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A Critical Analysis of Amelioration and Inclusion by Katherine Jenkins

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1.0 Introduction

There have been many attempts from feminist philosophers and scholars to define the gender categories and, particularly, the concept *woman*. However, all of the theories attempting to define *woman* seem to suffer from the *inclusion problem*, which is a theory's failure to account for all women in their definition of *woman*. Katherine Jenkins, however, has argued that her theory avoids the inclusion problem. She does this by dividing her article into three parts: (1) an assessment of Sally Haslanger's argument, (2) a proposal of two senses of gender, and (3) a construction and explanation of her inclusive ameliorative account. I will start by summarizing these three parts then I will argue that her theory fails at avoiding the inclusion problem because her definition of woman is circular.

2.0 Summary of the Three Parts

2.1 Assessment of Haslanger's Argument

To begin, I will split Jenkins' assessment of Haslanger's argument into three parts: explanation, objection, and salvaging. First, Jenkins explains how Haslanger uses a method of conceptual analysis called the *ameliorative inquiry* and then creates the notion of a *target concept*. A target concept is the concept of *F-ness* that "a particular group *should* aim to get people to use, given a particular set of goals that the group holds."¹ An ameliorative inquiry is the project of arriving at that target concept. So, an ameliorative inquiry is not epistemic, it is moral. It concerns which target concept we should use. In Haslanger's ameliorative inquiry into the concept *woman*, she concludes that we should use the target concept "*someone who is socially subordinated in some way on the basis of presumed female sex.*"² She claims that this target concept protects her theory from the inclusion problem because "although not all *prima facie* women are included, all *prima facie* women who are subject to oppression are included."³

However, Jenkins objects saying that Haslanger's target concept does not account for some trans women and that if this target concept of woman were adopted, then it would aggravate the existing marginalization of trans women

¹ Katherine Jenkins, "Amelioration and Inclusion: Gender Identity and the Concept of *Woman**," *Ethics* 126 (2016): 395.

² Jenkins, "Amelioration and Inclusion," 395.

³ *Ibid.*

within feminist discourse.⁴ For example, Haslanger's target concept could not account for a trans woman who "does not publicly present as a woman and is perceived as a man by people around her."⁵ Additionally, it would not account for a trans woman who does publicly present as a woman, but whose gender presentation is not respected by those around her.⁶ Jenkins then speculates whether or not Haslanger fully realized the troubling consequences of such an unacceptable exclusion. This exclusion is absolutely unacceptable because it violates the goal(s) of feminism (e.g., to end the oppression against women): "Trans people in general are a severely disadvantaged and marginalized group in society, suffering oppression and injustice in multiple respects including discriminatory denial of goods such as employment, medical care, and housing; consistently negative portrayals in the media; and particularly high risks of violence... Failure to respect the gender identifications of trans people is a serious harm and is conceptually linked to forms of transphobic oppression and even violence."^{7,8} So, this led Jenkins to think that Haslanger hadn't realized this consequence. If she had, then it does not seem that she would have promoted it as the explanation of the "central and core phenomena" of the concept *woman* meant to benefit feminist scholarship. Thus, Haslanger's theory fails to avoid the inclusion problem because it fails to account for the gender identifications of trans women.

Third, Jenkins attempts to salvage Haslanger's method of ameliorative inquiry. She does this because she believes that it "is in fact well placed to respond to the inclusion problem as it manifests in regard to trans women, provided due attention is paid to having an inclusive understanding of the identity of the agents of inquiry."⁹ In other words, she does this because it has the potential to avoid the inclusion problem. This potential, however, is unlocked only when the identities of the agents of inquiry are respected. And the identities of the agents of inquiry are respected only when the target concept(s) account for them. Haslanger's target concept does not account for the identities of trans

⁴ Ibid, 396.

⁵ Ibid, 400.

⁶ Ibid.

⁷ Talia Mae Bettcher, "Evil Deceivers and Make-Believers: On Transphobic Violence and the Politics of Illusion," *Hypatia* 22 (2007): 43-65.

⁸ Jenkins, "Ameliorative and Inclusion", 396.

⁹ Ibid, 406.

women and, thus, it alone is not sufficient for avoiding the inclusion problem. So, in order for the inquiry to avoid the inclusion problem, either a replacement target concept needs to be discovered that accounts for all the identities of the agents of inquiry, or more target concepts need to be discovered that account for the identities of trans women. This is where Jenkins begins her conceptual exploration.

2.2 Proposal of Two Senses of Gender

Jenkins begins her exploration by first addressing Haslanger's target concept. She does this because, although it excluded trans women, it still seemed to grasp an important aspect of the phenomenon of gender – an aspect that Jenkins later calls *gender as class*. This redeeming kernel is crucial because it is the reason that Jenkins does not seek a replacement target concept and, instead, turns to look for another target concept that respects the identities of trans women.¹⁰ The first step in doing this, however, is to locate an aspect of the phenomenon of gender that accounts for the identities of trans women.¹¹ Such an aspect would satisfy feminism's goal of being trans-inclusive and would serve as a foundation for a new target concept. In taking this first step, Jenkins relies on the following insight from Haslanger: genders are *subject positions* that emerge from a "social matrix of practices, norms, institutions, material structures, rationales, and so forth."¹² Additionally, this social matrix is heavily shaped by whatever ideology is dominant within it and, as a result, the phenomenon of gender is heavily shaped by this dominant ideology. However, the phenomenon of gender is not determined entirely by the proponents of the dominant ideology. This is because their understanding of the phenomenon can be disputed, resisted, or temporarily elided in various ways by the proponents of non-dominant ideologies.¹³ From this insight, Jenkins deduces that gender can be understood at a local level because

¹⁰ Although, Jenkins does not deny that there could be one target concept that respects all the identities of the agents of inquiry. She keeps Haslanger's, which she called *gender as class*, because of the redeeming kernel, viz. the important aspect that the target concept grasps (more on this later).

¹¹ Remember that an ameliorative inquiry is about discovering the concept of F-ness that "a particular group *should* aim to get people to use, given a particular set of goals that the group holds." The particular group in both Haslanger and Jenkins' case, includes all feminists or at least attempts to include all feminists.

¹² *Ibid*, 407.

¹³ *Ibid*, 407.

subject positions are a product of multiple ideologies within a social matrix – not just the dominant ideology. If this is the case, then there is a gap that distinguishes between gender as it’s understood by the dominant ideology and gender as it’s understood by non-dominant ideologies. Jenkins argues that the former understanding constitutes *gender as class* and is grasped by Haslanger’s target concept while the latter constitutes a trans-inclusive aspect that remains to be grasped by a target concept. She then labels this other aspect *gender as identity* and begins to define it along with *gender as class*:

S is classed as a woman within a context C iff S is marked in C as a target for subordination on the basis of actual or imagined bodily features presumed to be evidence of a female’s role in biological reproduction. (corresponds to Haslanger’s target concept)

-AND-

S has a female gender identity iff S’s internal ‘map’ is formed to guide someone classed as a woman through the social or material realities that are, in that context, characteristic of women as a class.¹⁴

Before I move on, there are some things that need clarification. First, Jenkins notes in a footnote here that *having* a female gender identity is different from *identifying* as a woman because the former does not imply that identifying as a woman is necessarily a conscious process.¹⁵ One can certainly have a female gender identity without identifying as a woman. For example, a recently transitioned trans woman could say that “she had always had a female gender identity but that she only recently begun to identify as a woman.”¹⁶ Second, S’s internal map is a metaphor for the nature of gender identity. It is supposed to explain not only how gender identity is something lived out and explored but also something embodied and objective. If gender identity is like a map, then the boundaries of that identity do not change, but our knowledge of our gender

¹⁴ Ibid, 408, 410.

¹⁵ Ibid, 410.

¹⁶ Ibid.

identity does – it changes the more we explore.¹⁷ So, if one’s internal map brings them into contact with the social or material realities or boundaries that characterize the life of someone classed as a woman, then they have a female gender identity. This is different from being classed as a woman because the dominant ideology does not determine whether or not someone has a female gender identity. So, *being classed as a woman* and *having a female gender identity*, Jenkins claims, are both required for a successful ameliorative inquiry into the concept *woman*, “such that they should be considered ‘twin’ target concepts.”¹⁸

2.3 Construction & Explanation of Jenkins’ Inclusive Ameliorative Account

In the previous sections, I explained how Jenkins concludes that the target concepts *being classed as a woman* and *having a female gender identity* are both required for a successful ameliorative inquiry. In this section, Jenkins considers how these target concepts match with linguistic terms. In other words, she turns to the question: How do these two twin target concepts match the term “woman”? Jenkins argues that, in today’s context, the term “woman” should be allocated to *gender as identity*, given the fact that “society at large displays great amounts of transphobia and cissexism.”¹⁹ She argues for this conclusion for three reasons: if the term “woman” was allocated to *gender as class* instead, then (1) the existing marginalization of trans women within feminism would be reinforced, (2) cis women would gain more power in the political sphere, and (3) it would invite all women to abandon their identity as a woman since it articulates “a negative ideal that challenges male dominance.”²⁰ This invitation, Jenkins argues, would be received differently by cis women who are pushed towards this negative ideal than trans women who struggle to claim it. Thus, the invitation would cause a division: the trans women will not be willing to abandon their identity as a woman because they struggle to claim it whereas cis or prima facie women do not. Each of these three reasons together makes allocating the term “woman” to *gender as class* counterproductive for feminism’s goals. So, “woman” should instead be

¹⁷ Perhaps identity is similar to a map like Jenkins describes: It remains the same throughout our life (viz., you are always you) but our knowledge of it changes the more we explore it.

¹⁸ Jenkins, “Ameliorative and Inclusion,” 414.

¹⁹ Ibid, 418-419.

²⁰ Sally Haslanger, “Gender and Race: (What) Are They? (What) Do We Want Them to Be?” in *Resisting Reality*, 240.

allocated to *gender as identity*. At first, this allocation of terms seems to move away from Jenkins' conclusion that both target concepts are required for a successful ameliorative inquiry. However, she says that the considerations that motivated the allocation of terms are entirely contingent. In fact, one would be justified in allocating the term "woman" to *gender as class* only if, and in that case because, the dominant ideology or "society at large" began to respect the gender identifications of the agents of inquiry. Therefore, both target concepts are still required for a successful ameliorative inquiry and the term "women" should be allocated to *gender as identity* (i.e., should be used to refer to people who *have a female gender identity*), given today's context.

3.0 Objections, Responses, and Replies to Responses

3.1 Why Not Jettison Gender as Class?

As I read Jenkins' article, three objections came to mind. The first one originated with the question: If gender as identity accounts for all who have an identity, then why do we need gender as class? It seems fine to jettison gender as class since what it accounts for – viz., oppressed prima facie women – is already accounted for by gender as identity. I suppose that Jenkins would respond by saying that gender as identity is a response to the injustice that gender as class highlights: the marginalization and oppression of women caused by the unjust structures and definitions of the dominant ideology. The target concept *classed as a woman* grasps an important aspect of the phenomena of gender and, thus, it can not be jettisoned even if gender as identity accounts for everything that gender as class does. This seems to make sense because so long as there is a dominant and a non-dominant ideology present within the same context and so long as each of their concepts of *F-ness* differs, then there will always be two target concepts. It won't be until the dominant ideology respects the gender identities of the agents of inquiry that gender as class will be sufficient for meeting the feminist goal of ending the oppression of women.

3.2 Vagueness

A second objection concerns vagueness: If there are multiple target concepts for the concept *woman* and if the one that people should use changes frequently, then this would lead to issues of vagueness on a grand scale. Everyone within context C would be morally obligated to use the one target concept of woman. But what if that target concept changes due to a rapidly changing social matrix, such that a new target concept should be used every few decades? Or years? Or months?

Everyone would be completely confused. I think Jenkins would reply by saying that the social matrix is not something that changes as rapidly as I might imagine. Dominant ideologies, and ideologies in general, are not so easily abandoned by those who hold them. Their influence is rooted deep into the social matrix and permeates the structures of the matrix. So, issues of vagueness will only arise during the times that these ideologies change, which are few and far between so to speak. In other words, there will be vagueness within the process of change, but the difference between the understandings of the concept *woman* before and after the process of change will be distinct. One will be just and the other will not. So, the issue of vagueness is present within the change, but it is not vicious because: (1) the changes are few and far between and (2) because our moral obligation to adopt the just understanding of the concept *woman* is clear throughout the process of change. This seems convincing to me; so, I would be willing to agree.

3.3 Circularity & Internal Map

Lastly, I had two dual concerns for Jenkins' target concept *having a female gender identity*. My first concern was that it was circular. It seems that S has a female gender identity if and only if S has an internal map of this sort – the female gender identity sort. If this is the case, then Jenkins' target concept needs to be reworked or jettisoned. The second concern I had for Jenkins' target concept *having a female gender identity* related to having an internal map. But what does this mean? And how can one's internal map guide someone else who is classed as a woman? Regarding this first question, I suppose Jenkins would respond by saying that having an internal map means having an identity, such that one's identity has boundaries and is meant to be explored just like a map. Regarding the second question, I think Jenkins could respond by saying that the phrase "someone classed as a woman" is not included to represent someone else but rather is included to capture the close relationship between *being classed as a woman* and *having a female gender identity*. Then she could offer an explanation of this close relationship in order to respond to my first concern of circularity: The two target concepts are distinct; however, they are in a close relationship because the latter relies on the former. In other words, one's *having a female gender identity* depends on one's contact with the norms that characterize the life of a someone *classed as a woman*. "What is important is that one takes those norms to

be relevant to oneself.”²¹ Thus, she would conclude, S’s *having a female gender identity* is not simply determined by S having an internal map “of this sort.” I would reply saying that one’s taking the norms to be relevant to oneself is the same or sufficiently similar to self-identifying as a woman. If this is the case and the term “woman” is allocated to those who have a female gender identity, then S is a woman if and only if S self-identifies as a woman. So, the biconditional is circular because “woman” is now in the definition of “woman.” This circularity issue seems to undermine Jenkins’ whole project since there is now no target concept that accounts for trans women. Thus, trans women are still excluded and the inclusion problem has reappeared.

4.0 Conclusion

In this essay, I analyzed Katherine Jenkins’ ameliorative inquiry into the concept *woman*. I did this by first explaining how she assessed Sally Haslanger’s argument and concluded that an additional target concept was needed in order to account for the identities of trans women. Then I explained her exploration of the phenomena of gender and how she discovered a second aspect within the phenomena that respected the gender identities of trans women. Lastly, I described Jenkins’ two conclusions: First, that the target concepts *being classed as a woman* and *having a female gender identity* are equally crucial because of their close relationship. Second, that the term “woman” should be used to refer to people who *have a female gender identity* instead of people who are *classed as a woman*. After I explained Jenkins’ two conclusions, I offered objections and discovered that Jenkins’ definition of woman is circular. Thus, it cannot be used to account for trans women. Therefore, Jenkins’ theory fails at avoiding the inclusion problem because her definition of woman is circular.

²¹ Jenkins, “Ameliorative and Inclusion,” 411.