Appendix to "The Female of the Species: Reply to Heartsilver",
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Deflating…: Heartsilver 2021.

Are women…?: Byrne 2020.

Footnote 26: medieval childhood

Orme's book *Medieval Children* (2001) is relevant for assessing Heartsilver's proposal about the pertinent sense of 'adult'. Orme notes that the various formal borders between childhood and adulthood did not line up closely in medieval England: "There was no single age of responsibility or majority…Aspects of adult life seeped down to the early years of childhood in a manner astonishing today. Tiny girls and boys could be joined in marriage…Children [could] be executed from about the age of ten in exceptional cases" (327). On the socio-legal interpretation of 'adult', this would drastically widen the medieval age range in which 'woman' neither clearly applies nor clearly fails to apply.

To be fair to Heartsilver, she seems to favor a hybrid view, on which "'adult' denotes a social/legal category *that is no doubt related to*…biological adulthood" (*Deflating…*, 5, emphasis added). For example, on one simple hybrid view, S is an adult iff S is post-pubertal and past the age of majority. One problem is that a hybrid view does not fit with Heartsilver's acceptance of the 'adult' part of the dictionary definition of 'woman' (12). 'Adult' does not have a hybrid sense.

Another possibility (suggested to me by Kieran Setiya), is that in the pertinent sense an adult is someone who has reached the age at which people are *appropriately* granted certain rights and responsibilities, and are *appropriately* subject to such-and-such social norms. Granting for the sake of the argument that the relevant rights and norms can be plausibly spelled out, this would neatly take care of the Tarzan example: the infant Lord Greystoke can become a man despite being isolated from society.[1] As against this, someone who argues that children should be allowed to vote (Priest 2016), drive, marry, and so on is not happily described as someone who

[1] On this view, *adult* would be a social category in the constitutive sense, but not in the modal sense. See Byrne 2020: 3784, fn. 2, 2021: 17, fn. 96.

thinks that 8 year-olds are adults. See also the last two paragraphs of section 2, and the objection at the end of section 6.

Footnote 29: female initiation among the Bemba of Zambia

What if a girl does not have her chisungu? Richards did not think this prevented her from becoming a woman: "Uninitiated women are referred to contemptuously in Bemba society" (1956/1982: 130). On the other hand, some Bemba descriptions of uninitiated females include: "rubbish…an uncultivated weed…an unfired pot…or just '*not a woman*'" (120, emphasis added). That may well be better put as: not a *real* woman. Richards reports an informant saying that the purpose of the rite is "to make her a woman *as we are*" (121, emphasis added). On the expression 'real woman', see Stock 2021: 164-6, Hale 1996: 96-7, and Goddard and Wierzbicka 2013: 41-4.

Footnote 46: 'female' used to mean *identifies as female*

The quotation in the text ("…genderqueer or non-binary people are simply people who are not male or female…") is from Richards et al. 2017. Here is a similar example: ""Nonbinary" simply means *not* binary; when applied to gender, it means not exclusively male or female", where "gender" is "a holistic experience of ourselves, inside and out" (Rajunov and Duane 2019: xviii, xvii).

It is not completely clear that the editors of this second collection accept that non-binary individuals are either male or female in the ordinary biological sense: see Rajunov and Duane 2019: xxii; the same goes for the editors of the first collection: see Richards et al. 2017: 3.

The genre represented by the first collection has a fantastical aspect. For example, elsewhere two of the editors, both academics, write:

> As we will see, many people's realities, whether they use this ['non-binary'] terminology or not, are something outside the strict categories of man (e.g. always wears blue, is aggressive, smokes a pipe) and woman (e.g. always wears pink, is passive, does knitting). (Barker and Richards 2015: 166)

Footnote 51: the new appropriately inclusive and exclusive sense of 'female'

The example given by Dembroff and discussed in *Are women…?* was a quotation from a newspaper diary by the journalist David Thomas about his transition to Diana, which Dembroff

claims uses the word ‘woman’ with an intension different from *adult human female* (Dembroff 2021: 988, fn. 22.) As far as ‘female’ goes, Thomas uses that word frequently, but never with a “gender identity” sense. For example—at this point still writing as David—Thomas says: “I do not claim to be female now. But I am engaged on a process of transition that will lead me to a point where that claim can, *legally*, reasonably be made” (Thomas 2019, emphasis added).

Footnote 54: metalinguistic negotiation

An alternative explanation of the seeming disagreement over who the women are is that the participants are engaged in “metalinguistic negotiation”, as characterized in Plunkett and Sundell 2013. To examine this properly would take us too far afield, but it looks unpromising. Some of Plunkett and Sundell’s examples involve “how some antecedently indeterminate matter of meaning should be settled” (3), others involve two people using the same word (e.g. ‘fruit’, 22) with different meanings. The relevant disputes with ‘woman’ and the like do not seem to fit either template. Neither side thinks that the relevant cases are indeterminate, and a dispute about whether tomatoes are “fruits”, where one protagonist has the botanical meaning in mind and the other the (alleged) culinary meaning, quickly unmasks itself. There are further metalinguistic options; for relevant discussion see Sterken 2020.

Footnote 56: two additional objections from Heartsilver

According to argument 1 in *Are women…?*, AHF is supported by the dictionary definition of ‘woman’. Apart from the point about alternative understandings of ‘adult’ and ‘female’, Heartsilver objects that “it is generally a really bad idea to use a dictionary definition as evidence that a term applies or does not apply to a borderline or contested case” (*Deflating…*, 13). It is certainly a bad idea to use the dictionary to try to settle borderline cases (a good definition will reproduce the vagueness of the defined word). Contested cases are different—here we appeal to the dictionary all the time, e.g. when someone insists that ‘bemused’ means *amused*. And it’s not just inconsequential contested cases: US Supreme Court opinions frequently cite dictionaries.

Heartsilver is quite keen on the dictionary herself. Presumably her report on one sense of ‘sow’ is based on consulting the dictionary, and she shows no signs of thinking that the ‘adult female sheep’ entry for ‘ewe’ might only reflect the contingent fact that most ewes are adult female sheep. As *Are women…?* emphasizes, the dictionary is a fallible guide. (All philosophers know from Kripke’s *Naming and Necessity* that it is not a necessary truth that tigers are striped.)

But it would be irresponsible to ignore the dictionary completely as a source of evidence for AHF. To go by Heartsilver's actual practice, she agrees.

The premise of argument 6 in *Are women…*? is that 'female' and 'woman' can be used interchangeably even in hyperintensional constructions like 'wants…'; uttered in a typical context, 'I want to cast a woman as Macbeth' and 'I want to cast a female as Macbeth' come to the same thing. Apart from the appeal to alternative interpretations of 'female', Heartsilver has another objection which seems to me to go off-track, perhaps because the illustration of this phenomenon I gave in *Are women…?* involved a trans woman. But this was entirely incidental. Heartsilver correctly remarks (in effect) that I might want to cast a female without wanting to cast someone "capable of pregnancy" or someone who "possesses ovaries" (*Deflating…*, 8), but that does not address argument 6 at all.

Footnote 63: Mitochondrial Eve

Argument 3 in *Are women…?* is this:

> Mitochondrial Eve lived more than 100,000 years ago, in Africa. She is the most recent common matrilineal ancestor of all humans alive today. We know nothing about her life or opinions, except that she is human and had children…Genetics and developmental biology tell us that Mitochondrial Eve is an adult human female, but how do we know she is a woman?
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> First, note that if AHF is true, then—like its counterparts for other animals—it is not hard to discover. Many ordinary people have some kind of tacit knowledge of it, as exhibited by their willingness to assent to counterfactuals like 'If a woman had won the US 1960 presidential election, she would have been the first female president'. Given this, the simplest explanation appeals to the (known) right-to-left direction of AHF: we know that Mitochondrial Eve is a woman by deduction. A similar explanation is available for our knowledge that "Y-chromosomal Adam" (the most recent common patrilineal ancestor of all human males alive today) is not a woman, appealing to the left-to-right direction of AHF. (3788)

Heartsilver says:

> I would object that, in order to know that Eve was a woman, we would have to know that she was not trans. For if we knew instead that Eve was, say, a trans man, we would have good grounds for thinking that Eve was a man…one cannot really know that Eve was a woman unless one knows that Eve was not a trans man. (*Deflating…*, 9; see also fn. 27 on the same page.)

As Heartsilver remarks, this possibility "might easily be overlooked". Here is another possibility which I myself overlooked. Females can give birth before puberty ends, so perhaps Eve died in or shortly after her last childbirth at 12, with her babies being raised to reproductive age by others in her hunter-gatherer band. That is a remote possibility, and so any required correction is minor: we know that Eve is almost certainly a woman.[2] Again, AHF (if true) explains the revised datum nicely.

Heartsilver's objection can be addressed without distracting complications if we set aside her official definition of 'trans woman/man'. (This is touched on briefly in the discussion of argument 4 in "The female of the species" and addressed more fully in section 7.) For the sake of a more tractable example, let us construe 'trans' as applying to people who occupy a third (or fourth,…) gender, a social role distinct from the roles typical of women and men, found in many Native American tribes and around the world. The possibility that Eve is trans in this sense is also pretty remote, not only because people with "third genders" are a small minority in their societies. First, Eve had children, but the occupants of these alternative genders appear to be typically same-sex attracted, like adolescents with early onset gender dysphoria.[3] Gynephilia in females does not prevent pregnancy, of course, but alternative gender females do not usually pair up with men.[4] Second, the female alternative genders are less common than male ones, and rarely reported for hunter-gatherers. The Chumash, complex hunter-gatherers who lived on the Californian coast, had a third gender principally for males called *'aqi*; any female *'aqi* seem to have been post-menopausal.[5]

So for the sake of the argument we need not take a stand on whether alternative gender individuals are always either girls, boys, women, or men. The datum remains as before: we know

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[2] Because Eve is the most recent female ancestor of all (human) females alive today, she must have had at least two daughters. The average age at first birth for hunter-gatherers is around 18-19. See Kelly 2013: 195.
[3] On early-onset GD and sexual orientation, see Zucker 2019: 1986.
[4] In the case of the well-studied third genders in North America, see Blackwood 1984, and Lang 1998: 306.
[5] Hollimon 2000: 181-2. Religious practices might have started around 100,000 years after Eve, and it's safe to say that forms of social organization at that time did not reach the complexity of the Chumash.

that Eve is almost certainly a woman.[6] The point is simply that AHF *can* explain this, not that it is the only possible explainer.

Can Heartsilver's view explain it? If Eve had to undergo a particular kind of socialization, or had to occupy a particular position in society, in order to *be* a woman, then the datum would have to be rejected: whether Eve is a woman would be a highly speculative matter. And similarly if Eve had to attain adulthood in some "social/legal" sense, construed elastically enough to apply to foraging groups in the Pleistocene. Not everyone will grant the datum, but if it *is* granted, Heartsilver's preferred social interpretation of 'adult' is wrong.

Footnote 69: Chappell's adoptive parents analogy

"Maybe we should think of it like this: Trans women/men are to women/men as adoptive parents are to parents" (Chappell 2018).

In a way, this is an excellent *dis*analogy. Adoptive mothers and biological mothers are both mothers (in one sense of 'mother'). The category *mother* is disjunctive, with (at least) two disjuncts: *adoptive mother* and *biological mother*. If we imagine 'mother' starting out life denoting *biological mother*, it has subsequently broadened its extension, adding a disjunct. This is a familiar kind of semantic change: 'guys' now includes women as well as men. (Another familiar kind is contraction instead of expansion: 'meat' once meant *solid food*.) If we imagine 'woman' starting out life denoting *biological woman*, and if the problem is simply one of *including* trans women, then perhaps 'woman' would have broadened its extension by now, denoting *biological woman or trans woman*. But this is to forget about trans men: if 'woman' has become more inclusive, it still applies to trans men, and the truth of 'Trans men are women' is supposed to be just as objectionable as the counterpart for trans women. The desired inclusive-and-exclusive semantic change does not fit usually observed patterns.

The mistake that the extension of 'woman' needs simply to be broadened to solve the "trans-exclusion problem", or perhaps has *already* broadened, is made by the leading authorities, for instance Judith Butler. "It's actually an expansion of the category [of women] and it's great…I mean trans women are women you know, of course they are, because Women is a social and historical category that gets expanded with time" (Butler and Jones 2021: 28:20-29:05). For

[6] We still get the datum if we run the case as Heartsilver intends, where the relevant possibility is that Eve is a trans man. See *Deflating…*, 9, fn. 27.

another example, see *Are women…?*, 3797-8, fn. 29. On the trans exclusion problem, see Bogardus 2020, Jenkins 2022, and Bogardus Forthcoming.

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