

## Article

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# Subject-Contextualism and the Meaning of Gender Terms

<https://doi.org/10.1515/jso-2020-0026>

**Abstract:** In this paper, I engage with a recent contextualist account of gender terms (particularly, “woman”) proposed by Díaz-León, E. 2016. “Woman as a Politically Significant Term: A Solution to the Puzzle.” *Hypatia* 31 (2): 245–58. Díaz-León’s main aim is to improve both on previous contextualist and non-contextualist views and solve a certain puzzle for feminists. Central to this task is putting forward a view that allows trans women who did not undergo gender-affirming medical procedures to use the gender terms of their choice to self-identify. My goal is to investigate Díaz-León’s proposal, point out (what I take to be) several shortcomings of the view and discuss possible replies on her part.

**Keywords:** gender terms, semantics, trans women, contextualism, attributor-contextualism

## 1 Introduction

Recent work in feminist philosophy of language has given particular attention to providing a better account of the meaning of gender terms, especially “woman”. While most authors agree that the current concept needs to be ameliorated (so that, for example, it includes trans women), it is not clear what is the best way to proceed here.<sup>1</sup> In this reply paper, I aim at contributing to the debate by engaging with Esa

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<sup>1</sup> An essential contribution in this framework is, of course, Haslanger’s (2000). For general criticism of ameliorative projects as not being enough to actually improve the lives of trans women, see Kapusta (2016) and Bettcher (2017).

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Díaz-León's (2016) recent contextualist proposal about the term “woman” that attempts to improve on previous views. My goal is thus to investigate Díaz-León's proposal, to point out (what I take to be) several shortcomings of the view, and to discuss possible replies on her part.

A few preliminary remarks. First, while Díaz-León is sympathetic to the moral and political ideals previous feminists have promoted, she is very explicit that her project is *descriptive* rather than ameliorative. The critical remarks I will offer apply to the view taken either as a descriptive or as an ameliorative project. Second, my focus will be almost entirely on trans people who did not undergo gender-affirming medical procedures. This is in line both with trans people's fight against discrimination and with them being a test-case for various views of gender and gender terms (including Díaz-León's project). Third and finally, while I intend my considerations to apply to all gender terms, I will use examples involving “woman” in order to ensure continuity with previous discussions.

Díaz-León's version of contextualism aims to improve on previous contextualist views – in particular Jennifer Saul's (2012) – which in turn are taken to mark an improvement over traditional (invariantist) views. Two such latter views have been distinguished: according to the first, sentences containing the term “woman” are true in virtue of the subject possessing certain biological traits (vagina, ovaries, XX chromosomes etc.); according to the second, such sentences are true in virtue of the subject fulfilling a certain societal role (child bearer, housekeeper etc.). Both views have been found inadequate for various reasons,<sup>2</sup> but for the purpose of this paper the main complaint is that they do not account for the way trans women use gender terms to self-identify. Thus, sentence

(G) Charla is a woman,

where Charla is a trans woman who did not undergo gender-affirming medical procedures, comes out as false according to the first view, since she does not possess the biological traits required. It may also come out as false according to the second view, since Charla might easily not fulfill the societal role required. Trans women who did not undergo gender-affirming medical procedures, like Charla, thus pose a problem for both views.

Contextualism attempts to improve matters by taking “woman” to be context-sensitive. This move is supported by the perceived variation in truth-value of sentences like (G) across contexts. For example, in a context where the issue is whether Charla should be able to use the women's bathroom, (G) is intuitively<sup>3</sup> true, while in a

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<sup>2</sup> See Ayala and Vasilyeva (2015), Díaz-León (2016), Jenkins (2016), Mikkola (2019), Saul (2012), Saul and Díaz-León (2018) etc.

<sup>3</sup> The issue of the role, nature, and weight to be given to intuitions in semantic theorizing is vexed. Yet, appeal to intuitions (of truth-value, in this case) remains one of the ways in which data for

context where the issue is whether Charla should be screened for diseases related to female genitalia, (G) is intuitively false. Such variation is borne out by the version of contextualism discussed by Saul (2012), according to which (G) “is true in a context *C* iff [Charla] is human and relevantly similar (according to the standards at work in *C*) to most of those possessing all of the biological markers of female sex” (Saul 2012, p. 201). While this definition incorporates biological traits, what varies across contexts is the standard of similarity between the subject of the attribution and most of those possessing the biological markers of female sex. In the context where the issue is whether Charla should be able to use the women’s bathroom, the standard of similarity between Charla and most of those possessing all of the biological markers of female sex simply consists in self-identifying as a woman; hence, (G) comes out as true in this context. In the context where the issue is whether Charla should be screened for diseases related to female genitalia, the standard of similarity between Charla and most of those possessing all of the biological markers of female sex consists in actually possessing female genitalia; hence (G) comes out as false in this context.

Yet, as Saul herself acknowledges, the view has a similar problem with sentences like (G) to that besetting the views it attempts to improve upon. To see this, we should consider the fact that sentences like (G) and their negations are uttered not only by trans people and their allies, but by transphobes<sup>4</sup> too. If the latter is the case, since according to the view “the standards at work in *C*” are those of the speaker, it is the standard of similarity of the transphobe that determines the

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semantic theories are gathered. What I find more problematic in this context is reliance on *my own* intuitions. Experimental studies might be able to help here, but they are missing from the literature on the semantics of gender terms. Also, intuitions seem to be more valuable when the context is better described (or known, in case of actual utterances). I thus acknowledge the limitation of this approach and I fully agree that my own intuitions should ultimately not be given much weight – at least not as much as, say, those of trans people, who are essentially involved in the realities surrounding the use of sentences like (G), to whom I’m happy to defer (see also footnote 14 in relation to CASE 3 below).

4 “Transphobe” might be considered a sensitive term, one that is perhaps prone to linguistic abuse. In the way I understand it in this paper, “transphobe” refers to someone who believes that there are *no circumstances* under which trans people have the gender they self-identify as having – that is, that there are *no contexts* in which (G) comes out as true. Construing “transphobe” in this way (i.e., by reference to people’s beliefs) is not to deny that transphobia is a structural phenomenon. As a reviewer notes, the nature of the connection between the structural phenomenon and the particular behavior (including linguistic behavior) of individuals is an important issue, but not one that I can hope to address in this paper. (For helpful ideas in this connection, see McGowan (2019) in relation to hate speech and Popa-Wyatt/Wyatt (2018) in relation to slurs.). Finally, I acknowledge that even conceived in this rather strict way, my use of “transphobe” might prompt disagreement; however, given the ameliorative framework adopted in this paper, this might be expected.

sentence's truth-value. And since for the transphobe presumably the standard of similarity with most of those possessing all the markers of female sex is *actually* possessing those markers, (G) comes out as false and its negation as true in the mouth of the transphobe. This is a highly unsatisfactory result. While it is important for trans people to be able use the gender terms of their choice to self-identify, it is equally important that such self-identification be respected by others.

Díaz-León's subject-contextualism comes to the rescue by modifying the view in two crucial respects. First, instead of the speaker, she centers the view on the *subject*. To mark the difference, Díaz-León follows Keith DeRose (1992) in distinguishing between attributor-contextualism and subject-contextualism. According to the former, it is the *attributor* (or how things stand in the attributor's context) who "calls the shots", while according to the latter it is the *subject* (or how things stand in the subject's context) who does. While Díaz-León takes the view considered by Saul to be an instance of attributor-contextualism about gender terms, she herself advocates subject-contextualism. Second, Díaz-León has a precise view about what it is that determines the required standard of similarity in a context. In the version of contextualism discussed by Saul, among the factors that do so are the speaker's beliefs and intentions, what the speaker "has in mind". In contrast, Díaz-León submits that such factors play no role and replaces them with *objective* considerations relevant for practical purposes, the latter conceived as broadly as to include theoretical, prudential, moral, political, esthetic etc. considerations.

This view neatly accounts for the variation in truth-value of sentences like (G) across contexts. According to it, an utterance of (G) "will be true if and only if [Charla] is similar to most females with respect to the standards that are relevant in [Charla]'s context, given the practical purposes that are relevant in this context, where this should be determined by our best theoretical and normative considerations." (Díaz-León 2016, p. 249). Applying this view gets the truth-value of (G) right both in the context where the issue is whether Charla should be able to use the women's bathroom (true) and in that where the issue is whether Charla should be screened for diseases related to female genitalia (false), for the same reason: that this is what our best theoretical and normative considerations dictate. In addition – and crucially –, Díaz-León's view doesn't face the problem posed by the truth-value of sentences like (G) in the mouth of the transphobe because, for her, the beliefs of the speaker are *not* what determine the relevant similarity between the subject and most females in a given context. What does, instead, are the normative and theoretical considerations that pertain to the practical purpose of giving trans people the right to use the gender terms of their choice to self-identify. Thus, according to Díaz-León's view, (G) comes out as true and its negation as false *in the mouth of the transphobe* – a highly satisfactory result.

## 2 “Woman” in Medical Contexts

While I think that Díaz-León’s view is a significant improvement over previous accounts of gender terms, especially in connection to the main issue focused on here, several aspects of the view remain, in my view, problematic. One such aspect concerns the claim, made by both Saul and Díaz-León, that sentences like (G) are intuitively false in medical contexts like those mentioned above.<sup>5</sup> For Díaz-León, instrumental considerations such as avoiding suffering and/or preventing the spreading of the disease are those that determine the truth-value of sentences like (G) in such contexts, and these considerations demand that the standard of similarity between Charla and most females is the possession of female genitalia. Her view thus predicts that (G) is false when uttered in a medical context, since Charla (by stipulation) doesn’t possess female genitalia.

This result might be in tension with the pledge to fight for the right of trans people to use the gender terms of their choice to self-identify. For note that, according to Díaz-León, sentences like (G) are false in medical contexts even if Charla self-identifies, *in that very context*, as a woman. This has been deemed problematic<sup>6</sup>—especially given that medical scenarios in which trans people use the gender terms of their choice to self-identify are not hard to come by. In fact, some countries have explicit regulations in place for medical personnel designed to preserve the right of trans people to be called, even in medical contexts, by the gender terms they themselves use to self-identify.<sup>7</sup>

Now, Díaz-León is aware of this problem and, in a footnote, she writes: “If it is true that our best normative considerations show that it is wrong to say that (some) trans women are not women in medical contexts (...) then it will (...) be the case that *woman* in this case refers (...) to those who identify as women.” (Díaz-León 2016, p. 256) As it stands, this answer does take care of the problem mentioned, but has an unwanted consequence – namely, it leads to the view’s own demise. As we have seen, one motivation for adopting a contextualist view about gender terms is to account for the variation in truth-value of sentences like (G) across contexts. This means that the contextualist has to allow that sentences like (G) are false in certain

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5 As a reviewer points out, they claim this for different reasons. In Saul’s case, in the example of a medical context she analyzes, the clinic has been instructed to screen all women for diseases related to female genitalia, while in Díaz-León’s case it is assumed that there are good normative reasons for using “woman” to refer to biological sex in medical contexts. While this difference plays a role in differentiating the two views, it doesn’t seem to affect the points I’m making.

6 See, for example, Bettcher (2009) for forcefully making this point.

7 See, for example, the website of The Canadian Medical Protective Association (<https://www.cmpa-acpm.ca/en/advice-publications/browse-articles/2015/treating-transgendered-individuals>).

contexts, otherwise there won't be any variation in truth-value to capture and thus no initial motivation for the view. On the other hand, given the motivation to vindicate the truth of sentences like (G) in the mouth of the transphobe, the contextualist has to impose certain demands on the contexts in which sentences like (G) are predicted to be false. The obvious answer is that such contexts are those in which the falsity of sentences like (G) is consistent with "our best theoretical and normative considerations". But, given Díaz-León's willingness to concede that even in medical context sentences like (G) might be true, one wonders what the contexts in which they are allowed to be false are.<sup>8</sup> If no such contexts can be found – that is, if all contexts are such that the truth of sentences like (G) in those contexts is consistent with "our best theoretical and normative considerations" – then a much better semantics for gender terms would be an invariantist rather than a contextualist one. To put it bluntly: if Díaz-León's answer to the initial problem is accepted, her contextualist view seems to be in danger of collapsing into invariantism.<sup>9</sup>

### 3 Relying on Substantive Assumptions About Morality

Another potentially problematic issue with Díaz-León's view concerns the most important benefit that she can claim for it: namely, that the view fares better than previous contextualist ones in solving the problem posed by the truth-value of sentences like (G) in the mouth of the transphobe. Díaz-León was able to fend off this problem by centering not on the attributor, but on the subject; by claiming that the practical purposes that determine the relevant standard of similarity and thus ultimately determine the truth-value of sentences like (G) are objective; and finally, by holding that such practical considerations should be "determined by *our* best theoretical and normative considerations" (my emphasis).

The main worry that I want to press here is related to the question who is "we" in the quote above. It is a truism that people with similar views tend to form

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<sup>8</sup> Saul (2012) offers the sentence "This bone belonged to a woman", uttered by a forensic doctor after examining a bone that might have belonged to a trans woman who did not undergo gender-affirming medical procedures. When discussing this example, Díaz-León answers the question in the same way as she does in the case of (G) as uttered in medical contexts. This answer makes the search for contexts in which the use of "woman" unequivocally leads to false sentences even more difficult.

<sup>9</sup> Bettcher (2017) makes a similar point. Laskowski (2020) provides a more elaborate argument, based on a case involving utterances of (G) in rape crisis centers – not medical contexts of the kind considered above, but quite similar to them. To echo Laskowski, such convergence in objecting to Díaz-León's is indeed encouraging.

communities, founded on theoretical and normative considerations that (most of) their members hold. People with different views tend to form different communities, and the theoretical and normative considerations those communities are founded on can be very different. Now, Díaz-León's claim is that such considerations establish the standard of similarity needed for determining the truth-value of sentences like (G) in context. Thus, the truth-value of such sentences depends on whose considerations we consider. There is no problem, of course, when "we" comprises trans people and their allies, but what happens when "we" comprises (only) transphobes? The theoretical and normative considerations that the community of transphobes is based on are very different from those of the communities formed by trans people and their allies. If we consider those of the community of transphobes, (G) comes out as false after all! It thus seems that, eventually, Díaz-León's view falls prey to the same problem as attributor-contextualism.

Now, it might be said that Díaz-León has already provided a way out of this worry, based on the fact that she takes the theoretical and normative considerations to be *objective*, or universal, thus rendering my point above about their relativization to communities moot. Under this way of seeing things, either trans people and their allies or the transphobes are right about the matter. A complaint one might have in relation to such an answer is that it comes very close to holding a realist view about morality (or normativity in general). Although moral realism has its fair share of supporters (e.g., Enoch (2011)), many have found moral realism objectionable. It is not my aim here to argue for or against moral realism; rather, what I want to point out is that Díaz-León's view about gender terms, while not strictly speaking implying moral realism, is dependent on it in order to solve the problem at hand. Since solving that problem has been claimed to be the view's main advantage over alternative versions of contextualism, as well as over invariantist views, the view stands or falls with it. This might be considered a very heavy burden for a semantic view and a good reason to adopt an alternative one that has no such commitments. At minimum, this is not an easy position to be in.<sup>10</sup>

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**10** Perhaps a way to mitigate the force of this objection is to say that what Díaz-León needs in order to give the right account of the truth-value of sentence like (G) in the mouth of the transphobe is not moral realism, but something weaker: some conception of morality rooted in inter-subjectivity, or appeal to some moral theory postulating ideal agents etc. – ideas that support universality rather than moral realism *per se*. While I agree that such ideas are available to Díaz-León, the point remains that relying on substantial (and controversial) views about morality constitutes a significant burden for her (and any) semantic view.

## 4 Subjects, Communities, and Their Relation

As we have seen, the two chief tenets of Díaz-León's subject-contextualist view are that (i) it is the subject, not the attributor, who "calls the shots"; (ii) certain features of the subject's context (objective features such as "instrumental, moral, and political considerations having to do with how [the subject] should be treated" (Díaz-León 2016, p. 251) are what determines the relevant similarity relation between the subject and most females. In this section, I attempt to show that various possible interactions between the subject and the community whose best theoretical and normative considerations are relevant lead to tensions between i) and ii). This will allow me to consider various ways of interpreting or developing Díaz-León's view.

I start with devising two types of case, both of which show that the theoretical and normative considerations Díaz-León thinks are crucial for determining the truth-value of sentences like (G) are irrelevant, yet they pose slightly different problems. The first type of case is characterized by the subject lacking access to the instrumental, moral, political etc. considerations needed for such sentences to receive a truth-value. To illustrate, consider the following scenario:

### CASE 1

Charla is part of an old community of trans people and neither she nor other people in her community have been discriminated against on the basis of their gender. In fact, things have been going so well that neither Charla nor anyone in her surroundings has ever attended to normative and theoretical considerations related to gender.

To be sure, Charla's happy situation borders on the ideal, but it is nevertheless conceivable. In such a scenario, although (G) as uttered by someone in Charla's community is intuitively true, it seems to be so *independently* of the normative and theoretical considerations Díaz-León thinks are instrumental in determining the standard of similarity between Charla and most females. The second type of case is one in which there is a contradiction (or at least a rift) between our instrumental, moral, political considerations and those of the subject. Consider thus the following scenario:

### CASE 2

Charla self-identifies as a woman, but she doesn't share the theoretical and normative considerations and ideals of those who consider that trans and cis people should be treated equally. In fact, Charla entirely subscribes to the view that trans people are morally corrupt (perhaps she has grown up in a strict religious environment, or has been subjected to indoctrination etc.).

This is surely an extreme situation (although not entirely unrealistic), but, again, it is nevertheless conceivable. In such a scenario, when Charla utters (G) the sentence is intuitively true, yet it seems to be so *independently* of the normative and theoretical considerations Díaz-León thinks are instrumental in determining the standard of similarity between Charla and most females.

This is an unwelcome result for the semantics of gender terms, for the following reason. When dealing with context-sensitive terms, semanticists aim to isolate the factors responsible for the terms' sensitivity to context and which determine the truth-values of sentences containing the terms at stake. In the case of indexicals like "I", "now" or "here", those factors have been taken to be the speaker/agent of the context, the time of the context and the place of the context, respectively. For terms less obviously context-sensitive, for example gradable adjectives such as "rich", that factor has been taken to be (perhaps among others) a comparison class – and so on and so forth. However, it would be a bad result for a view isolating a certain contextual factor to find contexts in which a sentence containing the corresponding term is uttered without the contextual factor playing any role in determining its truth-value. Now, it is the premise of Díaz-León's view that gender terms are context-sensitive. She has isolated a certain factor that is responsible for these terms' sensitivity to context and for determining the truth-value of sentences containing them – namely, our best normative and theoretical considerations that determine the standard of similarity in context. However, if a sentence containing a gender term is used in a context, but the isolated factor is idle, then something has gone awry. The two cases above show that this is precisely what can happen with sentences like (G).<sup>11</sup>

In reply, it could be argued on Díaz-León's behalf that, while the cases are possible, they are nevertheless not problematic. The thought here is that, while the subject either doesn't have access (CASE 1) or entertains beliefs that contradict (CASE 2) those normative and theoretical considerations, it is always *those considerations* that determine the truth-value of sentences like (G) in context, regardless of what the subject thinks. Such a reply would be in line with Díaz-León's willingness to eschew beliefs and intentions from taking central stage in semantics. This view – that is, the view that our best normative and theoretical

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**11** A more general complaint to letting normative (moral) considerations into semantics has been put forward by Davies, Kaplinski, and Lepamets (2019), who have run several experiments testing how moral considerations affected the participants' propensity to judge differently the same sentence in different (morally charged) contexts. Their conclusion is that the "moral encroachment" required by Díaz-León's view is not very strongly supported. Although I find their experiments highly relevant for the issue at stake, I am happy to concede that moral encroachment is generally unproblematic and focus more on the details of Díaz-León's view.

considerations always trump the subject's beliefs and intentions – accounts easily for CASE 1 and CASE 2, given that the prevalence of our best normative and theoretical considerations makes it so that the relevant sentences in the two scenarios come out as true, which is in line with our intuitions.

However, I think that such a line of reply is too strong. First, it seems to me that the intuitions about the relevant sentences in CASE 1 and CASE 2 concern not only their truth-value, but also the factors responsible for their truth. In both cases the driving force behind the intuition that the relevant sentences are true is the fact that Charla self-identifies as a woman, not any normative and theoretical considerations, best or otherwise. It is perhaps pointless to argue about intuitions; yet, something should be said about why the intuitions in the two cases seem to point towards more than simply the truth-value of the sentences involved.

Second and more importantly, the reply considered gives rise to the following worry. One of the main tenets of Díaz-León's view is that the subject (or how things stand in the subject's context) "calls the shots"; this is, in fact, *why* the view is called "subject-contextualism". Yet, she places a very strong accent on what *others* think about the subject, as per her claim that "practical purposes are determined by *our* best theoretical and normative considerations". This goes smoothly when there is convergence between us and the subject, but becomes problematic when such convergence is lacking. By taking our best normative and theoretical considerations to always trump the subject's beliefs and intentions, it becomes unclear whether the view upholds the tenet that the subject "calls the shots". To put it differently, the subject in subject-contextualism doesn't seem to enjoy a great deal of (or, at least, not complete) autonomy.

Now, the notion of autonomy is one of the most disputed ones in philosophy, and it is quite probable that a definitive answer to what it amounts to is not forthcoming soon. Additionally, feminism has a long history of (mostly) critical engagement with the concept of autonomy.<sup>12</sup> However, placing the decision about one's gender in the hands of others (no matter how enlightened morally and politically they are), and not in that of the subject, seems a violation of the subject's autonomy – at least in an intuitive sense. A notion of autonomy that comprises the right to make decisions about one's own gender doesn't seem to me too far-fetched. It might be that alternative notions of autonomy that fit well with the idea investigated here can be found. Yet, when measured against the ideal of improving the lives of trans people, this failure to account for the (intuitive) autonomy of such

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<sup>12</sup> See Buss (2018) for a useful overview of the various options concerning (personal) autonomy, and Stoljar (2018) for a thorough presentation of various feminist critiques of and views about that notion.

subjects is less than ideal. This gives one reason to think that, at best, “subject-contextualism” is a misnomer.<sup>13</sup>

A weaker position than the one discussed above is to allow that normative and theoretical considerations determine the truth-value of sentences like (G) in some, but not all, contexts. This move would take care of CASE 1 and CASE 2, given that it is not such considerations that determine (G)’s truth-value in those cases, but other factors – that is, self-identification. Views according to which more than one factor is isolated as being responsible for the context-sensitivity of a certain type of expression are not unheard of in semantics: in the literature about indexicals and demonstratives, for example, Gauker (2008) holds the view that what determines their referent consists in a wide range of factors, both objective and subjective.

However, in order for such a view to be viable, principled reasons for why a certain factor becomes the one that determines the truth-value of the relevant sentences in the detriment of another need to be provided. In the case at hand, one needs to tell us why in certain contexts self-identification trumps our best normative and theoretical considerations, and why the reverse happens in other contexts. Obviously, the answer cannot be simply that it accounts for scenarios like CASE 1 and CASE 2; that would be completely ad-hoc. A better answer lacking, pursuing this way of solving the problem signaled can hardly be considered progress.

A different way in which the problem can be addressed is to claim that self-identification is *itself* part of the normative and theoretical considerations that determine the truth-value of sentences like (G) in context. This idea can be implemented in at least two ways. One is to claim that self-identification is always required for the normative and theoretical considerations to determine the truth-value of sentences like (G) in context; the other is to deny the claim above and maintain instead that whenever present, self-identification itself amounts to a normative and theoretical consideration of the relevant type. (In other words,

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**13** A reviewer suggests a possible move on Díaz-León’s part to counter the lack of autonomy objection: namely, to claim that the intuition that self-identification matters in CASES 1 and 2 is explained precisely by the fact that the autonomy of the subject is recognized and respected, in concordance with our best theoretical and normative considerations. This is similar to the move I discuss below, but without the semantic element. I agree that this route is open to Díaz-León. However, as the reviewer also notes, CASES 4 and 5 might be taken to raise additional problems, in that respecting the subject’s autonomy seems to be trumped by other normative considerations. Since Díaz-León discusses neither autonomy nor cases like these, it is hard to see what her response would be; so perhaps this objection can be rephrased as an invitation for her to consider such issues. I’m grateful to the reviewer for making me consider this reply.

when a person self-identifies as a woman, *that very fact* should count in our normative and theoretical considerations.) Let me take each way in turn.

The first way to implement the idea under consideration, while successfully dealing with CASE 1 and CASE 2, goes too far. To demand that self-identification is always required leads to the view yielding unwanted predictions. Consider thus the following scenario:

CASE 3

Charla doesn't self-identify as a woman but has behaved throughout her life in ways that are generally and usually considered to constitute the life of a woman. In addition, she is discriminated against precisely due to her behavior. (In other words, she "passes as a woman" for those in her environment, even though she doesn't self-identify as such.)

My intuition<sup>14</sup> in this case is that (G), as uttered by someone in Charla's environment, is true. Moreover, I think that according to our best normative and theoretical considerations Charla should count as a woman. Under the implementation of the idea considered, the standard of similarity between Charla and most females for the practical purposes relevant in this context as determined by our best theoretical and normative considerations *has to* consist in (since it is required) self-identifying as a woman. But since Charla doesn't self-identify as a woman, (G) comes out as false in this context – an unwanted result.

The second way to implement the idea under consideration is more reasonable and has better chances to respond adequately to the problem at hand. Note, firstly, that under this implementation, CASE 1 and CASE 2 are accounted for automatically, since the fact that Charla self-identifies as a woman in both becomes itself a relevant normative and theoretical consideration that renders (G) true in this context. Secondly, CASE 3 is also accounted for, though Charla doesn't self-identify as a woman: since her self-identification is not required, the normative and theoretical considerations alone rule that (G) is true in this context. This provides Díaz-León with a unitary explanation of divergent cases, some in which self-identification is present, some in which it is not.

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**14** A very shaky intuition, I confess. This raises again the issue of the role of intuitions in semantic theorizing (see footnote 3). Against my intuition a reviewer gives the example of the New York "queens" – gay men who refused to self-identify as women, and who fulfill (at least part of) the conditions described in CASE 3, yet there is no tendency to take sentences similar to (G) that involve them as true. So, putting weight on that intuition is neither here nor there. But maybe a better case can be constructed. Barnes (2019), for example, brings to the fore the situation of cognitively impaired people who lack the means to self-identify, yet are taken to be gendered. It is not clear on the basis of what such people are taken to be gendered by Barnes (possibly biological features play a role), but it is not difficult to conceive of a cognitively impaired trans person who lacks the means to self-identify yet fulfills the conditions described in CASE 3. Such a case raises a similar problem.

The success of this version of the view is based on an asymmetry between mere self-identification on one hand, and our best normative, and theoretical considerations on the other: while the former can be converted into the latter, the latter can be independent of the former. However, I think that counterexamples can be given to this view, too. What we seek is a case in which self-identification is the pivotal factor in making sentences like (G) true without it automatically becoming a relevant normative and theoretical consideration that would also render (G) true. Consider thus the following scenario:

CASE 4

Charla self-identifies as a woman. By doing so, she sets in motion a range of actions that ultimately lead to the enslavement of all beings by an evil and powerful tyrant. The enslavement of all beings wouldn't have been possible without Charla self-identifying as a woman. Had she not self-identified as such, the disastrous outcome could have been easily avoided.

While I agree that in this case (G) is intuitively true and that Charla should count as a woman, it is difficult to see how Charla's self-identification as a woman can become part of our best normative and theoretical considerations; after all, it was her self-identification that directly led to the enslavement of the whole world.<sup>15</sup> If this scenario is not conclusive, consider the following, alternative one:

CASE 5

Charla self-identifies as a woman. By doing so, she sets in motion a range of violent actions by someone that ultimately lead to her being seriously harmed. This is a highly predictable outcome. Had she not self-identified as such, the disastrous outcome could have been easily avoided.

Again, it is hard to see how our best normative and theoretical considerations are consistent with Charla being harmed as a result of her self-identifying as a woman. At minimum, it is not transparently clear that they do.

To conclude the discussion of the five cases presented: while I do not take them to raise insuperable problems for Díaz-León's view, they do pose the question of how exactly the two main tenets of her view ((i) and (ii) above) relate. While the discussion has focused on the subject's self-identification, the larger question is whether there are other factors pertaining to the subject that could stand in tricky

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<sup>15</sup> Perhaps a finer distinction can be drawn here between various types of normative considerations, some pertaining strictly to Charla self-identifying as a woman and some pertaining to the consequences of her actions. This points to the need to say more about what the normative considerations involved are. In the same connection, Barnes (2019, p. 25, footnote 47) notes that there might be tensions between the moral and political considerations that drive the application of a certain gender term to a subject. Díaz-León does not tackle any of these issues in her paper.

relations with our best normative and theoretical considerations and, if so, what moves are available to the subject-contextualist. It might turn out that the complexity of the subject's situation goes beyond the bounds of semantics *per se* and spills into "pragmatics". This would prompt us to consider elements having to do with the broader context in which sentences like (G) might be uttered (e.g., whether said in a transphobic environment, or one of contestation, of political struggle etc.), which in turn might urge us to ponder over the types of contextual factors that could become relevant in determining the truth-value of sentences like (G) and over how to choose between them in a given context. Such variability might result in a broader "contextualist" view.<sup>16</sup> Regardless of the version of contextualism we might end up with, I don't take the considerations in the last paragraphs, together with the points made in the previous sections, to provide decisive objections to Díaz-León's view. Rather, they are meant to flag certain issues that should be further addressed.

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<sup>16</sup> I thank a reviewer for providing valuable food for thought on this point.

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