

# Conversations in Philosophy, Law, and Politics

*Edited by*

RUTH CHANG  
AMIA SRINIVASAN

OXFORD  
UNIVERSITY PRESS

OXFORD  
UNIVERSITY PRESS

Great Clarendon Street, Oxford, OX2 6DP,  
United Kingdom

Oxford University Press is a department of the University of Oxford.  
It furthers the University's objective of excellence in research, scholarship,  
and education by publishing worldwide. Oxford is a registered trade mark of  
Oxford University Press in the UK and in certain other countries

© Oxford University Press 2023

The moral rights of the authors have been asserted

All rights reserved. No part of this publication may be reproduced, stored in  
a retrieval system, or transmitted, in any form or by any means, without the  
prior permission in writing of Oxford University Press, or as expressly permitted  
by law, by licence or under terms agreed with the appropriate reprographics  
rights organization. Enquiries concerning reproduction outside the scope of the  
above should be sent to the Rights Department, Oxford University Press, at the  
address above

You must not circulate this work in any other form  
and you must impose this same condition on any acquirer

Published in the United States of America by Oxford University Press  
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data  
Data available

Library of Congress Control Number: 2023936573

ISBN 978-0-19-886452-3

DOI: 10.1093/oso/9780198864523.001.0001

Printed and bound by  
CPI Group (UK) Ltd, Croydon, CR0 4YY

Links to third party websites are provided by Oxford in good faith and  
for information only. Oxford disclaims any responsibility for the materials  
contained in any third party website referenced in this work.

# Contents

<i>List of Contributors</i>	xv
-----------------------------	----

## I. MORAL REVOLUTIONS

1. On the Urgency of Kick-Starting a Moral Revolution to Save Ourselves	3
<i>Kimberley Brownlee</i>	
2. Making Change	30
<i>Kwame Anthony Appiah</i>	

## II. AI AND DEMOCRACY

3. Can Artificial Intelligence Bring Deliberation to the Masses?	39
<i>Hélène Landemore</i>	
4. The Two Roles of Deliberation in Democracy	70
<i>Philip Pettit</i>	

## III. TRUST AND THE RULE OF LAW

5. Trust and the Rule of Law	99
<i>Thomas W. Simpson</i>	
6. Cultures of Trust and the Rule of Law	119
<i>Onora O'Neill</i>	

## IV. TAKING RESPONSIBILITY

7. Taking Responsibility	129
<i>Paulina Sliwa</i>	
8. Taking Responsibility, Defensiveness, and the Blame Game	151
<i>Pamela Hieronymi</i>	

## V. PRAISE

9. What Are We Praiseworthy For?	169
<i>Zoë Johnson King</i>	
10. Understanding Praise	191
<i>Susan Wolf</i>	

## xii CONTENTS

## VI. BLAME

11. What We Can Say to Each Other 205  
*James Edwards*
12. Standing to Blame: Can It Be Defended? 228  
*Alison Hills*

## VII. REASONABLENESS

13. The Reasonable and the Justified 241  
*Hasan Dindjer*
14. Varieties of Reasonableness 265  
*T. M. Scanlon*

## VIII. DUTY

15. Looking and Seeing 277  
*Nicolas Cornell*
16. On Duty 299  
*Jeremy Waldron*

## IX. POLITICAL OBLIGATION

17. Pluralism in Political Obligation 311  
*Ashwini Vasanthakumar*
18. All Our Imperatives 332  
*Nancy L. Rosenblum*

## X. JUSTICE AND EQUALITY

19. Distributive Egalitarianism as Aspirational Justice 343  
*Gina Schouten*
20. Relational Equality and Pluralism about Justice 372  
*Samuel Scheffler*

## XI. JUSTICE AND GROUPS

21. ~~The Metaphysics of Injustice~~ Proof typo; title is “Intersection is Not Identity, or How to Distinguish Overlapping Systems of Injustice” 383  
*Robin Dembroff*
22. Social Systems and Intersectional Oppression 399  
*Sally Haslanger*

## XII. DOMINATION

23. On Domination 427  
*Lori Watson*
24. Of Domination and its Ending 449  
*Catharine A. MacKinnon*

## XIII. PORNOGRAPHY

25. Pornography and the Limits of Speech Act Analysis 469  
*Kate Greasley*
26. Pornography: ‘Enacting’ or ‘Eroticizing’ Women’s Subordination? 493  
*Rae Langton*

## XIV. LAW AND INTENTIONS

27. Intentional Legislation: What Makes a Text a Statute? 513  
*Brian Flanagan*
28. Intentions, Procedures, and Social Rules 535  
*Michael E. Bratman*

## XV. ARGUMENTATION

29. Arguing *A Contrario* 547  
*Luís Duarte d’Almeida*
30. *A Contrario* Argument and Default Reasoning 578  
*John Horty*
- Index* 591

C21

## 21

# Intersection Is Not Identity, or How to Distinguish Overlapping Systems of Injustice

*Robin Dembroff*

C21S1

## 1. Introduction

C21P1 Social systems that reproduce injustice are ubiquitous and persistent. Sally Haslanger (forthcoming) helps us understand why. These systems, as Haslanger writes, are constituted by networks of social spaces and practices that continually create inequalities and harms, including entrenched patterns of oppression and domination.<sup>1</sup> These systems are self-reproducing: they constrain agents to behave in ways that recreate those same systems. This ‘causal loop,’ as Haslanger calls it, is at the heart of why it is so difficult to dismantle or revise social hierarchies. Through human behavior, and especially through the architecture, institutional policy, and law that this behavior establishes, we all have been oriented, since birth, to reproduce unjust systems. The struggle to create alternatives is a struggle not only of imagination, but of infrastructure. Injustice begets injustice.

C21P2 Many readers of this chapter probably take for granted that there are multiple systems of injustice, each of which puts the ‘system’ in a particular form of ‘systemic injustice.’ ‘Patriarchy,’ for example, names the system responsible for systemic gender injustice, ‘white supremacy’ names the system responsible for systemic racial injustice, and so on. Each of these systems, in their own way, highlights certain explanatory narratives that draw on history to identify, explain, and predict patterns of exploitation, marginalization, and violence. That is, different systems of injustice do different explanatory work. For example, someone using white supremacy to explain mass incarceration in the United States might focus on America’s history of Darwinian-justified colonialism, and how Darwinian theory was used to represent Black men as ‘uncivilized’ animals. Someone using patriarchy might instead focus on the American history of legitimizing oppression through ideas of manhood and womanhood, and how Black men have long

<sup>1</sup> These structures allow us to make causal predictions and explain causal outcomes. See Goodman (1983).

been portrayed as hypermasculine criminals and predators. Yet another person seeking explanation in terms of white supremacist patriarchy might emphasize the inseparability of these histories.

C21P3 My point is just that our ability to recognize distinct systems of injustice has helped us understand where and why systemic inequality and harm appear, by giving us a wide range of equally valid (but differently useful) historical narratives to explain these injustices. But recently, the idea that these distinct systems exist at all has been put into question by the rise of intersectional perspectives on systemic injustice. These perspectives, as Patricia Hill Collins (2016, p. 1) writes, emphasize how systemic injustices are ‘interrelated and mutually shaping one another.’ Mass incarceration, as we just saw, is one paradigmatic example of an intersectional injustice. Another is misogynoir, a form of misogyny that weaponizes white supremacist ideals of womanhood against Black women. Mass incarceration and misogynoir both demonstrate that systemic gender injustices can also be, at the same time, systemic racial injustices.

C21P4 Intersectionality poses a problem for those who wish to distinguish systems of injustice only in terms of the inequalities and harms that they produce. Under that paradigm, patriarchy and white supremacy would be distinct systems only if they produced different inequalities and harms: patriarchy would produce the inequalities and harms that constitute gender injustice, and white supremacy would produce separate inequalities and harms that constitute racial injustice. The Black, Chicana, and lesbian feminists who developed intersectional lenses on injustice showed us that this cannot be. Through these lenses, we see that, in all the inequalities and harms around us, patriarchy and white supremacy are happening at the same time, located within in the same behaviors, physical and digital spaces, institutional procedures, and so on.

C21P5 Because systems like patriarchy do not have their own unique set of outcomes, Haslanger (2020) concludes that these distinct systems do not exist:<sup>2</sup>

C21P6 Patriarchy is not the system that oppresses us . . . Patriarchy doesn’t exist (as a system unto itself). The system that oppresses us is a patriarchal system . . . but ‘patriarchy’ is not an adequate label for that system, any more than, say, ‘heteronormativity’ or ‘ableism’ is. If we want a name for the tendency of the social order to target women, we could use the adjective, e.g., we live in a *capitalist white supremacist nationalist ableist ageist heteronormative . . . etc. . . . patriarchal order*.<sup>3</sup>

<sup>2</sup> This argument is clearly related to the argument that patriarchy does not exist because of historical and cultural variation in manifestations of gender injustice. See, for example, Alcoff (1988), Barrett (1980), Beechey (1979), Rowbotham (1981). See also Judith Butler (1990, p. 35): ‘The very notion of “patriarchy” has threatened to become a universalizing concept that overrides or reduces distinct articulations of gender asymmetry in different cultural contexts.’

<sup>3</sup> Nancy Fraser and Rahel Jaeggi (2018, p. 111) offer a similar argument for the claim that capitalism is the fundamental unjust system. Patriarchy and white supremacy, they argue, are not distinct from capitalism—they are ‘form[s]’ or ‘guise[s]’ of capitalism.

C21P7 In other words, because patriarchy, white supremacy, capitalism, and so on are happening at the same time and in the same places, Haslanger argues that our names for these systems are simply different guises for what is in fact a single system: the ‘capitalist white supremacist...patriarchal’ system.

C21P8 I want to offer an alternative picture: one that holds onto the insight that systems of injustice intersect, without thereby relinquishing the existence of distinct systems like patriarchy and white supremacy. In the first half of the chapter, I’ll start by making clearer what I believe it means to say that systems of injustice ‘intersect.’ Although it is shockingly common to understand this intersection in terms of causal interaction, I think it is much better understood as coincidence, or co-constitution.<sup>4</sup> Coincident systems of injustice, I’ll suggest, come about when the ideologies that structure and reproduce these systems (e.g., gender ideology, racial ideology) are embedded in one another. When ideologies are mutually embedding, the systems that they structure and reproduce are co-constituted and produce the same outcomes. These outcomes, I believe, are what we are talking about when we talk about ‘intersectional injustices.’

C21P9 From here, I’ll turn in the second half of the chapter to the question of how we can distinguish between, rather than collapse, coincident systems of injustice. My answer will hinge, once again, on ideologies. Ideologies are schemas of meaning and value that both reproduce and legitimize systemic inequality and harm. They do not reside primarily in our minds. Ideologies are contained within and transmitted through human behavior and physical and digital spaces; we learn ideologies, in the first place, by having to navigate these material realities. But there are many distinct ideologies that can be ‘read’ off the same behaviors and spaces, and each of these ideologies, in their own way, helps us understand patterns of inequality and harm. In a word, distinct ideologies can materially coincide.

C21P10 Ideologies are reproduced through the causal looping that Haslanger describes: agents are constrained to reproduce spaces and interactions that contain ideologies that, in turn, constrain agents to reproduce spaces and interactions that contain ideologies that...you get the point. This process of reproducing ideology, in my view, is what we mean when we talk about a ‘system of injustice.’ A system of injustice *just is* the process of continuously reproducing a particular ideology. By distinguishing between coincident ideologies, we can distinguish between coincident processes of reproducing those ideologies. By distinguishing between coincident processes of reproducing ideology, we distinguish between coincident systems of injustice.

<sup>4</sup> For discussion, see Hu and Kohler-Hausmann (2020).



C21S2

**2. Intersection as Overlap**

- C21P11 Anna Carasthathis (2014, p. 304) tells us that ‘intersectionality’ calls our attention to ‘multiple, converging, or interwoven systems [of injustice]’. Sara Bernstein (2020, p. 322) puts the same idea in other words, writing that intersectionality illuminates how ‘intersecting systems of power produce effects on groups or individuals that would not be produced if the dimensions did not intersect.’ But what does it mean for unjust systems to ‘intersect’? Do they combine like ingredients of a recipe, or are they co-constituted, like the spatial dimensions of an object?
- C21P12 Within law, economics, and the social sciences, the prevalent answer is the former. When researchers in these fields build models that purport to represent intersectional injustice, these models nearly all assume that ‘intersection’ is a causal interaction, like combining ingredients. Ann Garry’s (2011) metaphor for intersection illustrates:
- C21P13 [O]ppressions or privileges seem to blend or fuse with others. Different liquids—milk, coffee, nail polish, olive oil, beet borscht, paint in several colors—run down from different places at different altitudes into roundabouts. Some of the liquids run together, some are marbled with others, and some stay more separate unless whipped together.
- C21P14 On this way of thinking, an instance of misogynoir is jointly caused by patriarchy, on the one hand, and white supremacy, on the other. (Or, as these researchers more often write, by ‘gender’ on the one hand, and ‘race,’ on the other.<sup>5</sup>) Just as white milk combines with red nail polish to create a toxic pink goop, patriarchy combines with white supremacy to make misogynoir.
- C21P15 This paradigm is widely assumed, but rarely defended. And as sociologist Issa Kohler-Hausmann brought to my attention, these models entail the position that systems of injustice like patriarchy and white supremacy are causally modular. If patriarchy and white supremacy causally interact, they must have separate causal pathways, and we could (at least in principle) intervene on one system without altering the other (Paul and Hall, 2013; Schaffer, 2016).<sup>6</sup> But these systems do not have separate causal pathways. We see why when we think carefully about the actual phenomena in the world that we are talking about when we talk about ‘patriarchy’ and ‘white supremacy.’

<sup>5</sup> If ‘gender’ and ‘race’ are understood, respectively, as processes of gendering and racializing that remake gender and racial ideologies, this substitution is acceptable. Unfortunately, these models are typically conceptually confused, and treat ‘gender’ and ‘race’ as individual features (e.g., genitals, skin color) that, independently of gendering and racializing, do not and never have been the causal source of systemic inequalities and harms.

<sup>6</sup> See also Bernstein (2020, p. 329), who points out that if you think that unjust systems causally interact, then you must also think that they are ‘separable in principle.’

C21P16 Patriarchy is a system in which people are regulated (by themselves, other people, and institutions) in accordance with gender ideology—schemas of meaning and value that tell us how to classify and evaluate people as men or as women. White supremacy is a system in which people are regulated (by themselves, other people, and institutions) in accordance with racial ideology—schemas of meaning and value that tell us how to classify and evaluate people (e.g.) as White, as Black, as Asian, etc. For these systems to have separate causal pathways, it would have to be the case that when we regulate people in accordance with gender ideology, we do not also regulate them in accordance with racial ideology, and vice versa. But this is impossible, because racial meanings and values are thoroughly embedded within gendered meanings and values, and vice versa. This is another way of restating the core lesson of intersectionality: in practice, gender regulation does not come apart from racial regulation. Wherever we look—in our families, schools, prisons, courts, legislatures, language, technology, you name it—patriarchy and white supremacy coincide. Systems that coincide do not causally interact, and they do not have discrete causal pathways. Being co-constituted, they produce the same things.

C21P17 Not everyone will be familiar with the point that gender ideology embeds other ideologies, so I'll pause here to illustrate. Consider first the schemas of meaning and value that dictate what men ought to be like as men, and what women ought to be like as women. Call these schemas 'masculinity' and 'femininity.' Held against the standards of American masculinity, for example, men are likely to be evaluated, as men, based on things like their economic success, athleticism and muscularity, and heterosexual sexual success (Kimmel, 1997; Shakespeare, 1999; Pugh, 2015). Similarly, women held to the standard of American femininity are likely to be evaluated, as women, based on things like their sexually attractiveness to men, as well as their desire for and pursuit of heterosexual wifehood and motherhood (Halberstam, 1998; Hochschild, 2012; Knight, 2017).<sup>7</sup> These standards of economic success, beauty, and erotic and family arrangements cannot be disentangled from meanings and values of capital, disability, sexuality, and race. To regulate men and women in accordance with these ideologies of masculinity and femininity is, then, to at the same time regulate them in accordance with ideologies of capitalism, ableism, heteronormativity, and white supremacy.

C21P18 A similar point applies to another piece of gender ideology: the schemas of meaning and value that shape people's ideas of who should be classified as a man, and who should be classified as a woman. Call these schemas 'male' and 'female.'

<sup>7</sup> Herzig (2015) provides a book-length discussion of hair removal norms and their relationship to race and femininity. The imperative for women to become mothers should always be considered in the context of the American government's long history of sterilizing and removing children from homes of women of color, poor women, disabled women, and queer women, see Ross and Solinger (2017).

Before getting to the intersectional features of these schemas, I'll address the elephant in the room. Many people assume, as more of a reflex than a philosophical position, that being a man or a woman isn't due to schemas of meaning and value, but rather fixed and universal definitions revealed to us by science. But the historical and anthropological record is extremely clear: standards used to identify people as men or as women are disunified, continually in flux across time and place, and a constant site of contestation. Historian Gail Bederman (1995) explains:

C21P19 [G]ender—whether manhood or womanhood—is a *historical, ideological process*. Through that process, individuals are positioned and position themselves as men or as women... At any time in history, many contradictory ideas... are available to explain what men [and women] are, how they ought to behave, and what sorts of powers and authority they may claim... Part of the way gender functions is to hide these contradictions and to camouflage the fact that gender is dynamic and always changing. Instead, gender is constructed as a fact of nature, and manhood [and womanhood are] assumed to be an unchanging, transhistorical essence, consisting of fixed, naturally occurring traits.<sup>8</sup>

C21P20 Ideas of male and female are not only multiple, context-sensitive, and continuously challenged. They also embed other ideologies. For example, as Maria Lugones (2016), Tommy Curry (2017), and Melissa Stein (2015) point out, our inherited ideas of female and male are deeply infected with white supremacist ideology.<sup>9</sup> Their lineage tracks to nineteenth-century scientific racism that explicitly used concepts of gender to define racial difference, making whiteness a prerequisite to definition as a man or as a woman. According to British and American scientists of the time, Black people were sexually ambiguous, androgynous, or the missing link between animals and humans, and so were legitimately excluded from the gender order of 'civilized' (read: white) society.<sup>10</sup> As Curry (2017, p. 565) concludes, '[O]nly the white race was gendered—blacks were believed to be too savage to share these distinctions.'<sup>11</sup>

C21P21 Today's ideas of male and female have not excised this white supremacist bent. We still see the imprint of this history—for example, disguised in the language of musculature or testosterone. Conceptual paradigms of male and female continue to center light skinned bodies, making people of color more vulnerable to the challenge that they are not 'real' men or women. Recall, for example, the story of

<sup>8</sup> Emphasis added.

<sup>9</sup> By 'male' and 'female' here, I specifically mean the classifications taken to be the grounds for counting someone as a man or a woman.

<sup>10</sup> For historical discussion, see (Bederman, 1995; Plous and Williams, 1995; Jones, 2005; Douglas, 2008; Outka, 2008). See also DeVun (2021) for a discussion of parallel dynamics within medieval Europe that depicted Jews and Muslims as 'monstrous' hermaphrodites, too bestial for classification as men and women, and Roberts and Mosse (2020, 150) for discussion of these dynamics within Nazi Germany, where Jews and homosexuals were accused of "confusing genders".

<sup>11</sup> Exclusion from the gender order regularly appeared in colonizers' justifications for atrocities like rape and enslavement. See Lugones (2016, p. 16).

Olympic sprinter Caster Semenya. Semenya's body has a variation that produces atypically high testosterone levels for someone with otherwise female-coded features. In America, doctors typically intervene upon this variation, not from necessity, but to comply with female ideals (Karkazis, 2008; Magubane, 2014; Davis, 2015). This practice is less common in South Africa, where Semenya was born. When Semenya rose to athletic fame, her musculature, combined with her blackness, placed her womanhood under severe scrutiny. Holding Semenya up against white archetypes of the female body, sportswriters deemed her 'breathtakingly butch' and 'a man,' and questioned her eligibility to compete in women's sports (Karkazis, et al., 2012). When her hormonal variation was discovered, Semenya was banned from international women's track events on the grounds that she was not sufficiently female. In order to return to competition, Semenya must artificially lower her testosterone through potentially harmful and medically unnecessary interventions (Karkazis and Jordan-Young, 2018, p. 2).

C21P22 Semenya's story, like that of many others—and especially trans women of color, whose status as women is more deeply scrutinized than that of white trans women—shows that, even today, dominant ideas of male and female continue to embed racial ideology. But they do not only embed racial ideology. Like white supremacist meanings and values, heteronormative meanings and values also are thoroughly integrated into these ideas. As Michael Kimmel (1997, p. 214) writes, 'Homophobia is the fear that other men will unmask us, emasculate us, reveal to us and the world that we do not measure up, that we are not real men.' Today, many people take for granted that this heteronormativity is a prescription only of masculinity and femininity, and that heteronormativity has nothing to do with being considered a man or a woman in the first place. But heteronormative ideology is, in fact, at the core of our ideas of male and female.

C21P23 French feminist Monique Wittig (1993, p. 105) articulated this connection in a particularly striking way when she argued that lesbians are not women:

C21P24 [O]ne feature of lesbian oppression consists precisely of making women out of reach for us, since women belong to men. Thus a lesbian *has* to be something else, a not-woman, a not-man, a product of society, not a product of nature...

C21P25 Wittig's claim might sound hyperbolic to contemporary ears, but the point that heteronormativity lies at the core of ideas of male and female is echoed in the history of designating gay men and lesbians as 'inverts' (a third sex), as well as in research by scholars of intersexuality, such as Anne Fausto-Sterling (2000), Katrina Karkazis (2008), and Julian Gill-Peterson (2018). These scholars, among others, detail how sex assignment at birth is primarily based on clinicians' judgments about an infant's future prospects for coitus—in other words, sex assignment is based on whether clinicians believe that an infant's genitals will become large enough to penetrate a vagina. A 'yes' leads to a male assignment, and the

perception of the child's genitals as a penis; a 'no' leads to female assignment, and the perception of the child's genitals as a clitoris. In cases of uncertainty or other forms of intersexuality (e.g., a child born with both large genitals and a vagina), infants' bodies may be surgically or medically altered to make them better fit heteronormative ideas of male and female.

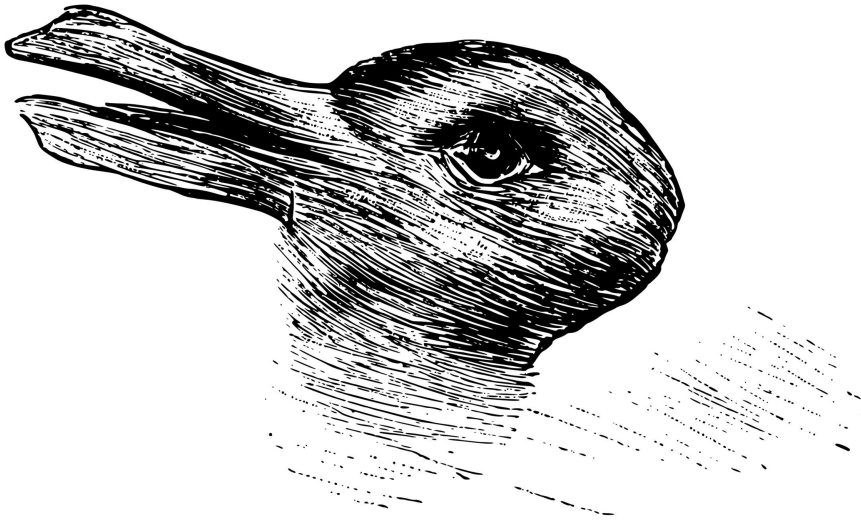
- C21P26 I have only scratched the surface of the many ways that white supremacist and heteronormative ideologies appear within gender ideology, and have largely set aside the many things to say about how ideologies of disability, capital, nationality, and religion also appear within gender ideology (Smith and Hutchison, 2004; Fraser and Jaeggi, 2018; Mez, 2020). These examples are only meant to illustrate a much more general point, which is that intersectional injustice occurs when ideologies are embedded in one another. These injustices do not come about through systems of injustice *colliding*; they come about from these systems *coinciding*. Many of the same inequalities and harms within our society can be explained in terms of distinct systems of injustice. These inequalities and harms are intersectional injustices, not because they were caused by the interaction of separate systems of injustice, but rather because they were produced where multiple systems overlap.<sup>12</sup>

C21S3

### 3. Individuation by Ideology

- C21P27 If systems of injustice coincide, how can we tell them apart? Once we see that systems such as patriarchy and white supremacy are co-constituted, it might seem tempting to conclude, along with Haslanger (2020), that these systems don't exist 'unto [themselves]'; and there is only one system of injustice—the 'white supremacist...heteronormative...patriarchal' system.
- C21P28 To resist this reasoning, I want to start by explaining what I mean when I talk about systems of injustice. A system of injustice, in my view, is the historical process of reproducing an ideology, and doing so through the kind of causal looping that Haslanger describes. For example, the system of patriarchy is the process of remaking spaces and practices that contain gender ideology, which in turn constrains and legitimizes agents to recreate spaces and practices that contain gender ideology, and so on, and so on. This process of remaking ideology is not a mental or abstract exercise. Ideologies are material—they are contained within our spaces and practices, and we learn them by navigating those spaces and practices. To remake an ideology, then, is to continually remake spaces and practices that contain that ideology.

<sup>12</sup> I think this is what Crenshaw (1989, p. 145) meant when she said that Black women do not experience a 'hybrid' of gender and race discrimination, and that white women do not experience 'pure' gender discrimination.



C21F1 Figure 21.1 Duck-rabbit

C21P29 But while ideologies are contained with material spaces and practices, they do not reduce to those spaces and practices. Philosophers will be familiar with this point from our longstanding fascination with the difference between statues and lumps of clay, or between the duck image and the rabbit image in Wittgenstein's (1960) famed Duck-Rabbit (Figure 21.1).

C21P30 In front of you is a network of lines and shading on a page. This network, as Wittgenstein (1960) pointed out, contains at least two distinct images—one of a duck and one of a rabbit. Neither image reduces to the network of lines and shading, and we identify them only through distinct ways of perceiving the network. That doesn't mean the images are mental or epiphenomenal.<sup>13</sup> For example, both images do causal explanatory work: if a child looks at this page and yells, 'Quack!,' we would call upon the duck image to explain their behavior. If they had yelled, 'Bunny!,' we would call upon the rabbit image instead. These images exist and are distinct, not only because they do different explanatory work, but also (and relatedly) because they have different modal properties: we could, in principle, construct a duck image without thereby constructing a rabbit image, and vice versa.

<sup>13</sup> Philosophers have offered many ways to explain how co-constituted things can nevertheless be distinct. For example, David Lewis and John Burgess (1991) hold that they are distinct because we view the same events and relations under different counterpart relations. Laurie Paul (2006) suggests that they have different essential property parts that supervene on shared material parts. Kit Fine (1999) and Kathryn Koslicki (2018) say that they have different (non-material) formal or structuring parts. I myself am drawn to Hilary Putnam's (2002) and Naomi Scheman's (2011) suggestion that meaning—and with it, relationality and perspective—is ontologically fundamental. See also Barad (2007).

- C21P31 Perceiving the duck image or the rabbit image is not a matter of where we look, but how. Similarly, I think, for gender ideology and racial ideology. In the contemporary United States, these ideologies are constituted by the same spaces and practices. But they do different explanatory work, and they have different modal properties. We could, in principle, live in a society that recreated gender ideology but not racial ideology, or vice versa. Historically, one may have preceded the other. In the future, one might outlast the other. They are not identical schemas of meaning and value, and we identify them through different modes of perceiving the spaces and practices around us. But, in practice, they do not come apart, just as the statue and lump of clay, or the duck image and rabbit image, do not practically come apart.
- C21P32 Being able to distinguish between co-constituted ideologies means that we are also able to distinguish co-constituted processes of reproducing those ideologies. After all, distinct processes, no less than distinct objects and ideologies, can coincide. Let me illustrate. In the morning, I make a pour over. As I do so, I enact two processes simultaneously: I calm myself down, and I wake myself up. The routine is meditative, which calms me down, but it also requires attention and precision, which wakes me up.<sup>14</sup> And although these processes are co-constituted, they are distinct, and could in principle occur separately. For example, I could calm myself down by doing slow breathwork, which wouldn't wake me up. And I could wake myself up by jumping into a cold pond, but that wouldn't calm me down. (I'm no Wim Hof.) Calming myself down and waking myself up are distinct processes that overlap, and they each produce the same cup of coffee.
- C21P33 I have a similar picture about systems of injustice. As we continuously remake social spaces and practices that contain both racial ideology and gender ideology, we take part in two historical processes: the process of reproducing gender ideology, and the process of reproducing racial ideology. These processes are, in my view, patriarchy and white supremacy. The two systems are not identical. We could, in principle, live in a society that had one but not the other. One might have begun before the other; one might outlast the other. But in practice, these systems are inseparable, and they produce the same outcomes.
- C21P34 Inseparability is no reason to collapse these systems. In fact, we have very good reason to resist that sort of collapse: identifying distinct systems like patriarchy and white supremacy is extremely helpful in generating distinct explanations for the same outcomes. Within these outcomes, we find, to borrow Lauren Berlant's (2012, p. 78) phrasing, 'multiple strands of causal narration.' These distinct causal explanations are equally true, but not equally helpful across all inquiries. To illustrate what I mean, let's return to the cup of coffee that results from my morning pour-over routine. Suppose someone asks me, 'Why did you make this cup of

<sup>14</sup> Thanks to Maegan Fairchild for this example.



coffee?’ How I answer will depend on what I assume are the relevant counterfactual contrasts.<sup>15</sup> For example, here are a few things my interlocutor might mean:

- C21P35 1. Why did you make this cup of coffee, rather than a cup of tea?  
 C21P36 2. Why did you make this cup of coffee, rather than having your automated coffeepot make it?  
 C21P37 3. Why did you make this cup of coffee, rather than start a different morning routine?

C21P38 These different questions call for different explanations. If asked why coffee instead of tea, I might point out that making tea is too quick and simple for waking myself up. If asked why I made the coffee rather than use an automated pot, I might point out that an automated pot wouldn’t have the same calming benefits. And if asked why I made the coffee rather than start a different routine, I might discuss the benefits of being able to simultaneously calm myself down and wake myself up.

C21P39 The distinct processes of systems of injustice are, in a similar way, differently useful when it comes to explaining patterns of inequality and harm. Take, for example, a line of inquiry about the demographic impact of mass incarceration. Here are a few different ways that the inquiry might be framed:

- C21P40 1. Why does mass incarceration impact men more than women?  
 C21P41 2. Why does mass incarceration impact Black people more than White people?  
 C21P42 3. Why does mass incarceration impact Black men more than any other gendered racial group?

C21P43 Being able to distinguish between gender ideology and racial ideology, and so also between patriarchy and white supremacy, is useful when we need to answer questions like these. An explanation that focuses on why mass incarceration impacts men more than women might focus on how gender regulation and ideas of manhood leads to different levels of risk of incarceration across men and women. An explanation of why mass incarceration impacts Blacks more than Whites might instead emphasize how the American carceral system has long served as a weapon of racial violence. And an explanation of why mass incarceration specifically targets Black men most of all will have to go into more detail about how these two things—gender regulation, ideas of manhood, and the racial weaponization of the carceral system—coincide. These explanations, in some sense, are about the same thing: the demographic realities of mass incarceration. But because they respond to different inquiries that emphasize distinct

<sup>15</sup> See Haslanger (2016, pp. 115–16), which has a rich discussion of why different causal questions about the same outcomes often call for distinct structural explanations.



counterfactual contrasts, the explanations offer importantly different causal narratives for these outcomes.

C21P44 Another important upshot of my proposal is political. We need distinct systems of injustice to identify and name different patterns within these inequalities and harms. There is, for example, no systemic gender injustice without a system of gender injustice, or systemic racial injustice without a system of racial injustice. If we can only recognize the ‘capitalist white supremacist...patriarchal’ system, then we can only recognize systemic ‘capitalist white supremacist...patriarchal’ injustice. And while it is true that many forms of systemic injustices overlap and create systemic ‘capitalist white supremacist...patriarchal’ injustice, the formation of liberation movements (e.g., the women’s liberation moment, Black Lives Matter, Occupy Wall Street) relies on our ability to distinguish between overlapping forms of systemic injustice.

C21P45 Intersectionality is not identity, but it teaches us the important lesson that systems of injustice are not, in practice, separable. This lesson, for me, is particularly applicable considering the complicated and checkered history of feminist movements—particularly those spearheaded by white, straight, wealthy, and non-disabled women. In her gorgeously scathing book, *Right-Wing Women*, Andrea Dworkin (1983, p. 231) writes: ‘Women intend to save themselves when sacrificing *some* women, but only the freedom of all women protects any woman.’ I agree with Dworkin, and I hope I’ve provided a framework that explains why I believe that Dworkin is correct. When the system that oppresses women overlaps with many other systems of injustice, these other systems produce women’s oppression as well. A feminism that reinforces white supremacy, or heteronormativity, or ableism, or capitalist exploitation, is no feminism at all.<sup>16</sup>

## C21P46 Acknowledgments

C21P47 Thanks to Sara Bernstein, Ray Briggs, Michael Della Rocca, Issa Kohler-Hausmann, Laurie Paul, Mike Rea, Bradley Rettler, Jonathan Schaffer, Naomi Scheman, Daniel Wodak, and the audiences at WOGAP, Brandeis University, UC Berkeley, and UMass Amherst for helpful feedback during the development of this chapter. Special thanks to Maegan Fairchild for constructive comments, enthusiasm, and pulling my head out of the weeds, to Sally Haslanger for being an inspiring, patient, and incisive interlocutor, to Ruth Chang and Amia Srinivasan for editorial support, and to Susan Dunsmore for copy-editing.

<sup>16</sup> Wills (2018). See also Crenshaw (1991), where Crenshaw writes that intersectionality reveals that identity groups (e.g., women, people of color) are ‘in fact coalitions, or at least potential coalitions waiting to be formed.’ Cited in Carasthathis (2013).

C21S4

## References

- Alcoff, Linda (1988). 'Cultural Feminism Versus Post-Structuralism: The Identity Crisis in Feminist Theory.' *Signs* 13 (3): 405.
- Barad, Karen (2007). *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning*. Durham, NC: Duke University Press.
- Barrett, Michèle (1980). *Women's Oppression Today: Problems in Marxist Feminist Analysis*. London: Verso.
- Bederman, Gail (1995). *Manliness and Civilization*. Chicago: University of Chicago Press. <https://www.press.uchicago.edu/ucp/books/book/chicago/M/bo3683791.html>.
- Beechey, Veronica (1979). 'On Patriarchy.' *Feminist Review*, 3: 66–82. <https://doi.org/10.2307/1394710>.
- Berlant, Lauren Gail (2012). *Desire/Love*. Brooklyn, New York: Dead Letter Office, BABEL Working Group an imprint of Punctum Books.
- Bernstein, Sara (2020). 'The Metaphysics of Intersectionality.' *Philosophical Studies* 177 (2): 321–35. <https://doi.org/10.1007/s11098-019-01394-x>.
- Butler, Judith (1990). *Gender Trouble : Feminism and the Subversion of Identity*. New York: Routledge.
- Carastathis, Anna (2013). 'Identity Categories as Potential Coalitions.' *Signs* 38 (4): 941–65. <https://doi.org/10.1086/669573>.
- Carastathis, Anna (2014). 'The Concept of Intersectionality in Feminist Theory.' *Philosophy Compass* 9 (5): 304–14. <https://doi.org/10.1111/phc3.12129>.
- Collins, Patricia Hill (2016). *Intersectionality*. Malden, MA: Polity Press.
- Crenshaw, Kimberlé (1989). 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.' *University of Chicago Legal Forum*, 1: 139–67.
- Crenshaw, Kimberlé (1991). 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color.' *Stanford Law Review* 43 (6): 1241–99.
- Curry, Tommy J. (2017). 'Ethnological Theories of Race/Sex in Nineteenth-Century Black Thought.' In Naomi Zack (Ed.), *The Oxford Handbook of Philosophy and Race*. Oxford: Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780190236953.013.27>.
- Davis, Georgiann (2015). *Contesting Intersex: The Dubious Diagnosis* (1st edition). New York: New York University Press.
- DeVun, Leah (2021). *The Shape of Sex: Nonbinary Gender from Genesis to the Renaissance*. New York: Columbia University Press.
- Douglas, Bronwen (2008). 'Climate to Crania: Science and the Racialization of Human Difference.' In Bronwen Douglas and Chris Ballard (Eds.), *Foreign Bodies: Oceania and the Science of Race 1750–1940*. Sydney: ANU Press, pp. 33–96.
- Dworkin, Andrea. 1983. *Right-Wing Women /*. New York: TarcherPerigee.

- Fausto-Sterling, Anne (2000). *Sexing the Body: Gender Politics and the Construction of Sexuality*. New York: Basic Books.
- Fine, Kit (1999). 'Things and Their Parts.' *Midwest Studies In Philosophy* 23 (1): 61–74. <https://doi.org/10.1111/1475-4975.00004>.
- Fraser, Nancy, and Rahel Jaeggi (2018). *Capitalism: A Conversation in Critical Theory*. Hoboken, NJ: Wiley.
- Garry, A. (2011). 'Intersectionality, Metaphors, and the Multiplicity of Gender.' *Hypatia* 26: 826–50. <https://doi.org/10.1111/j.1527-2001.2011.01194.x>.
- Gill-Peterson, Julian (2018). *Histories of the Transgender Child*. Minneapolis, MN: University of Minnesota Press, Project MUSE.
- Goodman, Nelson (1983). *Fact, Fiction, and Forecast*. Cambridge, MA: Harvard University Press.
- Halberstam, Jack (1998). *Female Masculinity*. Durham, NC: Duke University Press.
- Haslanger, Sally (2016). 'What Is a (Social) Structural Explanation?' *Philosophical Studies* 173 (1): 113–30.
- Haslanger, Sally (2020). 'Why I Don't Believe in Patriarchy: Comments on Kate Manne's Down Girl.' *Philosophy and Phenomenological Research* 101 (1): 220–9. <https://doi.org/10.1111/phpr.12697>.
- Herzig, Rebecca M. (2015). *Plucked: A History of Hair Removal*. New York: New York University Press.
- Hochschild, Arlie Russell (2012). *The Managed Heart: Commercialization of Human Feeling*. Berkeley, CA: University of California Press.
- Hu, Lily, and Issa Kohler-Hausmann (2020). 'What's Sex Got to Do with Machine Learning?' In *Proceedings of the 2020 Conference on Fairness, Accountability, and Transparency*, 513. FAT\* '20. New York: Association for Computing Machinery. <https://doi.org/10.1145/3351095.3375674>.
- Jones, D. Marvin (2005). *Race, Sex, and Suspicion: The Myth of the Black Male*. Santa Barbara, CA: Greenwood Publishing Group.
- Karkazis, Katrina (2008). *Fixing Sex: Intersex, Medical Authority, and Lived Experience*. Durham, NC: Duke University Press.
- Karkazis, Katrina, and Rebecca Jordan-Young (2018). 'The Powers of Testosterone: Obscuring Race and Regional Bias in the Regulation of Women Athletes.' *Feminist Formations* 30 (2): 1–39.
- Karkazis, Katrina, Rebecca Jordan-Young, Georgiann Davis, and Silvia Camporesi (2012). 'Out of Bounds? A Critique of the New Policies on Hyperandrogenism in Elite Female Athletes.' *The American Journal of Bioethics* 12 (7): 3–16.
- Kimmel, Michael (1997). 'Masculinity as Homophobia: Fear, Shame and Silence in the Construction of Gender Identity.' In M. M. Gergen and Sara Dais (Eds.), *Toward a New Psychology of Gender*, Florence, KY: Taylor & Frances, pp. 223–42.
- Knight, Amber (2017). 'Disability and the Meaning of Reproductive Liberty.' *Politics, Groups, and Identities* 5 (1): 67–83. <https://doi.org/10.1080/21565503.2016.1273120>.

- Koslicki, Kathrin (2018). 'Towards a Hylomorphic Solution to the Grounding Problem.' *Royal Institute of Philosophy Supplement* 82 (July): 333–64. <https://doi.org/10.1017/S1358246118000127>.
- Lewis, David, and John P. Burgess (1991). *Parts of Classes*. Oxford: Basil Blackwell.
- Lugones, Maria (2016). 'The Coloniality of Gender.' In Wendy Harcourt (Ed.), *The Palgrave Handbook of Gender and Development: Critical Engagements in Feminist Theory and Practice*. London: Palgrave Macmillan, pp. 13–33. [https://doi.org/10.1007/978-1-137-38273-3\\_2](https://doi.org/10.1007/978-1-137-38273-3_2).
- Magubane, Zine (2014). 'Spectacles and Scholarship: Caster Semenya, Intersex Studies, and the Problem of Race in Feminist Theory.' *Signs* 39 (3): 761–85. <https://doi.org/10.1086/674301>.
- Mez, Kristin Kobes Du. 2020. *Jesus and John Wayne: How White Evangelicals Corrupted a Faith and Fractured a Nation*. Liveright Publishing.
- Outka, Paul (2008). "Behold a Man Transformed into a Brute": Slavery and Antebellum Nature.' In Paul Outka, *Race and Nature from Transcendentalism to the Harlem Renaissance*. New York: Palgrave Macmillan, pp. 51–80. [https://doi.org/10.1007/978-0-230-61449-9\\_3](https://doi.org/10.1007/978-0-230-61449-9_3).
- Paul, L. A. (2006). 'Coincidence as Overlap.' *Noûs* 40 (4): 623–59. <https://doi.org/10.1111/j.1468-0068.2006.00627.x>.
- Paul, L. A., and Ned Hall (2013). 'Framework and Preliminaries.' In *Causation*. Oxford: Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199673445.003.0002>.
- Plous, S., and Tyrone Williams (1995). 'Racial Stereotypes from the Days of American Slavery: A Continuing Legacy.' *Journal of Applied Social Psychology* 25 (9): 795–817. <https://doi.org/10.1111/j.1559-1816.1995.tb01776.x>.
- Pugh, Allison (2015). 'What Does It Mean to Be a Man in the Age of Austerity?' *Aeon*, <https://aeon.co/essays/what-does-it-mean-to-be-a-man-in-the-age-of-austerity>.
- Putnam, Hilary (2002). *The Collapse of the Fact/Value Dichotomy and Other Essays*. Cambridge, MA: Harvard University Press.
- Roberts, Mary Louise, and George L. Mosse. 2020. *Nationalism and Sexuality: Middle-Class Morality and Sexual Norms in Modern Europe*. Madison: University of Wisconsin Press.
- Ross, Loretta J., and Rickie Solinger (2017). 'A Reproductive Justice History.' In *Reproductive Justice: An Introduction* (1st edition). Berkeley, CA: University of California Press, pp. 9–57.
- Rowbotham, Sheila (1981). 'The Trouble with "Patriarchy."' In Feminist Anthology Collective (Ed.), *No Turning Back: Writings from the Women's Liberation Movement 1975–1980*. London: The Women's Press.
- Schaffer, Jonathan (2016). 'The Metaphysics of Causation.' In Edward N. Zalta (Ed.), *The Stanford Encyclopedia of Philosophy* (Fall 2016). Stanford, CA: Metaphysics Research Lab, Stanford University.
- Scheman, Naomi (2011). 'Against Physicalism.' In *Shifting Ground*. New York: Oxford University Press. <https://doi.org/10.1093/acprof:osobl/9780195395112.003.0006>.

Shakespeare, Tom (1999). 'The Sexual Politics of Disabled Masculinity.' *Sexuality and Disability* 17 (1): 12.

Smith, Bonnie, and Beth Hutchison (Eds.) (2004). *Gendering Disability*. New Brunswick, NJ: Rutgers University Press

Stein, Melissa N. 2015. *Measuring Manhood: Race and the Science of Masculinity, 1830–1934*. Minneapolis: University of Minnesota Press.

Wittgenstein, Ludwig (1960). *Philosophical Investigations*. New York: Macmillan.

Wittig, Monique (1993). 'One Is Not Born a Woman.' In Henry Abelove, Michele Aina Barale, and David M. Halperin (Eds.), *The Lesbian and Gay Studies Reader* (1st edition). New York: Routledge.