theoretical and abstract level. I just hope that my work shows its own value on its own. However, it is worth noticing that nothing I have said so far entails that a single answer will work for all habitable categories. In a recent conversation, at the National University's Diversities Workshop, Siobhan Guerrero presented many concerns we might have about just transposing metaphysical arguments from one kind of habitable categories to another. For example, it is relatively clear that material conditions are fundamental for determining who is or is not a bourgeois or a proletarian, but we should not generalize this to other categories such as gender or race. Material conditions may also be fundamental, or maybe not, but this is a question that must be resolved on a case-by-case basis. In the end, Guerrero argues, the metaphysics or race will most likely be substantially different from that of gender. The historical and political differences between these categories are so radical that any account that might serve to build better racial relations could reinforce gender injustices if applied to these other categories. This is because the struggle and oppression experienced by minorities of each type has been substantially different in each case. Even within a single historical and cultural context, the way in which ethnic minorities are discriminated against and oppressed tends to be radically different from the way in which gender minorities are discriminated against and oppressed. For example, there does not seem to have been an analogous to cultural appropriation as a strategy of erasing racial identities in the case of gender. Consider one of my favorite examples, the situation of the Kurdish minorities in Turkey, whose cultural manifestations have been systematically appropriated by Turkish nationalists with the nefarious purpose of erasing their identity as an autonomous ethnic group. Nothing similar seems to have happened in the case of gender minorities. Although it is true that the cultural contributions of gender minorities have been disparaged and appropriated, it does not seem appropriate to characterize this as a case of cultural appropriation (Serano 2016). This is because race tends to be more closely related to culture than gender – mono-gender cultures are less common than mono-racial (Chauncey 1994). It seems that, at

least prima facie therefore, that the loss of cultural goods is a harder blow against racial minorities than against gender minorities. This means that, for example, given their very different historical antecdentes, the threat of cultural appropriation is a more serious threat for the Afro-American identity than for the identity of women. So it seems that the difference in public reactions to cases like Caitlyn Jenner's and Rachel Dozal's is justified, although it is true - noted Guerrero - that there is still much to be learned about the different ways people live gender and race in order to determine how different they actually are.

Paloma Hernández had already pointed out to me that one of the most important differences between racial (and ethnic) differences in seggregated contexts like in the USA or Argentina (and unlike 'mestizo' contexts like those of Mexico or the UK) and gender differences is that, while the former tend to be experienced 'from a distance' so to speak, the latter are present in many of our most intimate relationships. In other words, the experience of living intimately with people belonging to other gender categories (either as relatives, couples, colleagues, neighbors, etc.) is substantially more common than the experience of living intimately with people of other ethnicities, race or class.

Guerrero is also right in pointing out that a good meytaphysics of race and gender must account for this type of differences. For example, it must account for why testifying to our own gender plays such a central role in the construction of our subjectivity, while there does not seem to be anything analogous in the case of race. In her presentation, Guerrero alluded to the important role that desire plays in gender identity, and how it seems to be absent from most racial identities. Prima facie, it seems that an important part of belonging to one genre or another is to desire certain things and not others. There does not seem to be anything analogous in the case of race, although in contexts such as the United States, miscegenation remains an important issue and, in this sense, desire also plays an important role in the construction of race in that context. If Guerrero is right, since desire is something that, at least in our popular psychology, is private, subjective and, above all, testifiable, this would

explain why gender is also testifiable (but race is not). It would also explain why gender cannot be a political choice. In the words of Andrea Long Chu, whom I read months after listening to Guerrero,

"... nothing good comes of forcing desire to conform to political principle ... one can not be aroused as an act of solidarity, in the same way that it can fill envelopes or march on the streets with its fighting sisters. Desire is, by nature, childish and chary of government."

II. SOCIAL CONSTRUCTION

Regarding a putative ontological kind X (mathematical objects, artifacts, races, theoretical entities, etc.), it is important to distinguish between three different metaphysical questions (of what I have called the Aristotelian and Quinean kinds): do Xs exist and, if so, what do their existence depend on?, why are they X?, and why do we make a difference between Xs and Not-Xs?

The first question is the Quinean ontological issue identified in the previous chapter of whether certain kind of objects exists and, if so, whether they are natural, socially constructed, fictitious, etc., the second is the question of what metaphysically grounds certain truths or facts, and the third is the issue of whether or not our concepts cut reality at its seams. The questions are different and, for the most part, independent.

Thus, for example, in the philosophy of physics, it is important to distinguish between the questions:

1. Are forces real, i.e., do the **entities** in the extension of the predicate "(is a) force" exist, and if so, are they part of the fundamental furniture of the world or does their existence depends on the existence of other objects or facts regarding, for example, human conventions, the constraints of cognitive architecture, cultural perspective, personal preferences, etc.?
2. Why are forces forces, i.e., what makes the objects in the extension of the predicate "(is a) force" be forces? Is there a **fact** of the matter whether or not something is a force or not, or does it depend on our conventions, cognitive architecture, cultural perspective, personal preferences, etc.?
3. Why do we make a **distinction** between forces and non-forces? Does the concept "force" cuts reality at its seams or does it only make sense for our social practices, cognitive architecture, preferences, etc.? Is it a natural kind or is it socially constructed, fictitious, etc.?

Notice that the third question is not why **a particular entity x** is an X rather than a non-X (that would be the second question), but the question of why do we make a difference between **the** Xs and **the** Ys. Thus, the second question is independent of the first in so far as it applies to all sorts of entities: fundamental, derived, fictitious, socially constructed, etc. However, it is not completely independent from the second because, even though socially constructed properties cannot be natural kinds, not all natural properties are natural kinds, and thus it

makes sense to make the further question of why do we mark certain differences and not others. Whether the Xs are natural, fictitious, socially constructed, etc. it is still a further question whether the concept X is joint carving or not.

The third question is a question of joint-carving, because, presumable, if the answer to a question of this third kind necessarily and substantially appeals to our practices, cognitive architecture, preferences, etc., then the distinction between Xs and not-Xs will not be joint carving.

1. Social Construction

Being a realist (or a fictionalist or a social constructivist, etc.) regarding a type of objects means different things depending if one is taking a position regarding each of these three questions. Consider the first question: If one is a Quinean, being a realist regarding the Xs does not mean much else besides believing that the Xs exist, and that must be the end of it; but if one is an Aristotelean, one may still wonder whether the X are fundamental or not and if they are not (all) fundamental, what does their existence depend on. If one believes only things with objective existence are real, then one will reject as real those entities that exist, but whose existence depends on human conventions, the constraints of cognitive architecture, cultural perspective, personal preferences, etc.

Consider some examples. We usually make a distinction between socially constructed **entities** like words, passports, baseball bats and nations on the one hand, and not socially constructed entities like neutrons, lumps of coal, and clouds on the other, even if we admit that some entities, such as domestic cats and melodies are difficult to classify. What makes a nation socially constructed is that its existence metaphysically (not just causally) depends on certain human social actions and/or practices. Clouds, in contrast, are usually considered to exist independently of our social actions and practices. We have done nothing to make them exist and they could have existed even if society had never developed on this earth. This is a distinction at the level of question one, since it concerns the **existence of entities** of a certain sort.

Regarding the second question, we usually make a distinction between socially constructed **facts** like fanny packs being uncool and Paris being the capital of France, and not socially constructed facts like every planet with an atmosphere having clouds or Mauna Kea having an altitude of 4,205 meters. Again, we have cases that are difficult to classify like the seventh note of a musical scale being its leading tone or tomatoes tasting good. In this regards, we say that Paris is the capital of France is a socially constructed fact because part of why

this is actually so is because of our social practices, institutions and actions. In contrast, the altitude of Mauna Kea is putatively independent of our social constructions, that is, nothing we have done or could have done could have changed its altitude (without causally affecting its physical reality, like for example, blowing its top off with dynamite!).

Notice that socially constructed facts could involve both socially constructed entities – that is, entities whose existence is socially constructed – and not-socially constructed entities; just as socially constructed entities and not socially constructed entities could both be involved in not socially constructed facts. This is why I have insisted that the socially constructed nature of entities is independent of the social construction of facts. For example, it is a socially constructed fact that diamonds are precious stones, even though the existence of diamonds is not socially constructed. On the other hand, it is not a socially constructed fact that Paris is rainy, even if Paris is a socially constructed entity.

Now, a property is socially-constructed if having it is a socially constructed fact, and not otherwise. Thus, being a precious stone, or cool, or expensive, etc. are socially constructed properties; being rainy, having certain given mass or being located in certain spatio-temporal point are not socially-constructed properties.

2. Social Construction and Language

One might argue that since Paris would not exist were it not for our social practices and conventions, it could not be rainy without them either. Fair enough, so a more precise formulation of what makes a fact socially-constructed is required. To this end, I propose that a fact is socially constructed if it depends on our social practices and actions for more than just the existence of the objects involved.

Along these lines, one could argue that Mauna Kea having an altitude of 4,205 meters is a socially constructed fact since there would be no such thing as meters if not because of our current social practices of measurement. However, this would be a mistake that is easily avoided if one is careful to make a difference between predicates (in language) and properties (in the world), in particular, between how we use a predicate to fix a property and the property thus fixed. A good way to illustrate this example is through a joke:

Suppose there is a young girl standing just to the left of a huge rock, half buried in the ground (the rock, not the girl). She claims to be able to move the rock from her right to her left side without using any tool or machinery, and willing to bet half a thousand dollars to prove it. Furthermore, you are allowed to try moving the

rock yourself so that you can verify that it is not a trick rock or something else pretending to be a rock, etc. After trying to move the rock, you confirm that it is heavy indeed and half buried to the ground. So you agree to the bet. Once the bet is set, she turns around on her place 180 degrees. "Now – she says – the rock is no longer to my right, it is to my left". Thus she wins the bet.

The joke is funny, presumably, because of an equivocation in the expressions "to my right" and "to my left" as uttered by the cunning girl. The rock did not actually move, in so far as it did not change location. Yet, it is true that it was on the girl's left side and now it is on her right side. This is because we usually use the expressions "to my right" and "to my left" to refer to spatial locations using ourselves as point of reference. However, we can also use them to talk about our spatial relation to such spatial locations and the objects that occupy them. When the girl claimed that she could move the rock from her left to her right, we assumed her to be using those expressions in the first way: we assumed she was using herself as a point of reference to fix a couple of spatial locations, not in the second sense. Thus, we believed she was going to change the location of the rock, not her spatial relation to the rock.

This joke illustrates the importance of making a distinction between the property we talk about and how we fix such property. When we use "to my left" to talk about the location of an object, we use ourselves as props to fix the spatial property, but we are not part of the property in the metaphysical sense. Consequently, whether an object has such property does not depend on us. In contrast when we use "to my left" to talk about our spatial relation to an object, we place ourselves *in* the property, so to speak.

Something similar happens when we use expressions like "four days", "4,205 meters", etc. We use social conventions to fix the properties corresponding to these predicates, but the conventions themselves are not part of the properties expressed. Thus, we can truly say that many years had passed before we developed the convention of measuring time in years; and that Mars was already million kilometres from the Earth before the development of the metric system. Furthermore, we can also say that Mars would still be that far, even if we had never developed the metric system, for the former fact is independent of the later.

Thus, we could talk about using predicates like "millions of light years from the Earth" or "three pounds" to socially fix properties that are not themselves socially constructed. These properties are not socially constructed because what makes an object being millions of light years from the Earth or weighting three pounds is not any social convention, practice or anything similar. None of our social practices put the sun at the distance

it is, but our social practices of measurements allowed us to describe such distance by using the expression "149.600.000 kilometers from earth".

3. Social Kinds and Distinctions

Finally, Aristotelian questions are improtant because we usually care about whether a **kind** is socially constructed or not, meaning, whether it makes a socially constructed **distinction** or not. As aforementioned, we say that a distinction is socially constructed if it makes sense only in function of certain human social practices, actions or institutions. For example, we usually say that electrons are a natural kind because the distinction between what is an electron and what it is not is there in nature, independently of our social practices, institutions, etc. In contrast, the distinction between the owner of a property and others is a socially constructed one because its central function is to help us regulate our social practices. Thus, owning something is a socially constructed kind, not a natural one.

As I had mentioned before, the question of whether a kind is natural, socially constructed, subjective, etc. is not completely independent from the questions of whether the corresponding property is natural, socially constructed, subjective, etc. However they are different questions, because even though socially constructed properties cannot be natural kinds, not all natural properties are natural kinds, i.e., we can make distinctions in nature that nature itself does not make. Medicine is full of such examples. Whether a condition is endodental or periodontal, for example, does not depend on our social conventions at all, but on the physiological and physical conditions of our mouth; yet, the distinction between endodontics and periodontics is socially constructed. Nature makes no such difference, it is our practices of how we approach conditions of each kind that makes them different *to us* (here, today).

4. An Example in the Philosophy of Disability

In a large body of work, Shelley Tremain has sustained that the concept of *impairment* is socially constructed and, presumably, this is what she means: that the distinction between impaired and not impaired bodies is not a distinction that would make sense except for our social practices, institutions, values, etc. We can express this by saying that whether a body is impaired or not depends on our social practices, institutions, values, etc. However,

doing so would be very unhelpful and confounding since it would be ambiguous between three substantially different claims of the sort I have identified in this text: (1) a claim regarding the existence of impaired bodies as entities, (2) a claim about the metaphysical status of impairment as a property and (3) a claim concerning the status of impairment as a concept. In order to determine what is the correct reading for this claim, it is helpful to understand *why* philosophers like Tremain care whether a concept is socially constructed or not. In this regards, Ron Mallon's words are very relevant:

> Some theorists defend constructionist views because they believe that they more adequately explain the phenomena than competing views. But many constructionists have more explicitly political or social aims. For this latter group of theorists, revealing the contingency of a thing on our culture or decisions suggests that we might alter that thing through future social choices. It also may indicate our responsibility to do so if the thing in question is unjust. (Mallon 2007, 94)

Thus, I take it that the correct reading is as a claim about why we make a distinction between impaired and not impaired bodies, instead of a question about facts or entities. In other words, if impairment is socially constructed in this sense, we could change our social practices and values in such a way that bodies that are currently considered as impaired could no longer be so. However, this change would be a change similar to the one performed by the cunning girl in our joke above: the bodies would not change their intrinsic properties, but our relation to them would change. But this would not be a less important change, on the contrary. Changing our social practices would not (directly) make people who currently cannot see, see, for example, but it would make their bodies no longer impaired, and this would be a signifiant political achievement.

This critical stance stands in sharp contrasts with positions like those of Michael Oliver, the so-called British Model of Disability, and others who make a distinction between disability, which they take to be socially constructed and oppressive, and impairment, which they consider not socially constructed and thus neutral regarding social oppression. Vehmas and Watson, for example, write:

> Consider, for example, motor neuron disease, a progressive terminal condition that affects the nerve cells that control voluntary muscle activity such as walking, breathing and swallowing. Clearly, such a fatal health condition is a disadvantage **in its own right,** but it also has an accumulative disadvantage that has negative effects on other functionings such as on one's livelihood, relationships, and psychological well-being" (Vehmas and Watson, 2014. My emphasis)

According to Vehmas and Watson, nothing social is involved in making motor neuron disease a physical impairment. Having such a condition is disadvantage in its own right. I take it that Tremain's point is that these models of disability (and impairment) miss the difference between the second and third questions above, i.e., between the socially constructed nature of properties and facts on the one hand, and kinds and distinctions on the other. In consequence, they try to turn into different properties – disability and impairment – what are actually two different aspects of one and the same property – disability. For Tremain, if there were such a thing as impairment, it would also be socially-constructed in the very same sense as disability. Thus, there is no need for such a distinction.

Tremain and, in general, critical theorists of disability insistence on the inseparability of the social dimension of disability has a political aim: to raise awareness of the way the notion of disability is linked to exclusion. In particular, to how the way we normally use such a notion serves to justify the exclusion of certain bodies. As I have tied to argue, from the fact that there is a heterogeneity of bodies and capacities it does not follow that there is a distinction between bodies with 'normal' capacities and bodies that do not. Of course, *any* capacity has some value – there is a substantial sense in which it is better to have the capacity for singing on tune than not having it, for example. The challenge is to try to argue, as for example Nussbaum has tried, that there are some

> … capabilities through which we aspire [and which are such a] part of humanness … that a life without [them] could not be a good human life. [There is] a threshhold of capability to function … beneath which those characteristic functions are available in such a reduced way that although we may judge the form of life a human one, we will not think it a good human life. (Nussbaum 1992, 220-1)

This presents a double challenge to those who wish to justify this distinction: on the one hand, they must justify the very existence of the distinction and, on the other, the need to justify how it is drawn. For Tremain and other critical theorists and social constructivists it is clear that the function that the distinction has commonly played in our society is primarily economical and political: the non-disabled is the one who must contribute economically (paradigmatically, by working) while our minimum obligations usually include only the non-disabled; that is, our obligations of accommodation to bodies with disabilities are constructed as supererogatory. Thus, when bodies are excluded, the notion of disability serves to justify such exclusion.

Understanding the social construction of impairment this way has the advantage of not giving "far too much significance to language and representation" (Tremain 2015, 10). What is socially constructed is not

merely the way we fix the extension of the term "impaired" among bodies, but the way we make distinctions among bodies. And making distinctions, of course, is not something merely linguistic, but a social practice and, in the case of concepts like *impairment,* a social practice with enormous significance on the experiences and identities of *real* human persons. Tremain herself states this very clearly when she writes:

> "Concepts, classifications, and descriptions are never "merely" words and representations that precede what they come to represent, but rather are imbricated in (among other things) institutional practices, social policy, intersubjective relations, and medical instruments in ways that structure, that is, *limit*, the field of possible action for humans, including what possible self‐perceptions, behavior, and habits are made available to them in any given historical moment." (2015, 19)

Thus, one can be a realist regarding both the impaired bodies as entities and the material facts behind our judgments of impairment, while also recognising that impairment as a concept, that is, as a way of making a distinction among bodies, is socially constructed and, therefore, not something given but something we should be responsible of.

In general, I gather that social-constructivism is a safer bet as an answer to the third question than it is as an answer to the first two. After all, making distinctions is something we **do** and, as such, it is not surprising that many times the reason why we make the distinctions we do has a lot to do with our social interactions. This would explain why people can go as far as claiming that everything is socially constructed, without saying something absurd. What they mean is that the way we parse the world is always dependant on the social context in which such parsing occurs.

Warning: the following post mentions racial slurs, and even though I am convinced such mentions are not offensive, they might nevertheless be triggering to survivors.

III. BAD WORDS

Social categories associated to discrimination have recently become a fertile ground for (analytic) linguistic philosophical reflection because they are strongly associated with the use of human predicates. If social constructionists are right (as characterised in the previous two chapters), how we use social predicates is part of what the correspondign categories are. Discrimination is something we do with words (but not only something we do with words).

1. Slurs and Races

One of the phenomena that a linguistic theory of slurs must account for is the fact that even though both the following assertions are offensive unacceptable, they seem prima facie to be unacceptable in different senses:

(1) Selena Quintanilla was a spic.

(2) John Wayne was a spic.

This difference manifests in the fact that even though some people (who, presumably, hold certain negative attitudes towards some other people, including Selena Quintanilla but not John Wayne) would find (1) acceptable, no competent speaker would find (2) acceptable. The deep question, of course, is what does "unacceptable" means here and what is the difference between these two cases.

Many philosophers have tried to explain this phenomena in terms of truth. So, we have two broad camps regarding this issue: Elminativist take (1) and (2) to be both false, and try to explain the difference in terms of something extra non-semantic (perhaps pragmatic, perhaps attitudinal) putting the offensive element of slurs inside their semantic content. I call them "eliminativist" because they think slurs are empty terms; since slurs

encode in their semantic content conditions (including negative stereotypes) that are not satisfied by any object, they are empty. Social constructivist accounts take (1) to be true and (2) false, so they try to explain slur's offensive element in terms of something extra non-semantic (perhaps pragmatic, perhaps attitudinal, cf. Langton 2012, McGowan 2012, Saul forthcoming, etc.) putting the difference between (1) and (2) inside the slur's semantic content. I call these accounts "social constructivists", because they take slurs to refer to socially constructed kinds.

The same difference holds for other terms that are not slurs, like "cool":

(3) Fannypacks are uncool.

(4) Being comfortable in one's skin is uncool.

But, more interestingly, the same difference (or, at least, a very similar one) seems to hold also for racial terms that are not slurs. For example,

(5) Selena Quintanilla was hispanic-american.

(6) John Wayne was hispanic-american.

The difference manifests in the fact that even though most people would find (5) acceptable, almost no biologist would find (6) acceptable. The reasons biologist (and some philosophers) reject (6) and (5) is because:

> "Although the phenotypic characteristics, the manifest features that have traditionally been used to divide our species into races, are salient for us, they are superficial, indicating nothing about important differences in psychological traits or genetic conditions that constitute some racial essence." (Kitcher 2007)

The argument goes something like this: Since the use of terms like "hispanic-american" "assumes an inner essence, as in ″blood″, that was necessary and sufficient for membership of the original races, before any interbreeding" (Papineau 2016), this assumption must be considered part of the conditions defining the extension of the concept in such a way that if the assumption is false (as it seems to be, from a biological point of

view) then the extension is empty. In other words, it is an analytic truth that for someone to be hispanic-american, there must be some hispanic-american blood in him or her; since there is no such thing as hispanic-american blood, nobody has it and therefore, none is hispanic-american.

Once again, many philosophers have tried to explain this phenomena in terms of truth, and so we have two broad camps regarding this issue: most realist naturalists advocate elminativist accounts of race and therefore take (5) and (6) to be both false, trying to explain the difference in terms of something extra non-semantic (perhaps pragmatic, perhaps attitudinal) putting the biological essentialist element of race terms inside their semantic content (Appiah 1996, Zack 2002). I call them "eliminativist" because they think racial terms are empty terms; since racial terms encode in their semantic content conditions (including biological essentialism) that are not satisfied by any object, they are empty. Social constructivist accounts take (5) to be true and (6) false, so they try to move the essentialist element out of the semantic content (for example, by taking an externalist stance towards the semantics of racial kinds, like Haslinger 2008), putting the difference between (5) and (6) inside the racial term's semantic content (Omi and Winant 1994, Mills 1997, Haslanger 2000).

Notice that the same holds also for the terms "man" and "woman", as I noticed after reading Nancy Bauer (2015). Some people think that since the use of these terms presupposes false biologically essentialist theses, they are empty, while others think that this presupposition is not part of the term's semantic concept.

A usual analogy is also done with terms like "witch" and thus the debate turns into how better to describe the situation regarding the witch hunts of the past (and unfortunately also of the present): Witches were hunt and burnt (Atwood 1980) or women were accused of and tried for witchcraft?

A similar point can be made about astrology: is it better to say that none is actually an Aries since part of what we commonly mean by "an Aries" is not just someone who was born on certain days, but also someone whose character and-or fate is determined at least in part by his or her being born on those days? Or is it better to say that some people are Aries, but that the widespread belief that Aries have common personality traits or

fates determine at least in part by their being Aries is superstitious and ultimately false? Does it make a difference?

In all these cases, there is a rising consensus that the solution must depend on the practical consequences of adopting one view or another. Is it better to just get rid of these terms and start anew with better – more just and more accurate – concepts? Or is it better to keep them around but re-appropriate them for a more just social arrangement? Is there a difference?

2. How talk of real tacos is like slurring

Consider the following three statements:

1. Salma Hayek is a Spic.
2. Salma Hayek is Mexican.
3. John Wayne is a Spic.

Current theories of slurs in philosophy of language aim to explain two phenomena: their offensiveness and their extension, each associated with a contrast among these statements: to explain the slur's offensiveness is to explain the difference between (1) and (2), i.e., why (1) is offensive in a way (2) is not; explaining the slur's extension is to explain the difference between (1) and (3), i.e., why (1) is acceptable to some users (who, presumably, hold some negative attitude towards people like Salma Hayek) in a way that (3) is not.

Even the offensiveness problem is certainly important, I will concentrate on the extensional issue because it is the one that has stronger metaphysical bearings, in particular, with what I have previously called the Quinean question. In general, we have two broad camps regarding this issue: Eliminativist accounts take (1) and (3) to be both false, and try to explain the difference in terms of something extra non-semantic (perhaps pragmatic, perhaps attitudinal) putting the offensive element of slurs inside their semantic content and, consequently, as constitutive of the referred social kind. I call them "eliminativist" because they think slurs (and, as previously stated, similar predicates) are empty terms; since slurs encode in their semantic content

conditions (including negative stereotypes) that are not satisfied by any object, they are empty. Social constructivist accounts take (1) to be true and (3) false, so they try to explain slur's offensive element in terms of something extra non-semantic (perhaps pragmatic, perhaps attitudinal, cf. Langton 2012, McGowan 2012, Saul forthcoming, etc.) putting the difference between (1) and (3) inside the slur's semantic content. I call these accounts "social constructivists", because they usually take slurs to refer to socially constructed kinds as characterised in the first chapter.

In order to describe the phenomenon that both eliminativist and social-constructivist theories of extension aim to explain let me introduce the (presumably theoretically neutral) notion of a slur's "target". Someone (or some thing, event or action) is targeted by a slur if applying the slur to that person results in a statement like (1) instead of a statement like (3).

Thus expressed, the aim of both eliminativist and social constructivist theories is to explain the relation between a slur's target and its extension. Eliminativsts take slurs to have an empty extension (which partially explain why sentences like (1) are unacceptable in a way that sentences like (2) are not) but not empty targets (which partially explain why sentences like (3) are unacceptable in a way that sentences like (1) are not). Social constructivists take a slur's target and extension to be actually the same (which explains why sentences like (3) are unacceptable in a way that sentences like (1) are not) while trying to explain the difference between sentences like (1) and sentences like (2) in non-semantic terms.

Social constructivists, thus, are monists regarding slurs' semantic content, for they find no need to introduce anything like a slur's target; the usual notion of extension is enough. Elliminativists, in contrast, are dualist and as such have the usual disadvantages of dualist theories, i.e., they have to explain why we have two notions here instead of one, and most pressing, why the introduction of the new notion is not just naming the problem instead of actually explaining it.

One way theories of extension can and have tried to demonstrate the distinction's explicative power is by showing its relevance in accounting for other linguistic phenomena (properly different from slurs). A recent

attempt in this direction has been to link the difference between a slur's target and its extension with a similar distinction that can be drawn when dealing with what Prasada and Knobe have called dual character concepts like "woman" or "rock and roll".

The relevant issue surrounding these so-called dual character concepts can be presented as part of giving a linguistic account of the behaviour of the adverb "real" in expressions like "real woman", "real rock and roll" or "real taco". Sometimes, "real" is used in contrast with fictitious or unreal entities, so for example, when we say that "Josie and the Pussycats is not a real band, but Elizabeth and the Catapult is" what we say is true because Josie and the Pussycats is a fictitious band, while Elizabeth and the Catapult is an actual band of real people based in Brooklyn, New York, USA. Other times, "real" is used in contrast with apparent as when we say that "increasing oil extraction might seem like a good idea but is not a real solution to our energy crisis". However, there are other cases that seem to fit in neither of these categories. Consider, for example, the sentence "Hard shell tacos are not real tacos." Hard shell tacos are tacos (i.e., they do not just seem to be tacos), they are real entities and yet, some people might reject that they are real tacos. It is for this kind of cases, that some people find a similar distinction like the one between a slur's target and its extension. Compare the three sentences above with the following three sentences:

4. Hard Shell Tacos are tacos, but not real tacos.

5. Hard Shell Tacos are tacos.

6. Tacos de guisado are tacos, but not real tacos.

Generaliziang from Prasada and Knobe's general points, I would say that even though some people (who, presumably, hold certain negative attitudes towards hard shell tacos and/or a positive one towards tacos) would find (4) acceptable, no competent speaker would find (6) acceptable. Thus, a good linguistic account of "real" ought to explain two aspects of the adverb "real" as it occurs in cases like (4): its evaluative and extensional aspects. The evaluative aspect of "real" manifests in the shared intuition that (4) seems to express a negative attitude towards hard shell tacos absent from (5), which seems more neutral and descriptive. The extensional

aspect manifests in (4) being acceptable to some users (who, presumably, hold certain negative attitudes towards hard shell tacos and/or a positive one towards tacos) in a way that (6) is not.

Once again, philosophers that have tried to explain this phenomena can be classified in two broad kinds analogous to the ones we identified in the case of slurs: Elminativist accounts of "real", take (4) and (5) to be both true, and try to explain the difference in terms of something extra non-semantic (perhaps pragmatic, perhaps attitudinal) putting the evaluative element of "real" outside its semantic content. I call them "eliminativist" because they think the denotation of "real" is the null operator: real tacos are just tacos and tacos are just real tacos, and thus the extension of "tacos, but not real tacos" is empty. Social constructivist accounts, take (4) to be true and (6) false, so they incorporate the difference inside the semantic content of "tacos, but not real tacos". For them, not all tacos are real tacos. I call these accounts "social constructivists", because they take "real" to be a non-trivial operator that maps the properties corresponding to dual character concepts to socially constructed kinds.

Again, it seems that driving a distinction between a predicate's target and its extension might help explain the issue under debate. Terms like "tacos, but not real tacos" have an extension and a target. Just like in the case if slurs, eliminativist reject the distinction, while social constructivist endorse a dualist theory where some entities, like hard shell tacos, are in the expressions' target, but not its extension.

If this account of "real" is right, then eliminativists regarding slurs have a defence against the criticism that the distinction they introduce between a slur's target and its extension is ad-hoc and thus has no explanatory value. "Authentic" shows a similar behaviour.

Terms like "tacos, but not real tacos" have an extension (which may be empty or might include only things like tacos de guisado or tacos mineros) and a target (that includes all sort of tacos, including hard shell tacos). Just like in the case if slurs, eliminativist reject the distinction, while social constructivist endorse a dualist theory where some entities, like hard shell tacos, are in the expressions' target, but not its extension.