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OZTURK'S DISANALOGIES

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Abstract

In this essay I will argue that Burkey Ozturk fails to adequately defend his negotiative theory of identity in his article, "The Negotiative Theory of Gender and Identity and the Limits of First-Person Authority." I argue that the analogies he presents to support his theory and problematize first person authority fall short of doing so because there are significant differences between the cases he presents to elucidate intuitive acceptance or rejection of another's self-identity. The aim of this essay is to elucidate disanalogies in Ozturk's series of cases that could explain why the cases should be treated differently, address possible objections, and respond accordingly to demonstrate that the analogies between his cases do not hold. I will argue that the analogies between the cases do not hold due to differences in (1) the morality of actions taken, (2) the strength of the relation between each identity and the action, and (3) the harm caused to those with the same self-identification.

In this essay I will argue that Burkey Ozturk fails to adequately defend his negotiative theory of identity in his article, "The Negotiative Theory of Gender and Identity and the Limits of First-Person Authority." I argue that the analogies he presents to support his theory fall short of doing so because there are significant differences between the cases he presents to elucidate intuitive acceptance or rejection of another's self-identity. Moreover, he does not explore all possible counterarguments to his argument from analogy. The aim of this essay is to elucidate disanalogies in Ozturk's series of cases that could explain why the cases should be treated differently, address possible objections, and respond accordingly to demonstrate that the analogies between his cases do not hold.

Negotiative Theory vs First-Person Authority

In this section, I will explicate Ozturk's essay to allow for critique further on. Ozturk's goal is to demonstrate faults of the currently dominantly held view of self-identification in trans and trans-friendly circles and explain how his own theory avoids the faults of the currently dominant view. Ozturk's theory is a negotiative one that allows rejection of another's gender self-identification in specific, qualified circumstances. In order to argue for his negotiative view, Ozturk first aims to problematize the reigning theory: first person authority (FPA), which has allowed for diverse social progression. Problematizing this theory is extremely important for Ozturk's goal because in demonstrating a problem with the current view, he provides motivation for adopting his theory which is not subject to the same kind of faults.

The FPA view holds that it is up to the individual to determine their own gender identity (Ozturk, 2017, 140). The FPA typically is thought of in two versions: epistemic and ethical. The epistemic FPA claims that the individual is the ultimate determiner of their gender identity because of their unique epistemic position (Ozturk, 2017, 141). Ozturk does not devote much space to this version of the FPA, due to rich literature already existing which explores the possibility of false

beliefs about oneself, such as the work of Talia Mae Bettcher (141). Instead, Ozturk focuses on the ethical version of FPA.

The ethical FPA claims that the individual is the ultimate determiner of their gender identity because to reject one's self-identification is to essentially reject their autonomy (141-142). To argue against the ethical FPA Ozturk presents three seemingly analogous cases centered on instances of rejection of another's self-identification. While each case grapples with a different kind of self-identification (gender, religious, political), Ozturk reasons that every case should be treated equally under the ethical FPA. It follows, then, that since the FPA says it is never permissible to reject another's self-identification, one must provide at least one case in which it *would* be permissible to reject another's self-identification. Thus, the three cases that Ozturk presents are designed to provide different answers to the question of whether X is wrong to reject Y's self-identification. If the analogy present is strong, and there are affirmative and negative responses to the above question, Ozturk has successfully problematized the ethical FPA. In other words, the ethical FPA cannot be correct if it asserts absolutist language, but fails to hold in all circumstances. With this in mind, Ozturk is intending for his cases to produce different answers, indicating a problem with the ethical FPA. This, of course, can only be the case if the analogy is strong. To evaluate this, we must first look at the cases.

The first case that Ozturk introduces deals with gender self-identification. Susan is a self-identified woman who asks her coworkers to use "Susan" instead of her given name, and refer to her by using female pronouns. One of Susan's coworkers, Joe, does not think that he should have to use the chosen name and pronouns of his coworker because he thinks Susan is wrong about her gender identity, and it would be wrong to lie by supplementing her incorrect gender presentation with support. The second case that Ozturk illustrates deals with religious self-identification. Sam is a self-identified Muslim who killed staff members of a magazine that published depictions of Muhammad that Sam was offended by. In response, Muslims worldwide, including Zahra, criticize Sam and reject his religious self-identification as a Muslim because his actions are not consistent with Islam. The third case that Ozturk presents deals with political self-identification. Andy is a self-identified patriotic American who lies in order to avoid jury duty. Robert notices this and rejects Andy's self-identification due to the inconsistency between his action and patriotism.

The analogies being made are in regards to Susan's gender identity with Sam's religious identity and Susan's gender identity with Andy's political identity. Ozturk claims that if it is wrong for Joe to reject Susan's self-identification, as the ethical FPA suggests, then it is wrong for Zahra to reject Sam's and for Robert to reject Andy's. However, the reader is brought to believe that upon examination of Sam and Andy's cases indicates that it is permissible to reject their self-identifications. Therefore, it would seem that it would be permissible to reject Susan's self-identification as long as the analogy holds. Ozturk notes that this claim is reliant upon the strength of the analogy between his cases (143). Thus, he addresses two possible arguments claiming that there is a disanalogy between his cases because the self-identifications in each case are different: (a) gender identities have more significance than other identities and (b) conversion to another gender identity is met with more hostility than a change in religious or political identities (143-144). In regards to the first argument (a), Ozturk notes that for some, their religious/political identity is at least as important as their gender identity. He uses Sam and Andy to show that religious/political identity are just as defining as gender identity (144). In regards to the second argument (b), Ozturk notes that this, historically, is not the case. Further, he states that some conversions are

not recognized or are met with strong resistance (145). I find Ozturk's replies to these arguments satisfactory.

The two arguments that Ozturk examines for disanalogy trace back to the different self-identifications being distinct from one another. However, I argue that the disanalogy becomes recognizable at a more basic level—one need not claim that there is a principled distinction between the identities (143). Perhaps one could take the following critique as motivation to think of different cases than Sam and Andy for the same purposes as Ozturk. If different cases cannot be presented to problematize the ethical FPA, then Ozturk should present his negotiative theory in a different manner.

Critique

As previously indicated, I argue that there are significant differences in the cases provided by Ozturk that allows one to claim that the analogies between the cases do not hold. To demonstrate this, we must first analyze each case individually, specifically looking at (1) the morality of actions taken, (2) the strength of the relation between each identity and the action, and (3) the harm caused to those with the same self-identification, on a narrow and broad scale. These factors are fundamental to explaining why we reject the self-identification of some and not others. If these three factors are significantly different in each case, then the reasoning that supports the rejection of self-identification in one case does not necessarily follow in the other cases. In other words, if these factors are significantly different, Ozturk fails to problematize the ethical FPA.

Morality of Actions Taken

The morality of the actions taken is important to discerning whether or not we even wish to reject another's self-identification. Ozturk has crafted these cases so that there is an intuitive reaction; there is an emotional appeal provided via the morality of the actions that the characters in the cases take.

In regards to the first case, the action that Susan takes is asking others to refer to her with preferred pronouns and her chosen name. This action is not obviously nor directly morally wrong. If she genuinely believes that she is a woman, she is not deceiving others because she is expressing what she believes to be real; she is not lying or tricking her coworkers. In response, one could suggest that she is lying to herself, which might be just as morally wrong as lying to others. However, I would disagree with the moral equivalence. Lying to others is actively participating in moral wrongness—it is knowingly and intentionally providing false statements, and could lead to the potential harm of others. In contrast, as Susan genuinely believes she is a woman, she cannot knowingly and intentionally provide false statements to herself since that would require knowing that it is in fact false. Further, any potential misinformation that Susan is projecting doesn't seem to cause any harm in the same way that deceiving others does and there are other actions that need to be taken to have an effect on others.

In regards to the second case, the action that Sam takes is killing those that published something he found offensive. This action, unlike Susan's, is obviously morally wrong. Almost every moral code would not allow one to kill others because they published a specific image or article—this is not controversial.

In regards to the third case, the action that Andy takes is lying to avoid jury duty, which is one of civic duties. This action, unlike Susan's, is morally wrong. Some may say that there are instances in which it is okay to lie. The common example to demonstrate this is a thought

experiment in which you are hiding a Jewish family during the Holocaust and the gestapo knocks on your door, searching for this particular family. One could then say that it is acceptable to lie, because you save the family, an action that is much more morally significant than lying, while others may still argue that it is *never* okay to lie. However, to assess Andy's action, we need not go so far. Andy is not lying to save human lives, he is lying for a much less morally significant reason—to avoid a task that would be annoying to him. The annoyance of jury duty, unlike saving human lives, does not excuse the act of lying.

When looking at the moral wrongness of the actions committed by the characters in the three cases, we can see that there is a distinction between the actions taken. The actions of Sam and Andy are both straight forwardly morally wrong. However, that is not so in Susan's case. The moral wrongness of the actions of Susan and Sam cannot be adequately compared. This is the case for Susan and Andy as well.

Strength of Connection between Identity and Action

The strength of the relation between each identity and the action taken is vital to the potential rejection of one's self identity. The actions taken can either be intrinsically connected to their self-identification, or their actions could be separate from their self-identification. Our admonishment of any one of the characters is due to their action, but if their action is separable from their self-identification, then perhaps it is not the self-identification that should be admonished and rejected. In other words, is the action itself worthy of rejection, and separable from the self-identification? If this is the case, then rejecting the self-identification in that case is quite different than rejecting the self-identification in a case in which the action is intrinsically bound. In regards to the first case, Susan's action is committed directly due to her self-identification, they are inseparable. Further, the action Joe perceives as moral wrong is in virtue of and directly reliant upon her self-identification.

In regards to the second case, Sam's action need not be tied to his religious self-identification, the action itself is what we think we should reject. Of course, in the case, as Ozturk describes it, his actions are at least partially driven by this self-identification. For it would be reasonable to assume that if Sam was not Muslim, then he would not have been offended by the magazine, and, therefore, would not have killed those people. However, his action is still morally wrong regardless of why he chose to commit the action—we can separate his action from his identity and still think that his action is morally wrong.

In regards to the third case, we view Andy's action is morally wrong, regardless of his self-identification. The moral wrongness of this lie is exacerbated in virtue of his political self-identification because fulfilling civic duties seems to be a hallmark of patriotic individuals, and, therefore, Andy seems to be hypocritical. Nevertheless, the fundamental moral wrong is lying, and is so regardless of taking Andy's political self-identification into account.

When evaluating the relation between the specific characters actions and their self-identification, another difference becomes apparent. The wrongness of Sam and Andy's actions do not depend on their self-identification, though can be exacerbated when their self-identities are taken into account. However, the perceived wrongness of Susan's action cannot be separated from her self-identification. Therefore, if the comparison being made with the analogies is at least partially dependent of the different kinds of self-identification, the actions done in these cases, in relation to the individuals' self-identification, cannot adequately be compared. This is because Susan's action is intrinsically paired with her self-identification, but Sam and Andy's are not. The

rejection of each self-identity in every case, is due to the moral wrong that is created. However, if Sam and Andy's wrongs are not dependent on their self-identity while Susan's is, then there seems to be a difference in why rejections are done.

Harm to the Social Group

Another reason one might want to reject another's self-identification, especially if they are in the same social group, is due to the impact that their self-identification has on their group. In other words, if X acts in a way that could negatively impact X's self-identified social group, other members of that social group may try to distance the social group from X by rejecting X's self-identification. In regards to the first case, there seems to be no negative consequences to other women, due to Susan's identification. On the narrow scale, Susan's identification has no negative impact on other trans women. Joe would not think of other trans women as women, regardless of his interactions with Susan if he already believes that Susan is not a woman. Further, on a broader scale, one would not say that other women are seen as "less woman" because of Susan's gender self-identification or transition. Susan has committed no negative action that would become associated with the social group of women.

In regards to the second case, the harms caused by Sam's action goes beyond those whom he killed and their families. Sam is harming others that share the same religious self-identification as him: other Muslims. Humans are prone to associate with the world via generalizations. This is particularly true for minority groups. When an individual who belongs to a minority group does something that is considered to be morally wrong, that action (or the ability to commit that action) reflects back on their minority group. The social repercussions from morally wrong acts are then spread throughout the social group. It is easy to see these types of negative associations between individuals and the social groups they belong to in the current political climate. For example, arguments are often made by conservatives that draw on the criminal activity of a few immigrants to bolster calls for severe immigration restrictions. From this example, it becomes clear that the actions of individuals reflect back upon their social group, and thus aid in the facilitation of harms done to their social groups. There is a tendency to associate the whole of a social group with its few news-worthy members that the entire population of the social group is predisposed to act as those few individuals do. Sam's action creates an association between his religious self-identification as Muslim and his act of murder. This association then becomes generalized and other self-identified Muslims will potentially be forced to deal with the stigma and social condemnation brought about by Sam's action.

Further, these generalizations can spread beyond the specific self-identified group. In the same way that Sam's actions harm Muslims, they harm the larger social group of religiously devout individuals as well. While the harm done to other Muslims is more direct and visible, generalizations exist about every social group of every size. Thus, the harms experienced by Muslims as a result of Sam's actions and membership of that group also affect religiously devout individuals as a result of Sam's actions and membership of that group.

In regards to the third case, another negative association could be applied from Andy to other patriotic citizens. The specific self-identified group of patriots could be generalized as liars. Thus, the social stigma and dismissal of individuals in this social group could be caused by Andy's action. In this way he is harming his own self-identified group. This is a slightly weak association because the social group potentially being associated is not a minority group, and thus these kinds of associations are not regularly made. However, when looking at a broader scale, these

generalizations can spread to the larger social group of citizens as well, and thus cause them harm. Moreover, in Andy's case, more harm is being done to the greater group because in him avoiding jury duty through lying, another citizen must take his spot. Andy's action affects how the larger group is perceived, but also places more direct responsibilities on individuals within that group.

When evaluating the harm caused to one's own social group due to their self-identification, differences between the cases can once again be ascertained. Sam and Andy's actions harm their own specific self-identity groups (Muslims and patriots) as well as the larger groups (religiously devout and citizens) in which they fall. This is not the case with Susan. Susan's action does not create a negative generalization about the group that she self-identifies with (women), nor the larger group (the queer community).

Objections

There are several objections could be made in regards to my critique of the analogies Ozturk presents counter examples to this claim. The claims that I will address stem from the argument that since trans individuals transition from one part of the gender binary to the other part, their transition reinforces the narrative of two genders. From this, two conclusions could be drawn. First, since the gender binary tends to hurt women, in upholding the gender binary, trans individuals are hurting women. It could then be argued that in Susan's case, she is harming her own self-identified group by upholding the gender binary. The second conclusion due to the claim that the gender binary delegitimizes non-binary individuals. Thus, in upholding the gender binary, trans individuals are delegitimizing and harming others in the larger self-identified group of the queer community. To both conclusions, my response would be that their claims have to do with the self-identification, not the action taken. The claim is that the very self-identification is harmful. Following that train of thought, they could be arguing that no trans identity is appropriate, which is just as absolutist and contrary to what Ozturk is arguing. Thus, there would still be a disanalogy between the cases as they view one self-identity as more harmful than the other two. Accordingly, the cases of Susan, Sam, and Andy are different in regards to (1), (2), and (3) and therefore, a claim of analogy cannot be properly made.

Conclusion

In this essay, I argued that Ozturk does not adequately defend the analogies he presents between the cases of Susan and Sam and Susan and Andy. I argue that there are differences between these cases in the morality of the action taken, the relation between the action and the self-identity, and the harm caused to others. Since these factors are not the same between Susan and Sam and Susan and Andy, Ozturk's analogies created to point out acceptable rejection of self-identities within the ethical FPA framework does not hold. Thus, Ozturk has failed to motivate a shift from self-identification via ethical FPA to his negotiative theory. If Ozturk wishes to establish this motivation based on analogous cases, he must produce new cases.

Work Cited

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