HARVARD UNIVERSITY
Graduate School of Arts and Sciences

DISSERTATION ACCEPTANCE CERTIFICATE

The undersigned, appointed by the

Department of South Asian Studies

have examined a dissertation entitled

Getting Real: A Nyāya Epistemological Critique of Race and Gender

presented by Clarisse Wells

candidate for the degree of Doctor of Philosophy and hereby certify that it is worthy of acceptance.

Signature ______________________________

Typed name: Prof. Parimal G. Patil

Signature ______________________________

Typed name: Prof. Sean D. Kelly

Signature ______________________________

Typed name: Prof. Sally Haslanger

Signature ______________________________

Typed name: Prof.

Signature ______________________________

Typed name: Prof.

Date: August 2021

Getting Real: A Nyāya Epistemological Critique of Race and Gender

A dissertation presented
by
Clarisse Wells
to
The Department of South Asian Studies

in partial fulfillment of the requirements
for the degree of
Doctor of Philosophy
in the subject of
South Asian Studies

Harvard University
Cambridge, Massachusetts

August 2021

Dissertation Advisor: Parimal Patil Clarisse Wells

Getting Real: A Nyāya Epistemological Critique of Race and Gender

ABSTRACT

This dissertation is at once a call toward a pragmatic practice of social and political philosophy as well as a reorientation of key topics within the philosophy of race and gender through the lens of realist world philosophies. The two goals of this project converge through the tradition of Nyāya, a Sanskrit philosophical tradition. In the first half of this dissertation, I challenge the efficacy of discourse theory in accounting for race- and gender-based perceptions since such a theory of perceiving social kinds that are continually coming into being is too revisionist from our commonsense experiences. Instead, I propose that Nyāya nominal properties can account for the regularity of perceptual experiences while still being predicated on cultural, social, political, or economic social kinds. In the second half, I propose that a race eliminativist position is semantically incoherent if we accept their arguments for why "there is no such thing as race." I advance this critique by drawing a connection between the race eliminativist definition of "race" and the Nyāya theory of "horned-hares" so that we can understand how their idea of "race" results in semantic nonsense when we negate an empty term. In the final chapter, I explore how hate speech constitutes harm without a speaker's authority from a Mīmāṃsā framework of speech acts. Ultimately, I posit that we ought to tactically shift our philosophical engagements with race and gender along realist lines that approximate commonsense epistemologies based on these few test cases. Not only will this not jeopardize our commitment toward actualizing social and political justice, but I also show how this has a strategic advantage over utilizing idealist liberatory philosophies.

TABLE OF CONTENTS

ACKNOWLEDGMENTS

This dissertation would not have been possible without the support, patience, and generous offering of expertise from various individuals. Chief among those are my committee members through whom I was able to make this project possible. First, I would like to extend my deepest gratitude to my advisor, Parimal Patil. Conceiving of the philosophy of race and gender via a Naiyāyika lens seemed impossible at the beginning of this project since this was very much uncharted territory. Still, through multiple conversations over the years this impossible idea came to fruition in the modest attempt presented below. I wish to thank Sean Kelly for introducing me to ways of Being and Becoming, which forced me to reconceptualized the relationship between the subject and the world. Much of this dissertation germinated from those fruitful insights. I would also like to extend my thanks to Sally Haslanger, who not only shared with me her vast knowledge on feminist philosophy and the philosophy of race but also fostered an extraordinary and welcoming intellectual community of feminist philosophers where many of us were forever transformed.

There is a long list of people that encouraged and sustained me while writing this dissertation. Thanks to Allison Puglisi and Iris Yellum and for the restorative hangouts and years of writing workshops together. Thanks to Smriti Khanal and Divya Chandramouli for the opportunities to share this work with the South Asian Studies scholars at Harvard. Thanks to Dr. Rosanna Picascia for the entertaining Sanskrit reading groups and just being a good friend over the years. Finally, a massive thanks to the administrative staff in South Asian Studies, WGS, and the Philosophy Department – especially Chery Henderson – who made every step of this journey logistically achievable.

DEDICATION

This dissertation is dedicated to Claudette Lee Motley, Camille Esther Wells, and Warner Tyrone Wells. There simply is no parallel to them when it comes to exceptional grandparents. Each of you ensured that I could actualized any aspiration. Though you all have passed on, I feel your love and support in everything I do. I would also like to dedicate this to Clevetta Rose Chandler, who has always been my strongest advocate. I have forever thought that I had the best mom on the earth. You have never proven it wrong. Thank you, all of you.

1 INTRODUCTION

This dissertation is a project that defies methodological and disciplinary boundaries in order to actualize an ameliorative project for the philosophy of race and gender. At the same time, it is a work that breaks the norms of Indian philosophy scholarship in that it uses two schools of thought, Nyāya and Mīmāṃsā, to discuss contemporary social, political, and ethical questions. Some might prejudge this as a chimera of a thesis utilizing canons across areas of Indian philosophy, feminist philosophy, queer theory, and critical race theory to engage issues of livability as an oppressed class, accountability from those who oppress us, and calling into conversation other scholars whose theories have gotten us this far in our struggle even as we push to improve upon the basis of what they have built. I am keenly aware that I bear the burden to prove that the way I have constructed this project is worth consideration. Hence, I would like to take some time now to discuss the traditions and theories that support my work.

The following is a constructive project set at the juncture of Indian philosophy, feminist philosophy, critical race theory, and queer theory. I aim to give an account of the perception of race and gender along with the language we use to control racial and gendered groups to improve upon a discursively produced worlds model of social kinds. I also critique the color-blind default mantra pervading US politics and our legal systems to date. Lastly, I will end on a chapter that brings Indian philosophy speech act theory into conversation with constitutive forms of hate speech without relying on an authoritative speaker.

As I mentioned before, putting all four traditions into dialog with each other is rather unorthodox. To begin, those who are familiar with the scholarship on Indian philosophy will probably think that Nyāya and Mīmāṃsā are odd choices for a commentary on social, political, or ethical philosophy. In fact, it is well-known that many scholars of Indian philosophy claimed that there are no ethical theories in the philosophical discourse at all. Bimal K. Matilal, for example, wrote a strong rebuttal to the existence of ethics in Indian philosophy in the following passage:

> Professional philosophers of India over the last two thousand years have been consistently concerned with the problems of logic and epistemology, metaphysics and soteriology, and sometimes they have made very important contributions to the global heritage of philosophy. But, except some cursory comments and some insightful observations, the professional philosophers of India have very seldom discussed what we call "moral philosophy" today. [1]

Since then, many have expanded their view in reinterpreting older Sanskrit texts examined in colonial and post-colonial contexts[2] or by applying Indian philosophies to issues not originally intended by the earliest authors as I am doing here.[3] Still, Nyāya and Mīmāṃsā are arguably the least ethically concerned traditions among them (if you exempt ritual sacrifice from ethics) since they are primarily preoccupied with epistemology and the philosophy of language. I would agree

[1] Ranganathan, Shyam. *Ethics and the History of Indian Philosophy*. 1st ed, Motilal Banarsidass Publishers, 2007. pp. 4

[2] The two most notabe reinterpretations of classical Indian philosophical systems for a colonialist era were Swami Vivekanda and Mahatma Gandhi. Both relied on a Neo-Vadanta-style ethos to advocate for Indian independence. More information about both revisionist accounts of Vedanta can be found here: Gier, Nicholas F. *The Virtue of Nonviolence : From Gautama to Gandhi*. State University of New York Press, 2004.; Iyer, Raghavan. *The Moral and Political Thought of Mahatma Gandhi*. Oxford University Press, 2000.; and Ranganathan, Shyam, editor. *The Bloomsbury Research Handbook of Indian Ethics*. Bloomsbury, 2017.

[3] For some innovative applications of Indian philosophy of contemporary issues in social, political, and ethical philosopher, See Dalmiya, Vrinda. "The Metaphysics of Ethical Love: Comparing Practical Vedanta and Feminist Ethics." *Sophia*, vol. 48, no. 3, Aug. 2009, pp. 221–35, doi:10.1007/s11841-009-0094-7.; De Silva, Padmasiri. *Environmental Philosophy and Ethics in Buddhism*. St. Martin's Press, 1998.; Framarin, Christopher G. *Hinduism and Environmental Ethics : Law, Literature, and Philosophy*. Routledge, 2014.; and McRae, Emily. "Equanimity and Intimacy: A Buddhist-Feminist Approach to the Elimination of Bias." *Sophia*, vol. 52, no. 3, Sept. 2013, pp. 447–62, doi:10.1007/s11841-013-0376-y.

that this assumption is well-founded based on the available literature. One would assume that Vedanta (or Neo-Vedanta), Buddhist philosophy, or even the Bhagavad Gita are the most widely cited frameworks for this kind of project.[4] Therefore, I first want to address why I chose these two traditions instead of the more well-known ethical schools that already have an established basis for the social, political, or ethical application. My reason rests in a Nyāya and Mīmāṃsā critique of social construction.

Much of the literature on critical race theory and queer theory lies in some version of social construction. The point of this strategy is to offer a counter-narrative to hegemonic epistemologies categorizing oppressed groups as a "natural" underclass that are a feature of the world independent of human thought or activity. Put into other terms, hegemonic epistemologies make oppressed groups out to be natural kinds instead of constructed kinds. This epistemic move not only reifies ontological claims of the oppressor class, but it also relieves those who cause harm – or who uncritically participate in harm – from any responsibility for their actions since there is no agency behind the oppressive tactics implemented beyond the natural state of the world itself. Social construction, broadly construed, is dedicated toward resisting that epistemology so that the forces behind oppressive practices are charted back toward the agents and systems creating those conditions.

---

[4] Scholars have produces a myriad of ethical meditations on Buddhist Ethics. The following are just a sample of the most well-known works: Goodman, Charles. *Consequences of Compassion: An Interpretation and Defense of Buddhist Ethics*. Oxford University Press, 2009.; Harvey, Peter. *An Introduction to Buddhist Ethics: Foundations, Values and Issues*. 9. print. with corrections, Cambridge Univ. Press, 2011.; Keown, Damien. *The Nature of Buddhist Ethics*. St. Martin's Press, 1992.; and Saddhatissa, H. *Buddhist Ethics*. Wisdom, 1997.

The Bhagavad Gita has gotten similar amounts of attentions especially as it pertains to deontology and Arjuna's dilemma at the battle of Kurukshetra. See the following for more information: Kapila, Shruti, and Faisal Devji, editors. *Political Thought in Action: The Bhagavad Gita and Modern India*. Cambridge University Press, 2013. and Sreekumar, Sandeep. "An Analysis of Consequentialism and Deontology in the Normative Ethics of the Bhagavadgītā." *Journal of Indian Philosophy*, vol. 40, no. 3, June 2012, pp. 277–315, doi:10.1007/s10781-012-9154-3.

In addition, social construction takes up an anti-realist ontology to resist hegemonic ontologies and epistemologies. If hegemonic forces depend on metaphysical realism to naturalize oppressive conditions, it makes sense that any theory critiquing this would instead rely on anti-realism. I define anti-realism as epistemology where some x-proposition does not map onto some x-state of affairs in the external world. Instead, the x-proposition maps onto a revisionist account of the external state of affairs without relying on it as evidence. This is just to say that a theory is anti-realist when a statement does not correlate to the literal meaning of the statement as a description of an external reality. An example of an anti-realist statement would be "it's raining cats and dogs." Of course, when hearing this, one understands that it is not really raining cats and dogs; rather, one understands that it is raining heavily outside. Similarly, if one hears the statement "humanity is divided into men and women only" or "humanity has biological races corresponding to white, black, Asian, etc.," some might interpret these statements as literal descriptors of the nature of the world, but increasingly we see others interpret these statements through a revisionist, anti-realist lens. In other words, the literal meaning is blocked, therefore, it must mean something other than that. Now, the specific kind of revisionist interpretation depends entirely on the kind of social construction being used. Most importantly, for now, anti-realism is at the focus of the response to hegemonic epistemologies.

If this is the preferred method of critique for social, political, and ethical philosophy, then it makes sense that certain Indian philosophies seem more applicable than others at first glance. Advaita Vedanta, Buddhism, and the Bhagavad Gita[5] to a certain extent all lean into anti-realism. In one way or another, there is a philosophical disposition to claim that the way the world presents

[5] There are many more philosophies in the Sanskrit literature that are anti-realist besides these. For example, Kashmiri Saivism, Jainism, Saṃkhya, and Yoga. The ones I mentioned above are just the ones that have gotten the most attention with reference to social, political, and ethical theories in Euro-American centric publications.

itself to you is not the actual state of affairs. Moreover, gaining understanding that the given state of the world is not the actual state of the world is the point of studying each of these systems. This realization will lead to liberation eventually. The philosophical methodologies found in these traditions are already primed for research on social, political, and ethical application.

On the other hand, Mīmāṃsā, Nyāya, and by extension, Vaiśeṣika are less obvious choices among the six orthodox schools in Indian philosophy because they argue for a realist metaphysics and epistemology. Nyāya in particular is famous for its defense of direct realism,[6] which for many would indicate that it would not be a suitable framework to critique a hegemonic system that purports to describe natural divisions in humanity outside the influence of human activity or thought. However, I have to make clear at this time that my project is not an uncritical application of direct realism to critical race theory, queer theory, and feminist philosophy. To put it in even stronger terms, my project should not be taken as pure or orthodox version of Nyāya and Mīmāṃsā philosophy. Many other scholars are producing excellent work offering just that.[7] Instead, my

[6] Some scholars use the term naïve realism instead of direct realism to describe Nyāya metaphysics and epistemology. However, I will not be using that term for this project because it might prejudice an audience against considering direct realism on its own terms. I am aware of the precedent in philosophy to use of the adjective "naïve" to describe a layperson's account of a subject of philosophical inquiry, but it carries with it the danger of conveying that the idea is dismissible. On a related note, I may have a prejudice against this term due to the prevelence in Sanskrit texts to refer to view points to be refuted as those of naïve people (*bāla*). In this case, the term is generally employed to signal to the reader that this is the wrong view. For many philosophers using the Euro-American canon, an opposing view is often labeled with this term, as well. It works mainly as a rhetorical move in these instances. It might be useful in that sense. Hence, in this project, I have no need for such rhetorical moves, so I will not use it here.

[7] Some great introducorty sources on Nyaya and Mimamsa are Chakrabarti, Arindam. *Realisms Interlinked : Objects, Subjects, and Other Subjects*. New York, NY : Bloomsbury Academic, 2020.; Clooney, Francis X. (Francis Xavier). *Thinking Ritually : Rediscovering the Purva Mimamsa of Jaimini*. Sammlung De Nobili Institut fur Indologie der Universitat Wien, 1990.; Ganeri, Jonardon. *Philosophy in Classical India: Proper Work of Reason*. Routledge, 2003.; Matilal, Bimal Krishna. *The Collected Essays of Bimal Krishna Matilal*. Oxford University Press, 2015.; and Taber, John. *A Hindu Critique of Buddhist Epistemology: Kumarila on Perception: The "Determination of Perception" Chapter of Kumarila Bhatta's Slokavarttika - Translation and Commentary*. Routledge, 2005, doi:10.4324/9780203420621.

work extends the philosophical frameworks found in the Sanskrit texts so that they are generative for a contemporary conversation.

A notable example of where I diverge from the orthodox system of Nyāya is found in chapter 2 where I discuss universals and nominal properties. Nyāya traditionally divided properties into universals, which are features of the world independent of human activity and thought, and nominal properties (*upādhi*s) that are features of conventional language and produced through social or cultural forces. For example, the paradigmatic case of an anthropocentric nominal property is of a "councilor" who advises a ruler.[8] This cannot be a true universal because it qualifies a social individual, whose position outside of political institutions, has no independent nature. Linguistic convention gives meaning to what a councilor is. However, Nyāya philosophers also state that men and women are true universals and not nominal properties. Mahāmahopādhyāya Maheśa Chandra Nyāyaratna, the author of the NavyaNyāya-Bhāṣāpradīpa, makes this distinction in his treatise on Navya-Nyāya in the following passage:

> First, there are two types of properties: true universals and anthropocentric nominal properties. This is because properties that are true universals encompass a unitary group of a single kind of substance as well as being of mutually distinct forms. For example, even *men* who resemble different natures, complexions, or shapes are encompassed by one unitary group of a true universal, *manhood* [my italics].[9]

Not only do I not think this is correct, but I also do not think that Naiyāyikas who existed hundreds of years ago would still maintain this claim had they been in conversation with contemporary

[8] Jonardon Ganeri. "Analytic Philosophy in Early Modern India." *Stanford Encyclopedia of Philosophy*, 29 May 2019, https://plato.stanford.edu/entries/early-modern-india/.

[9] *1.1.dharmaś ca prathamato dvividho jātir upādhiś ceti. yena parasparaṃ vibhinnarūpānām apy ekajātīyadravyāṇām ekaśreṇyām antarbhāvo bhavati sa dharmo jātiḥ. yathā vibhinnadeśīyā manuṣyā vibhinnākārarūpasvabhāvā apy ekayā manuṣyatvajātyaikaśreṇyām antarbhāvitāḥ.*

Mahāmahopādhyāya Meheśa Chandra Nyāyaratna. *NavyaNyāya-Bhāṣāpradīpa*. Edited by Mahāmahopādhyāya Kalipada Tarkāchārya, Sanskrit College, 1973. pp. 2-3 thinkers who argue for gender categories as a conventional social classification. If anything, what might be a Nyāya-esque update to their claim on universals is to say that the gendered features of the world that exist independently of human activity and thought (chromosomes might be the best example of this) are universals while the social roles of "man" and "women" are anthropocentric nominal properties. We could speculate about what other feminist philosophers or queer theorists would say in response to this position, though, this does seem to be the position that reflects their existing philosophical commitments.

While this dissertation is not an attempt to uncritically apply Indian philosophy to contemporary debates on race and gender, it is also not going to uncritically reproduce methods found in philosophy, critical race theory, or queer theory. One major point of divergence in this work that differs from other philosophy dissertations is that some of my chapters rely on storytelling as a means to convey the lived experiences of racial or gender-based harm before moving into a more analytic philosophical mode of examination. This former technique, taken largely from critical race studies and its use of storytelling in legal studies,[10] has the advantage of amplifying the lived experiences of an oppressed class by giving their counter-narrative a space to challenge the dominant hegemonic story mis-contextualizing their lives. Moreover, these narratives represent the real-life cases an ameliorative project should be aimed at resolving. Hence, all of the stories that you will see in the chapters to follow happened to real people, and, in some cases, they happened to this author. From that point, I follow most of the conventional standards of analytic philosophy to examine each case.

[10] Delgado, Richard, and Jean Stefancic. "Legal Storytelling and Narrative Analysis." *Critical Race Theory (Third Edition): An Introduction*, NYU Press, 2017, pp. 44–57.

In the past, some of my colleagues have asked why I would go about my project in this way. To answer this, I'll tell the first story of the project for how I switched from an orthodox analytic philosophical method toward a philosopher/theorist[11] hybrid. Some years ago, I took a class called *Theories of Race and Sexuality* with Professor Robert Reid-Pharr. The class was a graduate student course on queer of color critiques on classical queer theory (think Butler, Bersani, Edelman, and the like). Prior to this class, I had taken courses on Heidegger with Professor Sean Kelly and had already made the connection between *Being & Time*, Foucauldian discourse theory, and classical queer theory, hence, it seemed natural to write a final paper on José Esteban Muñoz's *Cruising Utopia: The Then and There of Queer Futurity*[12]since much of his work on queer theory draws also on a Heideggerian framework. Muñoz uses a lens partially constructed from *Being and Time* and Ernst Bloch to discuss the world-making potentiality of a queer future. Notably, he never mentions Heidegger's later work on world-making as represented in *On the Essence of Truth*[13] and *The Origin of the Work of Art*[14], so my paper reimagined the framework of Munoz's queer futurity had he taken those works into account, as well. When I got my paper back from Professor Reid-Pharr at the end of the term, he said something to me like this: "the essay covers the philosophy, but what about the theory?" It took me a very long time to untangle what he was asking me to do. Once I did understand, I incorporated that into my dissertation here. Thus, as inspired by Professor Reid-Pharr, my methodology is composed of philosophical and theoretical parts.

[11] Theorist here refers primarily to those who work on cultural theory.

[12] Muñoz, José Esteban. *Cruising Utopia: The Then and There of Queer Futurity*. NYU Press, 2009.

[13] Heidegger, Martin. "On the Essence of Truth." *Heidegger's Later Writings : A Reader's Guide*, edited by Lee Braver, Continuum, 2009, pp. 25–38.

[14] Heidegger, Martin. "The Origin of the Work Of Art." *Heidegger's Later Writings : A Reader's Guide*, edited by Lee Braver, Continuum, 2009, pp. 39–56.

What is the difference between the two? The separation between philosophy and theory comes down mostly to method. However, as we know, the tool one chooses to tackle a problem often reveals how they conceptualize it, hence, ultimately philosophers and theorist envision the target of their inquiry differently. However, it may be best to begin with the similarities. Philosophers and social and cultural theorists devote themselves to analyzing and describing the concepts, objects, or phenomena they can observe or conceptualize. While sometimes these are limited to the world around them, it often extends into possibilities yet to be actualized. So, in sum, both groups of people posit explanations for the various aspects of our mental lives, the world that we observe, and the things that we interact with. Because, broadly speaking, both are engaged in similar projects, many times it is very difficult to delineate between what is a project in social or cultural theory and a work of philosophy. That can be answered, though, by examining theorists' and philosophers' methods for their examination.

The methods that are idiosyncratic toward philosophy are perhaps the easiest to define. To start, the constraints on philosophy are distill down to creating definitions, supporting those definitions application to the subject of inquiry, using them to infer a set of logical steps, and finally proving that their argument resists counter example. The benefits of going about examinations this way are that the inquiry proceeds with regular rules about what counts as evidence and justification. In this scenario, whether or not an argument succeeds depends on if it conforms to the definitions, support, and inference model. In this way, it is regularized and somewhat policed so that the examination always proceeds in a predictable fashion. While there are times when this pattern is broken, scholars who do so bear the burden of justifying why there's a deviation, how it improves upon the standard practice, and clearly explaining what is revealed via the divergence in method in comparison the regular model.

On the other hand, theorists typically do not have these same restraints. This is largely because theorists are using mixed methods and an interdisciplinary lens. Still, their intent in examining any given field of concepts, objects, or phenomena is, like all theory, to give a narrative explanation of these things. There are various manifestations of interdisciplinary theoretical works such as a critical historical intervention, a sociological perspective on literary representations, or an anthropological framework on social psychology. However, when it comes to scholarly works in gender studies, ethnic or race studies, migration studies, or LGBTQ studies, the acclaim they gain is closely aligned with the number of lenses that they use. To be fair, this is all in the pursuit of creating an illustration of the subject of inquiry that reflects its nuance and complexity. Moreover, scholarly methods are limited in design to accomplish a specific task just like any tool. If you need to hang a picture, just get a hammer and a nail and your ready for that task. But that's relatively simple with respect to the other efforts that led to the picture itself. Making the frame, choosing the art medium, the size of the piece, etc. require more tools. Similarly, when theorists want to pursue a complex picture of the cultural or social world, for many it makes sense to utilize mixed methods.

Philosophy as a discipline traditionally asks small questions with near infinite implications. For example, "what is justice?" or "what is being?" are simple to start, but they pertain to subjects that are vast in scope. To complicate things even further, everyone already has an intuitive idea of what they mean at the same time as they lack any stable definition or classification. Simple questions like this need conceptual clarification, which is the methodological foundation of philosophy. You excise unnecessary meaning that is not representative of the simple question at its core until you get some kind of working definition. Then you test with thought experiments and see if it holds up to counterexamples. The process is fairly regular with each simple question under examination.

Theory, on the other hand, while having the appearance of philosophical pursuits, does not go about the process in the same way. First, theory (in the disciplines of queer theory or critical race theory) ask huge questions. A good example of this is the famous essay, *Can the Subaltern Speak?*[15], by Gayatri Chakravorty Spivak. The question motivating this essay is how can a Marxist deconstructionist lens contextualize orientalist labor divisions to reveal the mechanisms behind the silencing of women in India during the British Colonial era? Her essay, like most theorists, is in conversation with various philosophical works and systems, but fundamentally the project is striving toward a different goal. Theory tackles enormously complex social phenomena from a top-down perspective. There is no inclination to begin with the simple parts underpinning the phenomena first; rather, by beginning at the higher level, theorists seek to explain the nuanced intricacies all in one fell swoop. Of course, there is no claim of each heuristic being the ultimate description of the phenomena. It is quite the opposite in fact, which leads me to the second criteria for theory: theorists mostly limit their explanations to a hyper-specific social phenomenon. In the case of Spivak, she's concerned primarily with women in India who resort to suicide as a means of expressing resistance, family, or societal pressures. Contrast this with some of the questions in feminist philosophy on how to conceptualize the category of "women" and we can see the difference between the two methods. Lastly, theorist cultivate a rich archive of sources and blend methods form philosophy, media studies, and literary criticism to arrive at their heuristic for their specific social phenomena. Whereas philosophy asks tiny questions with huge implications and

[15] Spivak, Gayatri Chakravorty. "Can the Subaltern Speak?: Revised Edition, from the 'History' Chapter of Critique of Postcolonial Reason." *Can the Subaltern Speak?*, Columbia University Press, 2010, p. 21.

uses a regular method of definition, thought experiment, counter-argument, and response; theory asks massive questions about a precise social phenomenon and blends various humanities and social science fields to arrive at their conceptual framework.

This project is philosophical in nature since each of my chapters is asking simple questions with larger implications. However, in several places, I am either leaning on the work of theorists or responding directly to them in order to come to a more precise definition within the disciplines of the philosophy of race and gender. The most prominent example of this is in my first and second chapter that responds to discourse theory as described by Judith Butler. Butler, while certainly straddling the line between philosophy and theory due to her scholarly training, falls more into the theory category at times in her works *Gender Trouble* and *Undoing Gender*. Both are asking huge questions about the construction of a gender, queerness, social and political legibility, the disruptive potential in drag performance, and the livability of queer folk under a cis-hetero-patriarchal system. By critiquing Butler, my intention is not to dismiss the method she is using or the overwhelming complexity of her work. On the contrary, as I write in chapter one, I agree with the ameliorative potential in her books if they are restricted to ontological questions. My goal in using a philosophical method in conversation with her work is to get at the implications of a small part of her theory, which I argue could be strengthened.

This brings us to the to the last part I would like to discuss in this introduction. In the beginning, I called this project an ameliorative and constructive project. The latter description reflects the ways I am using various philosophical and theoretical traditions to produce my own intervention within the conversation of the philosophy of race and gender. Now, I would like to discuss why my project is a useful addition to the field.

The four chapters of my dissertation are each self-contained topics in social ontology and epistemology via the lens of Naiyāyika and Mīmāṃsā philosophical theories. I have divided this work into two broad halves first dealing with the perception of race and gender while the second half tackles two topics about the language of race and gender. As mentioned previously, the first chapter critiques theory of discursively-produced worlds as described by Judith Butler. However, I am only concerned about the epistemological extensions of her ontological critique of biological essentialism. I critique the conflation of discourse theory's biased-influenced perceptions with commonsense perceptions when the metric for what is veridically perceived (i.e., a metric for perceptions according with the world) is constantly in flux. A key claim about discursively-produced worlds is that identity and social legibility are continually militated by social performances. For example, the social category of "woman" or "Black American" are never stable; rather, they are in a constant process of being created and perpetuated by communicating the social meaning in language or actions. The problem I find with this occurs in situations where there is a biased perception of a stereotype. We conventionally want to say that biased perceptions (e.g., racist, sexist, homophobic, or transphobic perceptions) are not veridical since they do not map onto the real nature of the person. The only problem is that the same critical lens that recasts the ontology of racialized or gendered persons (to resist biological essentialism) is also the lens that makes knowing about racialized or gendered persons a continually updating process where veridical and illusory perceptual distinctions are collapsed.

I use Nyāya's critique of Yogācāra Buddhist to explain the problem with Butler's view. Yogācāra Buddhist is a school of philosophers with a tradition of linguistic constructivism. They developed this theory because the Buddha famously claimed that the world is mere illusion. Philosophically, they explain this statement by arguing that the external world is unknowable;

however, all that we think we know about the world is instead due to our linguistic practices. They utilize a skeptic's argument to call into question the nature of the external world to begin their theory and then move on to explain how content-laden knowledge of any kind is merely conventionally understood. The key point of overlap between Butler and Yogācāra Buddhists is that they both argue that the external world is, at the very least, unknowable outside of a constructed existence. Importantly, for the Yogācāra Buddhist, there is no epistemic distinction between veridical and illusory perceptions outside of whether they accord with the prevailing convention at the time. Hence, when the Naiyāyikas counter Yogācāra arguments about this claim, I intend to show they equally apply to Butler's theory to caution against an epistemic application of discourse theory while keeping the useful features of the ontological critique.

Still, if discourse theory cannot handle epistemic distinction between veridical and illusory perceptions, I want to suggest that Nyāya offers a theory to do just that. My second chapter takes on this task by arguing that anthropocentric nominal properties handle both the ontological critique of race and gender essentialism while also allowing us to distinguish between veridical and illusory perceptions. Anthropocentric nominal properties are ontologically vacuous qualifiers that serve the purpose of conventionally describing socially constructed meanings. A few things are setting them apart, however, from the Yogācārikas:

1. Anthropocentric nominal properties are built upon true universals.
2. They are perceptually indistinguishable from true universals.
3. They are able to be deconstructed to those ontologically real constituent components.

These nominal properties can do what discourse theory cannot because they can account for the phenomenal experience of perceptions seeming as though they are ontologically real while also allowing for the conceptual deconstruction down to independently existing true universals, a reality outside of conceptual construction. In other words, the conventional meaning is predicated on human activity and thought, but ontologically there is a perceptual metric independent of social construction that we can use to tell veridical perceptions from illusory perceptions. This method is useful for separating cases of the biased perception of a gun being in the hand of a Black man when, in fact, it was a cell phone. I argue that this independent metric can clarify how biased perceptions should be judged. One application for this would be in courts of law where the perception of a police officer is taken as a justification of lethal force even if it is acknowledged after the fact the perception was biased. This should not matter if we can separate the phenomenally biased perception from the independent metric at hand.

In the second half of the dissertation, I turn to the philosophy of language. The third chapter pertains to claims by race eliminativists like Kwame Anthony Appiah to assess statements like "there is no such thing as race." While I agree with them that race is a socially constructed category, the chapter is an examination of what happens when we negate such statements, according to a Navya-Nyāya theory of absences. The telos of claims like this are the elimination of concepts from our ideologies and language. If such a thing could be accomplished, then the outcome would be the cessation of hegemonic systems of oppression.

However, by testing their claim under the Nyāya philosophy of language, I argue that it is self-defeating based on the relational-correlate and the counter-correlate relationship between absence and reference. Their theory of absence is based on every absence having an existing reference for it to have meaning. For example, when saying "there is no book on the table," there must exist a book somewhere with which the absence is in relation. However, this case is not exactly like the statement "there is no such thing as race" since in the prior example of a book on the table there is a locus for the absence (e.g., the table) where the absence is restricted. According to statements from Appiah, the locus is at every space all at once. So, we have to look at another case the Naiyāyikas use to get a handle on this case. The example that they provide is of the horned hare. The horned hare is a nonsensical entity like the vampires or a unicorn. We can piece together an idea of what it is because of its constitutive parts that do exist, but the entity as a whole is fictional. Similarly, we can look at ideas like "race" to see that communities are coalescing around a shared history, a shared cultural cosmopolis, or an assumed family heritage connecting back to a particular people. Taken separately, race eliminativists would not deny each part individually, but together they would reject they equate to a race. Naiyāyikas would agree with them as far as this, but the divergence, I argue, is when the negation of the parts is axiomatically a negation of the whole such that the meaning and significance of the whole is in question. Just as we can substantively speak of horned hares, vampires, and unicorns in quasi-real terms, we can also speak of race. However, once we allow this conclusion to proceed, one wonders about the coherence of the race eliminativist claim and its potential to lead to a counter-narrative against racism if their position is contradictory.

Lastly, my fourth chapter is about hate speech, speech act theory, and the rejection of authority as a prerequisite for invoking normative practices. Speech act theory exists within the pragmatic tradition of the philosophy of language where the focus is on the ordinary ways that people engage in meaning exchange. This theory, originally explained by J.L. Austin, maintains that words are used to do things in the social world based on the extra-linguistic understanding between speaker and listener. Notably, one of the conditions for instituting a new set of norms in language is the requirement that the speaker is in a position of authority vis-à-vis the listener. The paradigmatic example of this is when a member of the clergy declares "I now pronounce you beloved spouses" during a marriage ceremony. By that proclamation, she transforms the relationship between the couple from single to married. This works in part because the couple and the witnesses recognize the ability of the clergy to transform the relationship by virtue of their authority. In contrast, if the couple stood in front of a bank teller and she declared them married, the couple would not consider their relationship had changed because she was not in a position to invoke that action.

Philosophers who are interested in the normative effects of hate speech often turn to this framework to explain how someone could cause harm through speech directly. An instance of this would be a state legislator declaring a pool is whites only. This would be hate speech regardless of their intent to cause harm to a community or even if the state only had white people living there at the time. By using their authority, which is recognized and understood by the citizenry, the state legislator has used speech to discriminate against a group and transform the norm. Now, the problem with the theory as-is rests in cases where norms are created without an authority figure. We see common instances of this when an environment of gender-based harassment persists by virtue of co-workers who could be equal or subordinate to another worker. Their authority to do this is not legitimized by any official institution, hence, ostensibly, it does not conform to Austin's unmodified model.

In my chapter, I discuss a few feminist philosophers who offer theories accounting for cases like this (e.g. Ishani Maitra and Mary Kate McGowan), but I offer an alternative framework based on Mīmāṃsā and Nyāya theories of language. The first part of that chapter deals with speech act theory as represented in Kumarila Bhatta's commentaries on Jaimini, the author of the Mīmāṃsā sutra. Mīmāṃsikas claim that the Vedas are authorless. When the Vedas enjoin a sacrificer to complete a sacrifice in a particular way such that the ritual and the injunctions transform the state of the world, these speech acts are efficacious in instituting a new norm without an authority invocation. Instead, they claim that the Vedas, which are ritual texts, possess the authority themselves for the speech act. I draw a parallel between the Vedas as an authoritative text and the background social practices as authoritative prescriptions that anyone can invoke as a ritual. For instance, someone who knows the ritual for a racist or sexist norm can invoke the ritual successfully regardless of any subordinate position.

These chapters are just four examples of how a Nyāya or Mīmāṃsā framework could reconceptualize the philosophy of perception or language for issues on race and gender. There are many more applications that are yet to be explored. However, this project is most of all the culmination of my own intellectual journey across Indian philosophy, Euro-American philosophy, and race and gender theory. This represents how I have come to view each of these topics just by being exposed to this wide variety of scholarly literature. My hope is that whether my readers are searching for a novel engagement with Indian philosophy, critiques of perception or the philosophy of language, or just an intriguing amalgamation of philosophy and theory, they find something to latch onto here. However, I am also cautiously optimistic that this project might influence at least a few other scholars in Indian philosophy to consider applications of Nyāya and Mīmāṃsā to contemporary social ontology and epistemology.

2 MORE THAN WORDS: A NYĀYA CRITIQUE OF LINGUISTICALLY CONSTRUCTED SOCIAL KINDS

2.1 INTRODUCTION

Does ontology have to inform and define our epistemology? It may seem intuitive to assume that this is true. It may be the case that whenever we inquire about the Being of something, let's just say a computer for instance, and we come up with a definition of what kind of thing it is, then we would necessarily delimit how we come to know about it. For example, should we look at it as a summation of its electrical parts? Or would we consider it through a functionalist lens where we would define it based on how we use it as a tool? In either case, how we answer questions on the ideas or beliefs about a computer seems linked to how we define what it is *to be* a computer. However, in this chapter, I will argue something very different about ontology's connection to epistemology. I claim that in discourse theory, in particular, ontology and epistemology should not be linked as they would be in the case of the computer. This is because the ontologies this theory produces are intended as a revolutionary deconstruction of a hegemonic system, which takes itself to be primarily concerned with subverting existing ontologies instead of creating new ones. This leads to awkward suggestions about how we would theorize perceptions under this model. Moreover, there is a danger in linking what a thing is to how we know it (via perception) in this specific case because of how we would like to use discourse theory in practice. We use it as a tool to undermine and critique default social norms, so it would be beneficial to examine the theory both as a means toward enacting that pragmatic goal as well as its theoretical coherence.

Judith Butler has argued that the gendered world is a product of performativity where each subject is constantly in a process of Becoming through iterations of gendered intelligible acts. Her theory is especially impactful as a critique of 1980's feminist political thought since she aimed to show that drawing boundaries around the social phenomena of "women" inevitably alienates someone who would claim that label for themselves but would not fit into a neat definition recognized by all feminists. The discursively constructed idea of women, then, was one that was based on performatively communicating with other Beings in the world about one's position within it and rejected any stable gender categorizations taken for granted. Indeed, that was her avowed intent behind her most celebrated work, *Gender Trouble*. However, an important consequence of her theory of performativity entails that whatever reality we ascribe to gendered and racial Being is permanently in flux. If this fluctuation were uniform for any given event, there would be consensus enough to adjudicate knowledge errors about the event. I have my doubts if there is the necessary uniformity for this to occur, though.

Many argue that the rigid reality of the gendered body is ignored if it is reduced to performative acts and elides kinds of experiences a gendered body might be forced to endure.[16] I agree that Butler's theory leaves the reality of the gendered world and our experiences in a precarious position. Where my critique differs is in pointing out the unwanted consequences of having an epistemology of discursively constructed worlds up against a "common sense" realist position from both pragmatic and philosophical viewpoints. I have no real objection to discourse theorists using a linguistic constructivist ontology; however, the phenomenal experiences of

[16] There are many feminist philosophers who have offered critiques of Butler; however, some prominent examples include Nussbaum, Martha Craven. *Philosophical Interventions: Book Reviews, 1986-2011*. Oxford University Press, 2012.; Bordo, Susan. *Unbearable Weight: Feminism, Western Culture, and the Body*. 10. anniversary ed., [Nachdr.], Univ. of California Press, 2013.; and Haslanger, Sally. *Critical Theory and Practice.* Van Gorcum & Comp. b.v., 2017.

embodiment (which constitutes how we know ourselves in relation to the world and others in it) runs the risk of producing gendered perceptual "illusions." These illusions are given the same weight as "real" (as much as anything could be considered real under discourse theory) epistemes. While one could argue that reality is predicated on subjects having a consistent and reliable experience of any given event, my pragmatic concern is that there is no consistent and reliable experience of race and gender to provide that reality on this view.

Much like in Vasubandhu's work founding the Yogācāra school of thought, Butler's discourse theory suggests that reality is constantly ebbing and flowing depending on our actions, meaning that epistemically verifying genuine experiences against misfires of perception are difficult to determine. I discuss cases in this chapter where knowers conflate genuine and illusory epistemic events based on the fluidity of discursively produced worlds to make my point. In these cases where the world is conditioned by actions and constantly negotiated in virtue of them, it becomes increasingly difficult to delineate perceptual fact from perceptual fiction. Consequences like this would be perfectly acceptable to Yogācāra Buddhist philosophers, who made their mark on the philosophic landscape in India by defending the position that the world as we know it is linguistically constructed. On the other side of the debate are Naiyāyikas like Uddyotakara (later expanded upon by Vacaspati Miśra) arguing from a direct realist position that what we see is what we get. The present investigation into realist, anti-realist, and idealist frameworks for knowledge primarily concerns the theoretical and pragmatic coherence of each view. However, the ethical implications of these positions will be examined toward the end of this work. This chapter is an appeal to the realist criticisms of these two Indian philosophers against Vasubandhu to explicate the dangers in the perceptual ambiguity of gendered or racial experiences.

2.2 TWO EXAMPLES OF PERCEPTUAL AMBIGUITY

I want to begin by discussing two examples where we would say that an agent misperceives a situation based on racial or gendered conditioning. By the end of this section, I will make clear why discourse theory places our intuitions about misperceptions in danger.

The first case is the well-known story of Amadou Diallo.[17]

> *On February 4th, 1999, Officers Kenneth Boss, Richard Murphy, Sean Carrol, and Edward McMellon were patrolling The Bronx in an unmarked car and in plain clothes looking into a case occurring a year before involving a serial rapist. Later the officers changed their story to say that Diallo was a lookout meant to alert others, perhaps involved with criminal activity, in the neighborhood that police were in the area. There are other variations to the story as to what happened next. The officers claim they*

[17] The murder of Amadou Diallo is more than just a story about police brutality and the dangers of the criminal legal system for the black community and many other marginalized groups. It was one more in a legacy of unwilling black martyrs bearing witness to the systemic racial injustice of America. However, while his case galvanized political protest, marches, and calls to action, Diallo's murder also catalyzed 2000's era research for the social psychology of prejudice-influenced perceptions. Many of those studies involved simulated shooting exercises. In these studies, participants were tasked with "shooting" when they saw a gun-wielding suspect on a screen by pressing a button. They were likewise asked not to shoot when they did not see a weapon. Unsurprisingly, these studies typically show a higher shooting error for unarmed suspects when they were black. [17] For more on shooter bias studies, see Correll, Joshua, Bernd Wittenbrink, et al. "Stereotypic Vision: How Stereotypes Disambiguate Visual Stimuli." *Journal of Personality and Social Psychology*, vol. 108, no. 2, Feb. 2015, pp. 219–33. *Crossref*, doi:10.1037/pspa0000015.; Correll, Joshua, Bernadette Park, et al. "The Police Officer's Dilemma: Using Ethnicity to Disambiguate Potentially Threatening Individuals." *Journal of Personality and Social Psychology*, vol. 83, no. 6, 2002, pp. 1314–29. *Crossref*, doi:10.1037/0022-3514.83.6.1314.; James, Lois, David Klinger, et al. "Racial and Ethnic Bias in Decisions to Shoot Seen through a Stronger Lens: Experimental Results from High-Fidelity Laboratory Simulations." *Journal of Experimental Criminology*, vol. 10, no. 3, Sept. 2014, pp. 323–40. *Crossref*, doi:10.1007/s11292-014-9204-9.; James, Lois, Bryan Vila, et al. "Results from Experimental Trials Testing Participant Responses to White, Hispanic and Black Suspects in High-Fidelity Deadly Force Judgment and Decision-Making Simulations." *Journal of Experimental Criminology*, vol. 9, no. 2, June 2013, pp. 189–212. *Crossref*, doi:10.1007/s11292-012-9163-y.; Krieglmeyer, Regina, and Jeffrey W. Sherman. "Disentangling Stereotype Activation and Stereotype Application in the Stereotype Misperception Task." *Journal of Personality and Social Psychology*, vol. 103, no. 2, 2012, pp. 205–24. *Crossref*, doi:10.1037/a0028764.; Payne, B. Keit., et al. "Mental Control and Visual Illusions: Toward Explaining Race-Biased Weapon Misidentifications." *Journal of Experimental Social Psychology*, vol. 41, no. 1, Jan. 2005, pp. 36–47. *Crossref*, doi:10.1016/j.jesp.2004.05.001.; Payne, B. Keith. "Weapon Bias: Split-Second Decisions and Unintended Stereotyping." *Current Directions in Psychological Science*, vol. 15, no. 6, 2006, pp. 287–91. JSTOR.

identified themselves as police when they approached Diallo, but witnesses dispute that. It was night and dark outside; hence, they could only see his silhouette illuminated by the lights coming from the house. Diallo reached into his jacket to pull out his wallet and identification. However, one of the officers thought they saw a gun and shouted to the others that the man had a weapon. The four officers shot 41 times with 19 bullets piercing Diallo's body. While they were charged with second-degree murder and reckless endangerment, on February 22nd, 2000, they were acquitted of all charges.

Next, I will present another case for consideration, albeit one of my own invention.

Two people stand on opposite sides of a bridge, one man and one woman. The man is heterosexual and while the woman happens to be wearing a shorter skirt. As they walk toward each other the man makes harassing comments like "With a body like that, you're just the naughty girl I need!" as she crosses the bridge. When she objects to his harassment, he says, "Well, why are you dressed like that if you weren't trying to look too damn sexy?"[18]

In both cases, the stakes in deciding whether anyone committed a wrong act rest on what they did or did not perceive. It is a question of are they morally culpable or not based on the perceptual information available to them. Could they or should they have known better than to shoot or sexually harass someone?

These are similar cases of prejudiced influenced perceptions motivated by gendered or racial bias. Others have pointed to this phenomenon, as well. Miranda Fricker argues that women suffer

[18] While it's possible to consider this a case of judgement (a second order cognition) about her clothing, I maintain that his perception is constituted by his prejudice against women who dress "provocatively." For more on biased-informed congitions, see Siegel, Susanna. *The Rationality of Perception*. First edition, Oxford University Press, 2017.

from epistemic injustice when they are not perceived to be reliable witnesses simply by virtue of their gender.[19] For Fricker's case, the perception of ineptitude or the quality of being overly emotional color the perception of someone affected by gendered prejudice.[20] However, in cases like this, there are three ways to interpret our intuitive judgments of why the police and the man in these cases committed a wrong.

1. It can either be that their sense faculties were impaired beyond their normal function so that they saw something that was not, in fact, there. For example, having a medical condition of the eyes that would have forced them to perceive a gun from seeing a dark smudge on Diallo's person. If we consider the second case, we'd have to believe that his perception of her was afflicted by a sexist mental defect about women and clothing. A "normally" conditioned person, on the other hand, would not have suffered from this defect. In this case, we get a sort of gender-based psychosis, which might conceivably exculpate him since we generally do not hold people responsible for their actions when they are not in their right mind.
2. We can also say that the world itself is shaped by such cultural conditions produced by performative iterations of blackness often read as aggression by those outside the black community. In this case, the police are still exculpated since their perception accords

[19] Fricker, Miranda. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford University Press, 2007.
[20] Any consideration for moral culpability and perception invites questions on the legal precedents that determine this very issue in the US courts. While a full review of such cases is beyond the scope of this paper, the Reasonable Person doctrine is supposed to settle questions of what one could be expected to think based on a given situation. Naturally, it says nothing about what they rationally should have perceived (even if we wanted to define "rational perceptions" as such), but it does say that their reaction to a base perception ought to be within the bounds of a "normal" reaction. For more on this theory, see *West's Encyclopedia of American Law, edition 2*. S.v. "Reasonable man theory."; Ashworth, A. J. "The Doctrine of Provocation." *The Cambridge Law Journal,* vol. 35, no. 2, 1976, pp. 292–320., doi:10.1017/S0008197300012046.; and Donovan, Delores A., and Wildman, Stephanie M. "Is the Reasonable Man Obsolete? A Critical Perspective on Self-Defense and Provocation." *Loyola of Los Angeles Law Review*, vol. 14, no. 3, 1981, pp. 435–68.

with the fluxing of the raced world they inhabit. The same could be said of the second example.

3. The last option available to us is that the perceptions *do not* accord with the world and the police and the man in both examples made a bad judgment based on incomplete information. This final option is what I will argue is correct and in tension with the way discourse theorists envision the world to be.

Note how in the first case, we have internal causes of the defects, in the second the worldly conditions cause them, and in the third the perception is not the cause of the error. Instead, the judgment about the perception is the cause. Now that we have these two examples and the conditions for their epistemic consequences on hand, we'll turn to a quick summary of discourse theory to understand why we get these conclusions.

2.3 PERCEPTUAL AMBIGUITY AND DISCOURSE THEORY

Discursive constructionists are defined by their use of linguistic practices (broadly construed as verbal and performative acts) restricting how social beings are made intelligible to other social beings. A key point supporting this position is that discursively produced worlds function through linguistic and performative acts signifying a power structure. Each subject participates, willingly or not, in a set of recognizable social scripts that disclose information about them to others. This information is laden with data about one's relationship to other subjects via their social role. This, in turn, produces the social world where social beings (i.e., persons whose meaning is constituted by social facts about them) navigate socially constructed realities. These language practices create "social facts," as described by Durkheim, that constitute our social world.[21]

Discursive constructionism has close ties to social constructionism, however, the key difference is that in this subtype of social construction language is the restricting mechanism of power relations bringing social beings into an intelligible world. One might also differentiate this with a form of social construction based on ideology where the world of thought is the constricting mechanism rather than language[22]. This point is sometimes obscured by the relatively similar constraints ideological forms of social construction have to discursive theories. Namely, while Lacanian and Barthian structuralism posits that the givenness of the world restricts subject formation and the conceptual presentation of the world, discursive constructionist perspectives build in a participatory subject that creates and maintains the world as it is known. In addition, the world could be modified with divergent discursive acts that could disrupt how the world presents itself.

Another central claim of discourse theory is an anti-realist epistemology. I define anti-realism as epistemology where some x-proposition does not map onto some x-state of affairs in the external world. Instead, the x-proposition maps onto a revisionist account of the external state of affairs without relying on it as evidence. In other words, the statement of some "x" about the world is not equal to what is in the world. "X" could correspond to a, b, c,…n_x, but it never corresponds to x at

[21] Durkheim, Emile. *The Rules of the Sociological Method*, (Ed. by Steven Lukes; trans. by W.D. Halls). New York: Free Press, 1982, pp. 50-59. We can delineate social facts from brute facts in that the former is dependent upon human activity to give it meaning (like the value we ascribe to a dollar) and the latter is independent of human activity to give it meaning (like a green colored piece of paper).

[22] Mills, Charles. "Ideology." *The Routledge Handbook of Epistemic Injustice*, edited by Ian James Kidd et al., Routledge, Taylor & Francis Group, 2017, pp. 100–11.

any point. Metaphor is a common example if this aside from discourse theory.[23] For example, if I were to say, "blood is thicker than water," we understand that while it may be true, the purpose of this statement is to confirm family is more important than anyone else. The literal interpretation is never the point of the phrase, and it could be reimagined based on the context in a different cultural or historical moment. The same is true of discourse theory. The context will constrict how a given social fact is interpreted.

To give more clarity to the type of discursive construction we will eventually challenge, I will look at Butler's theoretical sketch of gender from both her 1990 book *Gender Trouble* and her response to *Gender Trouble*'s critics entitled, *Bodies That Matter*.[24] Butler writes *Gender Trouble* to debunk the commonly held belief that gender is socially constructed and sex is biologically based. She writes that, "…gender is not to culture as sex is to nature; gender is also the discursive/cultural means by which 'sexed nature' or 'a natural sex' is produced and established

[23] To be clear, anti-realist may state what there is instead of "x," but strictly speaking it only has to deny that "x" applies to x. For example, to be an anti-realist about magic is to believe that while we can use the word "magic" meaningfully, we do not actually believe that it picks out anything real in the world.

[24] Beginning in *Gender Trouble* we find that the primary influences of Butler's work are Michel Foucault, Luce Iragaray, Slavoj Zizek, Monique Wittig, and others similarly working on common theoretical ground. One quickly picks up on the structuralist and the Lacanian threads weaving through her work via Iragaray and Zizek as Lacan's psychoanalytic framework explains subject formation through the linguistically signified and the linguistic signifier. Owning the terms to Saussure and his work on structuralism, Lacan describes the role of the signified and the signifier as the mechanisms that shape the unconscious mind (meaning the very ground for every potential conscious thought). For more on this portion of Lacan, see Lacan, Jacques. The Seminar. Book III. The Psychoses, 1955-56. Trans. Russell Grigg. London: Routledge, 1993. p. 185.

Wittig's work on marked and unmarked bodies shapes Butler's contrasting dichotomy between Iragaray's theory of the feminine being uncognizable and Wittig's stance on the hyper visibility of femininity. Alongside Foucault's discursively produced political identities in *The History of Sexuality Vol 1.*, Butler uses all three as a means to critique and build from each of their theories through the common link they all share. The link between them all is that gender as a socially intelligible identity only made possible due to a dominant social narrative describing gendered social scripts we are all compelled to conform to. In turn, there is also a subversive narrative of gender failure, which also functions as a sort of gendered futurity showing other possibilities for social beings. For more on Butler's discussion on Wittig, Iragaray, and Foucault see Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. Routledge, 2006. 22-34.

as ‘prediscursive,’ prior to culture, a politically neutral surface on which culture acts.”[25] She concludes that gender appropriates a veneer of the “prediscursive” (or the pretense of being a brute fact) when they are actually the result of our collective performance upholding social stratification along gendered lines.

The first part of the argument goes as follows:

1) Knowledge we have about the world is either a discursive fact or a brute fact.
2) If knowledge is a brute fact, it is not a discursive fact and vice versa.
3) Brute facts pick out things in the world whose meaning is not affected by human activity.
4) Discursive facts pick out things in the world dependent on human activity for their meaning.
5) Biological sex is understood as a brute fact about genetics or chromosomes that exist outside of our cultures, histories, and other products of human activity.
6) Gender is defined as a set of cultural and social prescriptions to an individual ostensibly based on their biological sex.

----

7) If gender is defined as a set of cultural and social prescriptions, it must be a discursive fact about the world.

The purpose of this first argument is just to show that most people already accept the nature of gender, that is to say, that it is a social phenomenon. As for the relationship between the natural world and the discursive world, Butler pushes back on the idea of natural sex as a brute fact grounding biological sex.

[25] Ibid, 10

The rest of her argument goes like this:

1) Gender is a discursive fact.

2) Biological sex is a brute fact.

3) Agents grasp the world through language.

4) Language is inherent to discourse.

5) Therefore, agents must grasp natural sex through discourse.

6) Furthermore, gender discourse is what allows us to grasp the concept of natural sex.[26]

----

7) Therefore, natural sex is a product of gender discourse and cannot be a brute fact.

Essentially, she arrives at this conclusion by an epistemological challenge to knowledge about the biological basis for sex, namely, that we can be certain about the nature of human biology without already assuming our interpretation is determined by a web of language meanings.[27]

The final argument she makes deals with the nature of performativity:

1) If arguments (1) and (2) are correct, then there is no fact of sex metaphysically outside the discourse of gender.

----

2) Therefore, the discourse of gender constitutes all that gender and sex are.

[26] Butler gives several examples in *Gender Trouble* for why this is true, but they all rely on gender performativity as the method of making natural sex meaningful discursively. See 25 and 179 pages for more on this argument.
[27] Ibid, 9

She will fill in this picture by arguing that iterative performance is what produces gender as we know and experience it. In this picture, gender is produced and reproduced via actions and language.

It is impossible to delineate where the constructive power of language begins and where the natural world ends for Butler. However, it is important to mention that she does not deny the existence of the external world, which may or may not have brute facts related to our cultural notions of gender. Rather, she is agnostic about the connections between our gendered language practices and their relation to the external world. She writes that:

> The debate between constructivism and essentialism thus misses the point of deconstruction altogether, for the point has never been that 'everything is discursively constructed'; that point, when and where it is made, belongs to a kind of discursive monism or linguisticism that refuses the constitutive force of exclusion, erasure, violent foreclosure, abjection and its disruptive return within the very terms of discursive legitimacy…What I would propose in place of these conceptions of construction is a return to the notion of matter, not as site or surface, but as a process of materialization that stabilizes over time to produce the effect of boundary, fixity, and surface we call matter. That matter is always materialized has, I think, to be thought in relation to the productive and, indeed, materializing effects of regulatory power in the Foucaultian sense. Thus, the question is no longer, How is gender constituted as and through a certain interpretation of sex? (a question that leaves the "matter" of sex untheorized), but rather, Through what regulatory norms is sex itself materialized? And how is it that treating the materiality of sex as a given presupposes and consolidates the normative conditions of its own emergence?"[28][29]

While some believe that there is some identity or causal relation between gendered signifiers such as "female" equals "XX" chromosomes, Butler believes that it is impossible to conceive of a prediscursive moment when sex categories were not already caught up in gendered language. In

[28] Butler, Judith. *Bodies That Matter: On the Discursive Limits of "Sex."* Routledge, 1993. p. xvii,xviii

[29] Butler is well aware of criticisms levied against her work referencing her concept of gender that is radically unmoored from a fixed reality or a fixed being. While this author does not see her responses as substantively addressing any of the claims above, more of her writings on this can be found in Butler, J. (1997). Merely Cultural. *Social Text*, (52/53), pp.33-44. and Butler, Judith. "An Interview with Judith Butler: Gender As Performance." *Radical Philosophy*, vol. 67, 1994, pp. 32–39

any event, what is “out there” is not that important, on her view. It is the social world with all its gendered constructs that we can be certain are knowable. Take note that the ontological objection about the existence of sex outside of gender relies on an epistemic challenge to our certainty of knowing anything outside of the discourse. That is to say, the gendered world is limited to discursive reality because anything outside of (or in addition to) that is unable to be conceptualized. Hence, the ontological state of the gendered world as a set of iterative performative moments is inferred from the inability to escape a the socially contingent dependency of gender. While this much I agree with, I want to resist the claim that the ontological contingency of gender (as well as other social kinds) is robust enough to account for perceptual errors between two groups with differing participatory performances constituting divergent social worlds. Nevertheless, this is a familiar tactic used by skeptics so that they can claim the world outside human thought cannot be known. As a consequence, skeptics will argue that we should refocus our philosophic pursuits on idealism or, in extreme cases, nihilism so that we are not led astray into relying on information below a 100% certainty threshold. We will take a quick excursion into the skeptic’s tools before finally turning to Nyāya to see how they fall short in the epistemic problem of genuine and illusory perceptions.

2.4 THE SKEPTIC’S TOOLS

As we have seen, discursive construction, as a subset of social construction, is a particularly persuasive tool for theories of race and gender. This is because the discursive construction’s most powerful feature is its reliance on the skeptic’s familiar playbook: doubt. Discourse theory is aimed at combatting our “common sense” notions of gender, namely, that gender is self-evident, natural to all people in the binary gender categories, and biologically based. These three beliefs are the basis of biological essentialism. Discourse theory chips away at intuitions about the certainty of natural gender or race categories until, finally, one has to concede that those concepts are inherently not self-evident, not natural to all people in the binary gender categories, and not biologically based. Specifically, Butler's argument questions the epistemic certainty in learning about biological sex (presumed to be a feature of the "natural" external world). Furthermore, the continually iterative process of performativity forecloses the possibility that gender could ever attain any feature of metaphysical stability.[30] Her brand of anti-realism turns on the circular feedback loop of gendered inputs. Here's how the argument goes:

1. Language is a set of conventional signifying practices creating meaning intelligible to a group conversant in these practices.

2. The external world gains meaning to us through language.

3. Otherwise, the external world would be ineffable.

4. From (1) and (2), knowing about the world entails participation in conventional signifying practices of meaning.

5. From (1), (2), and (4), we cannot learn about the world without participation in these conventional signifying practices of meaning.

[30] It's worth noting at this point that there are two ways of reading Butler regarding the metaphysical stability of gendered and racial social kinds. On the one hand, she can be read as saying that performative iteration discursively creates categories that correspond to experiences and perceptions. In this variation, it is possible to say that gender and race are real and a part of our reality, but she simply holds forecloses the possibility that they are a part of the natural world. The other way of reading Butler is that socials categories like gender and race are instead useful fictions. They perform a function in the world of distinguishing one kind of person from another in order to apply regulatory norms according to those categories. However, one cannot evaluate them for whether they area real or not since they are only useful for dividing people up to be susceptible to regulatory norms. In either case, my argument will still stand. As claimed previously, I will argue that the realist has a stronger position to combat the merger of perceptual fiction into perceptual fact against the positions that the sense faculties were impaired by harmful social scripts (the first case) or when there are fictions about marginalized groups that dictate the world there is to see (the second case).

----

6. Therefore, knowing about the world entails knowing through language.

On this view, there exist no prediscursive means of gaining information about the world, which means in turn that there are no prediscursive means to perceive the world. If the world is constantly being produced through performative iteration, then whatever we grasp from it depends on whatever the iterative process produces. This argument, according to Butler, must mean that linguistic practices form all of our beliefs on gender and regulates how the world manifests to us. If we circle back to the two test cases, it becomes more apparent why it is difficult to attain any perceptual fact about race or gender. Our sense faculties aimed at gendered or racial kinds are going to pick out whatever the world produces. If this is the case, then determining when we correctly pick things out about the world is much harder since separating reality from illusion becomes arbitrary.

However, premise (2) is a significant assumption. Let's examine it more closely. What does Butler mean by the assumption that biological sex is always already signified by a network of linguistic practices? Furthermore, what would have to be the case to know about biological sex without that network?

2.5 Vasubandhu on the Nature of Mind-Dependent Reality

Much like discourse theory, a theory of perception held by the Buddhist school of Yogācāra holds that our perceptions are only representations produced by our linguistic practices picking out things in the world. For them, language constructs the world as we know it. In this following section, I will describe the most salient portion of Yogācāra Buddhism specifically focusing on Vasubandhu to preface my realist critique toward Butler.

Before beginning, it is helpful to note the areas where discourse theory diverges from the linguistic constructivism of the Yogācāra Buddhist. In a similar fashion as structuralism, Yogācāra Buddhism is a form of idealism where the givenness of the world is constrained by mind-dependent conceptual limits. As we will see below, for Vasubandhu, the mind constructs the world as well as the subject. However, as we've seen in the discussion above, Butler's form of discourse theory relies instead on acts laden with social meaning producing the world. Still, the commonality between them is that perception of the world is militated through a matrix of meaning. We will see below how that matrix works for Vasubandhu.

Yogācāra Buddhism is a tradition of philosophical thought originating in India around the 2nd century CE. These philosophers specialized in theories of consciousness and were a part of a wider philosophical discourse of metaphysical idealism in India. Vasubandhu (4th century CE) was one of the earliest Yogācāra philosophers and argued for the core principles that defined this tradition for centuries later, namely, the mind-dependent view of reality. Vasubandhu put forth in *Treatise on the Three Natures*, *The Twenty Verses* and *The Thirty Verses* a theory of a mind-only, tripartite layered reality ranging from utter non-existence to a linguistically constructed world with the existence of the mind as the fundamental substratum of both.

The intellectual lineage of Yogācāra begins in part with Vasubandhu's *Viṃṣaṭikā*, or *The Twenty Verses*. He writes this text addressing various opponents' views ranging from the realist traditions of philosophy (i.e., The Nyāya and Mīmāṃsā philosophers) as well as against other Buddhist philosophers (e.g., the Sautrāntikas) who he argued were in error on the question of metaphysics. He plainly states his thesis in the first verse: "This very world is nothing more than representation due to the appearance of non-existent objects. This is just like [our] observation of non-existent hairs and the like [such as] eye floaters."[31] The eye floaters he refers to here are string-like vitreous membrane filaments that over time become detached from the retina. Almost everyone gets them at some point. You *see* them as little hairs in your visual field; however, they appear as if they are in front of your vision and not inside your eye. Vasubandhu explicitly states that what we perceive as reality is only as real as these eye-floaters. Reality is nothing other than a mind-dependent sphere of mental representations.

An extremely simple way of putting it would be to say that what we know about the world is in our mind; however, Vasubandhu has a revisionist interpretation of the mind that we will come to shortly. For now, it is enough to say that, like Butler, Vasubandhu would hold that we cannot know anything about what is "out there in the world." Nor would it matter. The mental content presenting to our awareness is all we have access to and perfectly represents a consistent manifestation of our everyday experiences precisely because of the regularity of the linguistic constraints. In a broad sense, everything could be construed as an illusion for Vasubandhu because reality as we conventionally know it is entirely manifested by the mind.

Vasubandhu continues this treatise to address the following possible objections to his idealist philosophy:

1). If the world is only representation, why do we sense the fixed nature of time and place that seems to exist independent of our awareness of either?

2) Why is it that many people can experience the same object [in this representation] and [why] it is not limited to only one person's experience?

---

[31] Vasubandhu. *Vijñaptimātratā-siddhi*, *Viṃśatika*. pp.3 "vijñapti-matram evaitad asadarthāvabhāsanāt/ yadvat taimirikasyāsat-kesacandrādidarsanam"

3) Why do non-existent objects have the causal effects as we expect [them to have]?[32]

To questions (1) and (3), Vasubandhu points to the dream analogy skeptics often use to support their theory that reality and dreams have an identical phenomenal appearance to the subject so that the experience of time, place, and causation are retained in an illusory setting. An example he would agree with might be a rather mundane dream where you "wake up" in your dream to make a sandwich because you're hungry. In this dream, the sandwich satisfies your hunger. In much the same way, Vasubandhu claims all of our experiences are illusory like this including the ones we feel certain are not dreams. While this chapter is not centered on the existence of gendered or racial kinds, I want to point out that questions about the existence of the reality of gender (or, in Vasubandhu's case, of every object in the world), run parallel to questions of what we perceive.

The second objection is quite interesting. Vasubandhu's answer to why it is that multiple subjects can perceive the same object or have the same experience at any given time references Buddhist theological theories of hell. He says that as a result of past karmic actions someone will experience torments and hideous forms of demons encircling them.[33] The hell the subject experiences is only in their mind and manifests as a result of past actions. Matilal calls this a "common psychosis" suffered by the residents of hell.[34] Ostensibly, this passage is difficult to conceptualize as relevant for non-Buddhist religious meanings. However, what Vasubandhu is getting at is a form of a constructed reality manifesting base on a subject's actions. Much like a

---

[32] The three questions are extrapolated from the following second verse of the *Twenty Verses*:

na deśakālaniyamaḥ saṃtānāniyamo na ca | na ca kṛtyakriyā yuktā vijñaptir yadi nārthataḥ || |2|

[33] Vasubandhu, and Kochumuttom, Thomas Augustine. *A Buddhist Doctrine of Experience: A New Translation and Interpretation of the Works of Vasubandhu the Yogācārin*. Repr. of the ed.: Delhi, 1982, Motilal Banarsidass, 1989. pp.168

[34] Matilal, Bimal Krishna. *Logic, Language, and Reality: An Introduction to Indian Philosophical Studies*. 1st ed, Motilal Banarsidass, 1985. pp. 233.

Heideggerian action-based theory of coming into being, Vasubandhu is describing a reality (in this case hell) that conforms to the subject. The biggest difference, of course, is that Heidegger elaborates on the forces the world places on the subject that constricts the legibility of a subject's actions. That being said, the hell example shows us that Vasubandhu's ideas of reality straddle the line between linguistic constructions and performative constructions.

Now, such an explanation for illusory perceptions would not be accepted by Naiyāyikas. Uddyotakara (6th century CE), in particular, was a strong critic of Vasubandhu and had the following answer to his hell example. He argues that one can only have a concept of illusory experiences in virtue of real experiences.[35] The two ideas are mutually dependent on one another. Much like other objections to a skeptic's arguments, the key to Uddyotakara's response is a turn to semantics. What is it so say that such and such a thing is an illusion if it is not implicitly referencing the conceptual possibility of something real?

In much the same way, I have to bring the same objection to Butler's theory. If we circle back to Diallo's case or the case of the man sexually harassing a woman, if we were to think that their sense faculties were impaired by a common psychosis, those impairments are intertwined with some "real" episteme in the sense that it accorded with a world outside of the discourse. If we posited that in both these cases they were conditioned to see the world in a certain way due to those world-constricting performative practices, then we could question the referent for these afflicted perceptions in virtue of their illusory nature. While discourse theorists and linguistic constructivists might shy away from knowledge claims of truth or falsity, any claims about what can be known erroneously imply the existence of some veridical knowledge.

[35] Ibid. 242.

2.5.1 The Tripartite Phenomenal Reality of Vasubandhu

Another treatise by Vasubandhu gives us a fuller picture of this mind-dependent world. His work, *Trisvabhavā* (known as the *Treatise on the Three Natures*), defines three aspects of reality supervening onto each other, but with their own distinct characteristic. A common question for those new to Buddhist philosophy is why would Vasubandhu posit three realities in the first place? What problem is he trying to solve here? The issue is not too far from the problem discourse theorists are trying to address. Each form of reality allows for various proximities to the world outside the linguistically constructed given. The most accessible one to use is, of course, the world constricted by language, but as we will see, he gives details about what might lie beyond that boundary.

The conditions for gaining access to these different realities comes down to how one disciplines themselves to see the world around them. I cannot help but draw an allusion to contemporary gender and race theories whose work in part functions as a similar therapeutic method of bringing their audience into a new understanding of the nature of the world around them. In much the same way, Vasubandhu hopes to reveal the illusory nature of our intuitions and perceptions about the world, and specifically our default beliefs of direct realism. In this text just like in the *Twenty Verses*, all objects are non-real, but language constricts the regularity of their appearance to agents so that, for example, seeing an object mentally constructed as an orange at t_1 does not then appear like an elephant at t_2.

He names the three realities as the Pure Reality, the Dependent Reality, and the Imagined Reality. The Pure Reality is admittedly the least interesting of the three since much like Kant's noumena, there is not much we can say about it meaningfully. Pure Reality lacks any mental activity or linguistic construction.[36] Still, Vasubandhu tells us that it is a reality a few things about it:

1. It "possesses" non-existence[37] (referring to the Buddhist theological goal of Nirvana).
2. Duality does not exist there (in the sense that there is no concept of "I" or "you." Everything is unitary),
3. Only Buddhas (ones who have achieved Nirvana) can ever observe it.[38]

Whatever the Pure Reality is like, it only matters to those who have achieved Buddhahood and, hence, it has no meaning whatsoever for those of us still existing in our present world. For this reason, this will be the last that we discuss it since it does not pertain to how we perceive here and now.

The Dependent Reality, on the other hand, is the generative reality for concept-laden awareness. He tells us that the Dependent Reality is the mind; however, he means to say that the Dependent Reality is the *basis* for all mental constructions of the world based on linguistic practice. He says *basis* because the Dependent Reality provides the prerequisite conditions for mental constructs of reality that are necessarily absent from the Pure Reality. The Imagined Reality, which we come to shortly, is where constructions occur. There is no subject/object distinction yet created between the person and the external world in the Dependent Reality. This is a critical note for our

---

[36] Vasubandhu. "Vasubandhu's 'Treatise on the Three Natures'" Trans. Jay L. Garfield. *Asian Philosophy*. Oxford University Press. 2002. Pp. 1.1-1.5; Vasubandhu. *The Thirty Verses*. Trans. R. Nance. N.p.: n.p., 2005. *Http://www.nagaraprathama.com*. Web. 18 Nov. 2013. pp. 126

[37] Vasubandhu claims that all three realities have both existence and non-existence, but there is some disagreement among scholars as to what that actually means. We will see a clearer explanation of how one reality can have both aspects in the Dependent Reality; however, for the Pure Reality we might have to just be satisfied with knowing that whatever existence there is to it is only known to those who achieve Nirvana.

[38] D'amato, M. "Three Natures, Three Stages: An Interpretation of the Yogācāra Trisvabhāva-Theory." *Journal of Indian Philosophy*, vol. 33, no. 2, Apr. 2005, pp. 185–207. *DOI.org (Crossref)*, doi:10.1007/s10781-005-0860-y. pp.191

interest in perceptual experience since without a subject/object distinction we cannot have a perceiver or the object of perception in this phenomenal state of reality.

Vasubandhu claims that there is nothing other than the mind that exists because consciousness is the sum total of our reality.[39][40] However, the mind for Vasubandhu contains the foundational pieces of construction *bīja* (or "seeds") in the *ālayavijñāna*, the store-house consciousness. Any other appearances of the world or the objects within it are merely the construction of seeds – pre-cognized subjects or objects – that are organized by language.[41] To briefly summarize Vasubandhu, he writes that,

> Consciousness is only all seeds, and transformation takes place in such and such a way, according to a reciprocal influence, by which such and such a type of discrimination may arise. The residual impressions of actions, along with the residual impressions of 'dual' apprehension, cause another maturation [of seeds] to occur, where the former maturation has been exhausted.[42]

Consciousness is the collection of pre-cognized mental objects generated through the reciprocal karmic cycle of birth and rebirth. The cause of intelligibility is in the mind, or the dependent nature, and is composed of two separate parts: the "store-consciousness," mentioned previously, and the "active-consciousness."[43] The mind is not merely the instrument of thought or consciousness; it also includes the unconceptualized objects in everyday reality. It is both an individual agent and

---

[39] Vasubandhu. *Viṃśatikā* Trans. Griffith pp. 2

[40]While Vasubandhu mentions that the mind is the fundamental substratum of three aspects of reality through the above mentioned works, he never addresses how we can be sure that the mind can know its own nature as fundamental. Thinking is an act of construction because thinking is linguistic, so thinking about the mind's role in reality is just as tainted as any other defiled thought. Questions like these are never answered. The audience dictated the course of the philosophic debate, which explains to some extent why some philosophical questions are left unanswered while other issues seemingly beside the point are stressed. Vasubandhu wrote The *Analysis of the Three Natures*, for example, primarily toward a Buddhist audience who either already settled this questions so that it was not worth writing down or perhaps it was not considered important at the time.

[41] Vasubandhu. *Triṃśikā* Trans. R. Nance N.p.: n.p., 2005. Print pp. 36

[42] Ibid. 36-39

[43] Vasubandhu. "Vasubandhu's 'Treatise on the Three Natures'" Trans. Jay L. Garfield. *Asian Philosophy*. Oxford University Press. 2002. Pp. 1.6-1.9

the foundation of reality in the world. Every subject and object manifested has its roots in unconceptualized objects called "seeds," which are held within the "store-consciousness" (1.7-9).[44]

The store-consciousness is not an idea unique to Vasubandhu, hence for the sake of clarity, the following description is Vasubandhu's understanding of its purpose. In Vasubandhu's theory, the store-consciousness acts as an unconscious receptacle of the potential subject and object appearances that could manifest in the imagined reality. The store-consciousness lies dormant, though, the "seeds" they hold, the latent potential appearances, are the fuel for the construction of reality. Every seed collected in the store-consciousness is generated by previous experiences in the imagined reality, hence, the cyclical action of constructed reality.[45] While Vasubandhu is somewhat vague on the exact definition of a seed, the closest idea would be an impression created from past experiences that has the potential to influence future actions. Having come from constructed appearances, Vasubandhu claims counter-intuitively that they are not constructed in the store-consciousness so long as they remain latent. As soon as its representation appears in the imagined reality it becomes constructed once again.[46] This portion of the dependent nature is completely unconscious in both its nature and its content. Discrimination, in this case, refers to distinguishing "this" from "that" based on linguistic convention. Finally, the "residual impressions of 'dual' apprehension" is the formation of the subject as distinct from the object. As the mind is the seat of the world's phenomenal appearance, we can say that the perception of objects is in the subjects.

[44] Ibid. 1.7-1.9
[45] Patil, Parimal. "Vasubandhu Lecture: Week 8." Dharmas, Emptiness, and Idealism The Intellectual Career of Vasubandhu. Barker Center, Cambridge. 14 Nov. 2013. Lecture.
[46] Vasubandhu. *Vijnapti Matrata Siddhi*. Trans. Krishnanath Chatterjee. Varanasi: Kishor Vidya Niketan, 1980. 1-26. Print. pp. 1.9

Lastly, we have the Imagined Reality where linguistic construction occurs. Our ordinary perceptions (like the computer again for example) are at this level. Like we've mentioned before perceptions occur here and have phenomenal characteristics delimited by linguistic practices. Naming a thing and describing a thing make the world as we see it. Thus far we have a picture that looks something like this:

Imagined Reality	*Illusory Experience (our awareness of self, objects, and concepts)*
Dependent Reality	*Repository of experiences before mental construction*
Perfected Reality	*Ineffable reality*

Instead of thinking about the three natures as levels of reality, it is better to see them as different perspectives of one thing. The Imagined, the Dependent, and the Perfected natures are identical, but they have aspects to them that are incomprehensible when viewed from a particular vantage point. The majority of us, subsumed in the constructed nature of existence, only know the Imagined Reality, but the other two are accessible, according to Vasubandhu, once someone has the correct knowledge of reality. In this way, their similarity is maintained and any difference perceived is merely a distortion arising out of how one chooses to understand reality.

Vasubandhu describes a process of making the world intelligible involving a continuing shift between the Imagined Reality that we construct and the dependent nature which is the latent mind. Intelligibility is delimited by the bounds of the Imagined Reality, hence we are only discussing objects in the world and the selves that we construct. There is no beginning to the process, rather, the phenomenological appearance of the world continually sustains itself in a cycle of cause and effect.

How would the Yogācārins, then, explain perceptual error? Even as all perceptions are illusory by default, some of them fail to accord with conventional norms. For example, a person might perceive a someone else as beautiful. However, that same person would be perceived as food for an animal predator.[47] Yogācārins holding this view would only regard perceptual error as a case in the above case where the person perceived the other as food and the predator perceived her as beautiful. If a perception fails to adhere to these norms, they claim the object of the error is generated from awareness traces that are a product of the mind. They are juxtaposed as a form onto a present cognition. These error-cognitions that float up have no causal relation to what's currently under examination.[48] Later Yogācārins, like Dignaga and Dharmakirti, account for normal perception on this mind-dependent theory with at least there being a causal connection between what is grasped by the sense faculties and what appears in the mind. Here, no such causal relation exists. For example, in the case of perceiving the woman as an unreliable witness in Miranda Fricker's example, they would explain that the current percepts grasped by the sense faculties constructed in the current cognition accord with the form of a separate awareness unrelated to the current perceptual experience. There is nothing in reality at this moment to act as a causal basis to perceive her as being an unreliable witness.

However, this is not a satisfactory answer on the account of discursive constructionism. Discursive construction produces the standards of gendered and racial conventions upon which we

[47] Phillips, Stephen H. *Epistemology in Classical India: The Knowledge Sources of the Nyāya School*. Routledge, 2014. p. 43

[48] Matilal, Bimal Krishna. *Perception: An Essay on Classical Indian Theories of Knowledge*. 1. issued in paperback, Clarendon Press, 1991. p.184—185

judge perceptions as erroneous or veridical. This, of course, includes gendered or racial perceptions of people as they are recognized as belonging to a gendered or racial group. Looking back to the man on the bridge example, he would have correctly perceived the women as sexually available if the discursively constructed social conditions created women dressed in a certain way as a sexually available group. A more concrete example of these discursively constructed social conditions would be the association of "women" with "emotional" as opposed to "man" with "rational." Simply by her belonging to the group "women" as created by the social conditions under an oppressive system, he would have "correctly" perceived her initially as sexually available based on what she wore. Many, of course, have promoted counter-cultural narratives that disrupt the oppressive social conditions regulating the criteria of women-as-sexually available based on clothing. Nevertheless, when there are no criteria of the matter outside of the discursively produced world, perceptions defer to the social conditions and all the oppressive systems at that historical moment.

First, for Butler to gain knowledge about the world we must experience it through a matrix of language. If true, our perceptions of the world are predicated on linguistic practices. For example, in order for you to see an apple, you must already be aware of "apple" as a term. But one could object that you would still be able to see something there without knowing the word "apple." You would see it as a roughly spherical shiny red object. Even discounting all of those adjectives, the most fundamental word one could use to describe it at that point would be as a "thing" or "it," but even in the cases where those words were absent, say as, in the case of a newborn child, the person would still be able to see something there. If this is true, even if one concedes that language can inform our perceptions of the world, there is at least one case where it never does. What language does on this account makes it possible to know something as something else.

Surely, the way we use languages influences complex perceptions and depending on if one contests the infant example, it possibly permeates all our mental activity including perceptions at that level. But when we see an apple it is not the case that we see the linguistic practices giving it shape. Similarly, when we claim to see someone as a woman we do not see those linguistic or performative forces structuring the perception. Discursive constructivists take those performative practices to be working by manifesting the subject through counterfactual reasoning that if they were not present, the perceptions would substantively be different. How does she explain the phenomenally perceptual experience to the subject?

To answer that, we will turn to her theory of *who* experiences the world. Let's first ask ourselves: what is it to be a subject? Subjectivity for Butler is heavily informed by the psychoanalytic tradition of Lacan and Irigaray. The psychoanalytic subject is broadly composed of both the conscious mind and unconscious mind. However, Lacan takes up de Saussure's structuralist thesis presupposing a world already permeated by linguistic significance, which by extension conditions how the mind grasps the external world. For both scholars, the world as we know it contains a network of meaning that we come to know and engage with as we learn a language. In this sense, the world is given to us as subjects. Furthermore, the linguistically relevant mechanisms creating a meaning-laden world, namely, the signifier and the signified, are the mind's representation of reality.[49] Hence, for Lacan "[s]ubjectivity has had to emerge in a world were language is always already established."[50] The mind mirrors the social conditions of the world

[49] Saussure, Ferdinand de. *Course in General Linguistics*. Edited by Perry Meisel and Haun Saussy, Translated by Wade Baskin, Columbia University Press, 2011.

[50] Mansfield, Nick. *Subjectivity: Theories of the Self from Freud to Haraway*. New York University Press, 2000. pp. 39

which make it intelligible to us. The very conditions of the type of Being that human beings are depend upon it. Hence, to be a subject is to have become human.

However, being human is not something one is; rather, it is something one attains through an iterative discursive process called performativity[51]. The performative is an extension of the linguistically constructed world producing the existence of gendered bodies. Social scripts communicate how to read bodies in the "right" way. For example, dresses stereotypically communicate to others that the wearer is feminine.[52] What one perceives about gender has merely the presentation of a fixed biological attribute, although, ontologically the being of gender is fundamentally unstable. Notably, she emphasizes the linguistically determinant nature of *gender's ontology* and foregrounds the mutability of the use of any *gendered term* while resisting arguments that reinforce any stable *gendered categorie*s. We have covered the linguistically determinant ontology in the previous sections.

On the use of gendered terms: terms like "woman" and "man" are used as if they are able to refer to something in the world. However, Butler sees these terms as sites of critique because their referent is nothing more than something that is discursively constructed and continually in the process of coming into being. Nevertheless, gendered terms as sites of critique in no way negate their usefulness as references.[53] A quick example would be at the birth of a child the first thing a doctor or midwife might do is linguistically signify the gender of the child by saying, "it's a girl" or "it's a boy." In the spirit of J.L. Austin's work, Butler describes the perlocutionary effect of this

[51] Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. Routledge, 2006.pp. 34

[52] Much of the latter half of *Gender Trouble* discusses the subversions of this stereotype in the practice of drag. In fact, drag performances reveal the performance of gender as mere performance. For more of this, see pg. 185 - 188.

[53] Butler, Judith. *Bodies That Matter: On the Discursive Limits of "Sex."* Routledge, 2011. pp. 5

proclamation as enshrining the gender upon this person, thus, triggering the application of a network of background social practices particular to one gender or another. From this point further, the condition of this person becoming a subject, in other words human, depends on their ability to perform those gendered practices.

2.6 Pushing Back Against Discursively Produced Worlds

Butler's theory of the world has the subject interlocked in a social act-dependent relationship creating the conditions for perceiving a gendered and racial world. What does this tell us about the subject and their perception? The primary claim is that the linguistically constructed world and all possible perceptual experiences constrain the perceptions of the socially conditioned subject. This social conditioning is the experience of engaging with the world and other subjects in a particular way. For example, a discursive constructionist would say that a subject conditioned by a world to see a woman as nurturing would not necessarily be in error if they saw women as nurturing people. Conventionally, women are conditioned to perform this trait in various societies. To say that the nurturing claim is true means that the proposition aligns with the set of conditions constraining women's behaviors to make the proposition about the set of affairs true.

One could object that this is certainly not the case for all women. However, that is beside the point. Propositions about entire groups of people (stereotypes for example) are always wrong because they overgeneralize traits to every member. By contrast, our case is about the observation of one woman by one observer whose experiences have constrained them to see certain things instead of other things. One danger with this is that the socially dependent meaning of actions, as well as the mind-dependent worlds for the Yogācāra, could conceivably create multiple worlds where means conflict. This by itself happens even with direct realist frameworks. However, when there is a conflict, we need some way to adjudicate the error. It seems on the view of the Yogācāra and Butler, resolving the error would appeal to the way that being shows up as a product of either the mind-dependent reality or the socially produced acts, respectively. And that would work without problem if both views had an underlying consensus about what constitutes error and veridical awareness. Appealing to the state of affairs during the event might work so long as the subject grasps the state of affairs in the same way. That might not be the case, though. The issue with both constructivist accounts is that the skepticism about what is beyond the mental or the social informs the ontology of subjects. When the world is reduced down to the parts we as subjects create (either mentally or socially), then we put forth an ontology of the world subordinate to our grasping of the world. If that is true, in some cases, an individual act of grasping shapes the initial Being that is presented in that situation. On Butler's account at least, Being is socially derived, hence, performing it entails it is for the benefit of some audiences (in this case, some space with more than one person). We have accounts of when performances are unintelligible to a larger audience, but in cases like these, the error is in the audience failing to see the right meaning. Though, on Butler's account, how were they supposed to see that? In the case of the police shooting above, the officers who shot Diallo grasps the performance according to the racial world it created for them. As wrong as they were, it would be best to have an account of socially produced worlds that accounted for their error, as well.

2.6.1 From Constructing the World to the Perceiving Subject

So far, the majority of the chapter has revolved around the way that discourse theory, as described by Butler and in a similar way to Yogācāra linguistic constructivism, leaves us with a picture of a world in a constant state of change. As of yet, I have not said too much about perception specifically beyond the idea that any experience of perception relies heavily on how we know the world itself. A theory of the world that ascribes stability to an object's appearance toward the sense faculties is going to have a better time differentiating between perceptual fiction and perceptual fact than one where the appearance of an object before the senses is usually amorphous. Here is where we pivot toward perception specifically and the arguments in Nyāya philosophy shedding light on critiques to Butler.[54]

There is a general agreement among philosophers in India that perception is an experience (*anubhāva*) gained via the sense faculties that has as its an intentional or objectness (*viṣayatā*) character. Where there is significant divergence among Indian thinkers is how to assign perceptual experiences to the phenomenal realm and the epistemological realm.[55] I'd like my readers to hone on this point since the difference between theories of perception focusing more so on phenomenal experiences and those focusing more on epistemological experiences is at the center of delineating between perceptual fact and fiction. Phenomenal theories of perception, as we see among the Yogācāra philosophers like Vasubandhu, have great difficulty in separating the two, as I argue

---

[54] However, it's worth noting that Butler's use of discourse theory was never meant as a theory of perception; rather, what we will be discussing is an unintended consequence of her theory.. Butler's strength lies in a resistance to essentialism in any form, including biological essentialism. In doing so, she ontologically reduces the substance of gender down to a continuously constructive performance. What is most important to know is that any thought of gender being "out there in the world" is an epistemic error produced by the thoroughness with which the discourse veils our interaction with the world itself. In other words, it's entirely mind-dependent and linguistically constructed.

Butler acknowledges in *Gender Trouble* that the end goal of her work is to destabilize our intuitions of gender as a fixed category, but she went even further to question the beliefs of other feminists who wanted to retain a stable category called "women." She also questioned the efficacy of a philosophy of gender divorced from practical concerns. The fault in Butler's eyes comes down to how feminists make the decision on where to draw the boundary around the category denoted "woman." Using the term presupposes that there are subjects out there in the world to whom it applies. However, Butler believes such a category is always in flux since linguistic practices are continually negotiated and updated according to the function language needs to fulfill. That function can change depending on cultural or political trends, but suffice to say language is never static over time. Moreover, "woman" is difficult to define as a global category. Just as linguistic practices reflect a particular culture, and the world in composed of divergent cultural practices, gendered terms would vary across different regions. Hence, the task in definitively describing the boundary around the term "woman" is doomed to failure.

[55] Phillips, Stephen H. *Epistemology in Classical India: The Knowledge Sources of the Nyāya School*. Routledge, 2014. pp. 33.

Butler does as well. That is not to say that Yogācāra philosophers never developed an epistemology of perception; rather, it is the case that their idealism reduces perceptions to mere properties presented to the subject. However, there are those among Indian philosophers that skew more toward realist epistemologies like direct realism.

Butler's argument critiques a direct realist epistemology. Broadly construed, direct realism maintains that we perceive the external world as it is by grasping objects defined by their properties just as they are metaphysically constituted in the world. Often people claim direct realism is a view of "what you see is what you get." For example, let's return to the case of knowing about the computer. This time, however, we'll limit the case to just our direct realist perceptions of the machine. Direct realists believe that the computer in front of their eyes is actually the computer entity. What they reject is that they are seeing a mere mental representation of a computer, a metaphysically unknowable yet "computer" denoted entity, or some other anti-realist interpretation of the percept before their eyes. People usually only get to those opinions about perception once they've been challenged on how they know the computer in front of them is really a computer at all (circling back to the skeptics point above, albeit questioning direct realism does not always lead to outright skepticism of course). Nevertheless, direct realism does have its supporters who say that we can, in fact, know we perceive the objects presented to us *as* those objects while not reducing them to only properties, sense data, or qualia. The Indian philosophical school of Nyāya backed this position and (along with the Mīmāṃsā philosophers) critiqued the idealist positions held by Buddhist philosophers like Vasubandhu and others in the intellectual tradition of Yogācāra.

Let us now consider the Naiyāyika's theory of perception and perceptual error. To start with, they define perception as both the experience of a perceptual event and the process by which the perceptual event is produced. The perceptual event we consciously experience they called a concept-laden awareness. Perception that has a concept-laden awareness has the form of qualities located in a qualificand. These qualities are just traits that mark the object in an awareness event *as* the object. This takes the analytic form of Fa where a is the object qualifies by F-ness. For example, the apple is qualified by a red color. Perception is considered veridical if it is the case that a has F. Conversely, we have the Nyāya account of illusion. If a veridical perceptual awareness is a case of a having F, then an erroneous perception is a case of a not having F. The Naiyāyikas' realist metaphysics allow them another verification criterion of perception outside of social conventions. It must actually be the case that Fa for the perceptual event to be veridical.

Notably, perception has two meanings in Indian philosophy. One meaning defined the perceptual awareness and the other meaning defines the perceptual process. The process according to the Yogācārins is mind-dependent; however, the perceptual process for Naiyāyikas is mind-independent. Their use of process reliabilism[56] insured that any knowledge awareness, including perceptual knowledge awareness, must be generated by a mechanism producing a veridical awareness. In the case of perception, the process of producing veridical awareness involves a causal link between the sense-object and the sense faculty. For example, the sense object, apple, as seen by the sense faculty, the eye. However, perceptual illusions occur when a memory of a sense object alters the causal link between the sense-object and the sense faculty. In cases like

[56] There are many forms of reliabilism for knowledge and justification. More on that general topic can be found at Goldman, Alvin and Beddor, Bob, "Reliabilist Epistemology", *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/win2016/entries/reliabilism/>

these, the memory of an object qualifies the current awareness producing a hybrid cognition of memory and perceptual qualities. It possesses features of the memory object as well.[57]

If there is a quality qualifying the current perceptual event, there must also be a relation between qualifier and qualificand. Naiyāyikas call this the *alaukika sannikarsa* relation or non-physical relation. This is a connection made between the contents of a perceptual event gained via the sense faculties and some prior experience the subject had with a similar object under examination. The *alaukika sannikarsa* relation "fuses" the memory qualities to the current perceptual awareness to create a single (erroneous) cognition.[58]

Most importantly, the connection is between two real entities that exist in the world independent of the perceiver. Also, this is not a supposition of one object over another object in cognition as in the case of the Yogācāra account. We can take the previous example again. In this instance, the man perceives her to be sexually available because she possesses the quality "woman-ness" while her clothing, which has a contact relation to her, possesses the property of "sexual availableness." While she is qualified by the quality "women-ness," this quality along with her clothing is not in reality synonymous with the quality "being sexually available." This other "being sexually available" quality intervenes in his perception of her to produce the perceptual error.

Social construction has greatly transformed the way we understand the social systems of hierarchy to challenge established power structures upholding unethical and unjust practices. However, at its core there it also challenges our intuitive notions of perceptual veridicality and in

---

[57] Phillips, Stephen and N.S. Ramanuja Tatacharya. "FROM GAÑGESA'S TATTVACINTAMANI: DISCOURSE ON PERCEPTUAL PRESENTATION OF SOMETHING AS OTHER THAN WHAT IT IS Anyatha-khyati-vada." *Journal of Indian Philosophy* 28, No. 5/6 (DECEMBER 2000), pp. 569 https://www.jstor.org/stable/23496810

[58] Ibid, 577.

some cases leads to unwanted conclusions like allowing what should be perceptual errors as true perception. It could be the case that a weaker form of social construction does not succumb to these conclusions. It would have to be the case that a weaker form of social construction allows for some facts about the world that are not predicated on social practices. If that were the case, I believe it would better suit the pursuit of gender and racial equality than the stronger versions espoused by some theorists today.

2.7 CONCLUSION

The future of gender and race theory is at a precarious place in its history. I can say that it is somewhat frustrating to spend an abundance of time critically examining social constructs like race and gender only to find that the people who need to question their conception of these social constructs the most are already convinced they know and are unwilling to listen. At times one wonders why bother at all when most of what we do is preach to the crowd. To some, this might not be an issue since it is true that you cannot force everyone to engage. However, the obstinance some display in reexamining their own beliefs around social constructs compels me to question if we might be missing something here.

Surely, social construction and discourse theory have made an indelible impact on society (including cultural, social, ethical, and political systems) and disrupted oppressive identity-based ideas for the benefit of marginalized groups. One could hardly imagine the triumphs of the Civil Rights Movement or the push toward gender equality without first appreciating the precipitating intellectual disruption of Beauvoir, Friedan, or Lorde. That shift in the ’60s and ’70s was right for its time with the right tactics. Understanding what is contextually “right” about the historical moment and political tactics is the work for historians; however, it is plain to see that certain intellectual movements gain traction in certain historical times. The question for our moment, especially for scholars working on understanding the circulation of oppressive societal systems, is are the tactics we have used before, namely the reliance on social construction and discourse theory, still as impactful as they once were for generating critical understandings of social constructs?

I believe to answer this question we need to take seriously how we perceive social constructs as well as what we perceive. Much of the work produced concerning social construction and discourse theory aims to debunk or prove false those beliefs, which are complicit in sustaining systems of oppression. While I fully concur with the notion that beliefs complicit in systems of oppression are confused at best and outright malignant at worst, my work is not concerned with whether their beliefs align with reality or not, per se. Instead, I am interested in a move toward an intellectual reset to test tried and true tactics for their effectiveness today. I believe that it will lead toward a reassessment of how scholars working on issues of social identity approach their work.

The one thing I hope my readers will take away from the previous pages is that we need to reexamine the thought processes producing our current oppressive systems as they have changed over time. While I realize that systemic oppression is not reducible to an individual's thoughts or prejudiced beliefs, it remains the case that the reticence to changing oppressive practices lies in ideological beliefs permeating our culture as expressed through individual agents. This project seeks to understand and diagnose those perceptual and phenomenological concepts to formulate best practices for the future fight for a just world.

3 SEEING IS BELIEVING: A TURN TOWARD NOMINALISM AS IMPOSED PROPERTIES

3.1 INTRODUCTION

In chapter one, I argued that whether discourse theory's description of the social world is an accurate ontological theory is beside the point. What should matter is if the theory can provide a stable account of our perceptions *such that it can separate veridical from illusory experiences*. Of import in this case is that the theory describes the social forces at work to create perceptions of gender, race, etc. While social construction generally speaking could accomplish this, discourse theory, on the other hand, relies more on the performative acts that continually shift the basis for perceptions in a way that makes the epistemic marker of "illusion" indefinite at best. The actions of institutions and individuals are what make the social world appear as it does depending on the position one is forced to adopt within a limited set of available social roles. Acting in those roles reinforces in turn the proliferation of the social world. It is worth noting that a theory of social construction dependent on ideology focuses on the spread of *beliefs* that support the creation and perpetuation of social roles but lacks any emphasis on the acts that come from those beliefs. However, much like discourse theory, ideological critiques on social construction are "too in the head" for them to accord with perceptual experiences, too. For this, we could, for example, take up the Foucauldian archeology of ideas[59] for sexism and trace its roots and its spread throughout

[59] While many of Foucault's works demonstrate his method of excavating historical and cultural shifts for where power generates society's structure, his book, *The Order of Things*, is perhaps the best example of his archology of ideas method of investigation and critique. See his book here, Foucault, Michel. *The Order of Things: An Archaeology of the Human Sciences*. Vintage books edition, Vintage Books, 1994.

history under different cultural paradigms to uncover what veridical and illusory perception amounts to. However, it would not explain how to separate conditioned prejudiced perceptions from unprejudiced ones.

In this chapter, I will examine Naiyāyika nominalism to argue that discursively constructed properties must be at their foundation predicated on brute facts according with the metaphysical state of the world. Moreover, we can deconstruct those properties to show how they fit together to give us the constellation of our perceptions. I aim to offer this theory as a therapeutic means toward separating veridical and illusory perceptions from each other while retaining the ontological critique of biological essentialism through socially constructed kinds.

There are several reasons why this is important:

1. Theory is only as good as its use to us. Hence, if discourse theory leads us away from the ability to say which perceptions are correct or are in error based on the entire world being an illusory construct, then we should look for alternative explanations to account for veridical and prejudiced perceptions.
2. We should look to alternative explanations if a theory's use cannot be proven impactful. The effect of discourse theory outside of the academy is limited because it does not account for "commonsense" accounts of perception. This might not be an important criterion for most realms of philosophy, especially any field that is primarily theoretical, however, for social and political philosophy I believe it is a strict requirement.

Concerning the first claim, while theories are explanations of phenomena, they are also explanations to an end. We can look to another academic field that is currently undergoing radical revisions in response to long-held theories being overturned: psychology. Let's say that they have to explain, for example, psychotic breaks in a patient. Naturally, the researcher might look toward the brain and speculate about chemical imbalances just as they do with other mental illnesses like depression and anxiety.[60] However, in people with schizophrenia, the chemical imbalance theory does not yield as many favorable outcomes when you give them similar types of medication to correct an alleged imbalance. The theory must be wrong (or at the very least incomplete) since it does not work as well in this population. However, there have been some advancements in this area showing a connection between the gut biome in people with schizophrenia and their mental illness. Researchers have discovered that people with similar gut biomes have the conditions whereas people lacking the specific type of bacteria in their intestines do not have schizophrenia.[61] This theory seems to be more useful as to the origins of the disease.

Now, what if we look at the disease of systemic oppression in the same way? Discourse theory, a subset of social construction, has been circulating for decades as a tool for us to understand the origin of – and counter to – oppression. But if anything, recently the current recidivism toward ultra-conservative political policies (world-wide)[62] reveals that the theory about

---

[60] Ban, T. A. "Pharmacotherapy of Depression: A Historical Analysis." *Journal of Neural Transmission*, vol. 108, no. 6, June 2001, pp. 707–16, doi:10.1007/s007020170047.

Hess, E. J., et al. "Dopamine Receptor Subtype Imbalance in Schizophrenia." *Life Sciences*, vol. 40, no. 15, Apr. 1987, pp. 1487–97. *PubMed*, doi:10.1016/0024-3205(87)90381-x.

Oke, Arvin F., and Ralph N. Adams. "Elevated Thalamic Dopamine: Possible Link to Sensory Dysfunctions in Schizophrenia." *Schizophrenia Bulletin*, vol. 13, no. 4, Jan. 1987, pp. 589–604, doi:10.1093/schbul/13.4.589.

[61] Dinan, T. G., et al. "Genomics of Schizophrenia: Time to Consider the Gut Microbiome?" *Molecular Psychiatry*, vol. 19, no. 12, Dec. 2014, pp. 1252–57. *DOI.org (Crossref)*, doi:10.1038/mp.2014.93.

Jablensky, Assen. "The Diagnostic Concept of Schizophrenia: Its History, Evolution, and Future Prospects." *Dialogues in Clinical Neuroscience*, vol. 12, no. 3, 2010, pp. 271–87.

Severance, Emily G., et al. "Gastroenterology Issues in Schizophrenia: Why the Gut Matters." *Current Psychiatry Reports*, vol. 17, no. 5, May 2015, p. 27. *DOI.org (Crossref)*, doi:10.1007/s11920-015-0574-0.

[62] "Europe and Right-Wing Nationalism: A Country-by-Country Guide." *BBC News*, 13 Nov. 2019, https://www.bbc.com/news/world-europe-36130006.

Theoharis, Liz. "The Rise of Christian Nationalism in America." *Salon*, 4 Oct. 2020, https://www.salon.com/2020/10/04/the-rise-of-christian-nationalism-in-america-_partner/.

how to influence the world toward less oppressive circumstances is not working. In fact, if it were so obvious that hegemonic forces were negatively affecting the majority of people, then it would be easier to make that appeal to the public and show them that voting in favor of politicians and policies that oppose systemic oppression. This leads me to the second reason that the subjective lived experiences are integral for a theory of the social world: we need a working theory of oppression that will make a successful appeal to the public. Therefore, it must speak to their actual experiences. Discourse theory, while persuasive to many academics, suffers from abstracting away from how we perceive the world and leans heavily on an anti-realist framework. In other words, the argument behind discourse theory rests on convincing you that your lived experiences are a metaphysical and epistemological falsehood. Now, while many of us (myself included) have found this claim as a source of liberation from oppressive systems – for example, many find value in knowing that gender is a social construct and not in any way an indication of one's social or cultural destiny – many others are frustrated by the disconnect between the mythology of social kinds and the tangibly real effects of them in their daily lives. I will argue in this chapter that any theory of the social world ought to accord with our ordinary experiences rather than with an anti-realist framework. While this brief introduction has been a lamentation on why academics have failed in providing a useful theory resisting systemic oppression, the remainder of this chapter is focused on nominalism as a possible solution.

If social construction will not get feminists or anti-racists a firm political basis to build a future based on equality, then we need a theory that can account for socially amorphous hierarchical roles and also explains the realness through which it manifests. Nominalism is my suggestion on how we get there. Naiyāyika nominalism delineates between universals (a fundamentally real but a vanishingly small metaphysical category accounting for a minority of our perceptual experiences) and anthropomorphic nominal properties (a non-real and derivative metaphysical group that makes up the vast majority of our perceptual experiences). The advantages of this theory are its focus on the perceived social world and the subjective experiences of social kinds. The Naiyāyika nominalist theory with their direct realist framework can explain socially constructed unreal objects all while maintaining a common-sense theory of perception. Why direct realism? Aside from philosophers, the majority of people believe that what they see is truly there, unmediated and just as it appears to them. Whether you or I believe the same thing is beside the point. The most important thing for this project is to get as close to the experiences of the ordinary person as possible to demonstrate the irrefutable truth of systemic oppression in ordinary experience. Much of this work is found in the concept of *upādhi*s, or nominal properties in Nyāya. Their philosophy makes no perceptual distinction between universals and *upādhi*s, however, the difference between them lies in their metaphysical status.

The chapter will proceed first with an examination of nominalism and universals in the western canon to orient western philosophers toward the Naiyāyika system. I will review the context in which the Naiyāyikas developed their theory and their defense of *upādhi*s against their interlocutors. These first two sections will lay the background for arguing the application of nominalism to a theory of social kinds.

3.2 For and Against Nominalism

In this section, we will review the broad conceptual boundaries of a nominalist position and evaluate its strengths and its weaknesses according to its opponents. We will end with the Naiyāyika position against the metaphysical objections of their Buddhist interlocutors before moving onto the next section on the nominalist application to contemporary gendered and racial social kinds.

In the western canon, nominalism is commonly categorized as a rejection of either universal properties or abstract objects.[63] All three – nominalism, abstract objects, and universals – are various philosophers' attempts to explain commonality between entities. For example, it is natural to say that the coffee table in my living room and the dining table in my dining room are both tables. Even though the coffee table has four legs and is about at shin-height while the dining room table has five legs and a little shorter than waist-height, they are of the same type of entity. We could go more into the color differences between the two and the different types of materials they are made of, but it would not matter for identifying that both of these entities are tables. Nominalism, abstract entities, and universals each have divergent explanations for why they are the same kind of entity.

Universals explain the commonality between entities by claiming that there exists a shared property in all kinds of the same thing. In the example of the table above there is a shared property of "tableness" in both the coffee table and the dining room table. We could further define "tableness" if we chose, and doing so we take us in the divergent theories of universals in various traditions. Naiyāyikas believes that universals were shared properties located in individuals entities. In addition, Annambhatta defines universals (*sāmānya* or *jāti*) in the *Tarkasamgraha* as having the following qualities:

1. Universals must be eternal
2. Universals must be unitary

[63] Rodriguez-Pereyra, Gonzalo. "Nominalism in Metaphysics." *Stanford Encyclepedia of Philosophy*, 1 Apr. 2015, https://plato.stanford.edu/entries/nominalism-metaphysics/.

3. Universals must exist in a plurality of substances, qualities, or motions.[64]

The first two criteria support the Naiyāyika view that universals are irreducibly simple instances of a property while the first criteria reaffirm that they exist independent of human activity. It existed before human thought and will continue to exist long after. For example, the universal of "solid" is independent of human activity, represents a unitary property (in other words, it is not a compound of other properties), and exists in many substances. While we can come to know about universals through the instances of them in each object, Naiyāyikas do not describe universals as abstract objects existing either conceptually or in a transcendental space. They are concrete in that we could perceive them with our sense faculties and interact with them like all other real things. What makes them universals is that we could sense the same property in two or more locations at a time. Just like I can sense my coffee *table* and dining room *table* simultaneously.[65] On the other hand, Plato famously thought that Ideals, or abstract objects, were the entities that gave all concrete entities their being (albeit in an imperfect way). "Tableness" is a property encompassing the perfect expression of all tables. Tables are imitated from this ideal in an imperfect manifestation. Notably, unlike Naiyāyikas, Platonic ideals are abstract.[66]

We need a few more pieces in place before we can get the nominalist picture fully fleshed out, and that comes down to the meaning of concrete and abstract objects. Concrete objects are entities that have a physical presence to which a word refers. Conversely, words describing abstract objects refer to entities without a physical presence. A quick example would be the difference

[64] Annambhaṭṭa. *Tarkasaṃgrahadīpikā on Tarkasaṃgraha (The Manual of Reason)*. Translated by Bhattacharya, G., Progressive Publishers, 1983. pg. 82

[65] Motilal, B. K. "The Intensional Character of Laksana and Samkara in Navya-Nyāya." *Indo-Iranian Journal*, vol. 8, no. 2, June 1964, pp. 93–94, doi:10.1007/BF00156210.

[66] Plato. "Book VI." *Plato: Complete Works*, edited by John M. Cooper and D. S. Hutchinson, Hackett Pub, 1997, pp. 1107–32.

between the use of thirteen as a number (an abstract object without a physical referent) or thirteen apples (a term referring to the physical fruit). We see here the universals, depending on how one defines their theory of commonality, can explain sameness as either a concrete property as the Naiyāyikas do or as abstract properties as Plato does. If it is difficult to see a number as an object at all (even an abstract one), take the example of soccer. I could talk about soccer as the game on TV right now or I could talk about it as the game of soccer, generally speaking. Both act as an object grammatically of course, but metaphysically you could conceive of soccer as an abstract property existing in every instance of soccer.

There is one last subject to clarify about nominalism and universals. Nominalism may reject universals generally as well as abstract objects. Nominalism claims that the common properties between entities are a shared concept circulating in a common framework. Conversely, they do not exist outside of our shared practices and conceptual frameworks. In other words, it is all in our heads (albeit, still very useful for discussing objects on a day to day basis). To be clear nominalism is not a rejection of abstract ideas like numbers, soccer, etc. Instead, it rejects the explanation of them as abstract or universal properties. In the "What is Nominalism" section of the SEP article on "Nominalism and Metaphysics," Rodriguez-Pereyra explains that:

> "[w]hat Nominalism finds uncongenial in entities like properties, numbers, possible worlds and propositions is that they are supposed to be universals or abstract objects. Thus, the mere rejection of properties, numbers, possible worlds, propositions, etc., does not make one a nominalist – to be a nominalist one needs to reject them because they are supposed to be universals or abstract objects."[67]

Why would someone reject universals? For the nominalist, the rejection of universals amounts to a rejection of the meaning of properties outside of the anthropocentric concepts we

[67] Gonzalo Rodriguez-Pereyra. "Nominalism in Metaphysics." *Stanford Encyclepedia of Philosophy*, edited by Edward N. Zalta, Summer Edition 2019, https://plato.stanford.edu/archives/sum2019/entries/nominalism-metaphysics/.

create. In this way, it is a form of anti-realism. Much like in the last chapter where we discussed the appeal of and rejection of an anti-realist metaphysical framework for social kinds, nominalism takes on a similar position broadly speaking; however, their position embraces particulars so long as they are dependent on human concepts, not concrete or abstract objects. The nominalist will accept that the commonality between entities exists in so far as our shared conceptual and linguistic framework supports such a commonality. The benefit of this view over universals is that you do not have to instantiate any other entity's existence to explain sameness. Rather, they simplify the phenomena of sameness to a conceptual practice.

At this point, I imagine my reader will be confused as to why I spent the whole first chapter writing against anti-realism and purely conceptual frameworks of oppression only to circle back and advance the same strategy here. The reason for this is that the nominalist tactic, at least the nominalism allowed by Naiyāyikas, depends heavily on the ordinary perception. It is at this point that I would like to pivot to nominalism in the Nyāya tradition to explain its theory of social kinds and its potential for a pragmatic way forward against systemic oppression.

3.3 NOMINALISM AND NYĀYA

Before we get too far ahead, I need to be very clear about one thing regarding Nyāya metaphysics: Naiyāyikas are not nominalists primarily. In fact, in the world of Indian philosophy, they might just be the furthest thing from it (their fellow realist, the Mīmāṃsīkas, notwithstanding). Naiyāyikas have spent the majority of their philosophical existence arguing against the nominalist opponents like the Buddhist philosophers. The Buddhist philosophers of importance for this chapter are the Yogācāra Buddhists and the Abhidharma Buddhists. Metaphysically speaking, they hold very different positions concerning the constituent parts of worldly experience; however, the one philosophical tenet that makes them both fall under the Buddhist umbrella is that they argue the world is an illusion and the objects we think are real (as in they appear before our sense faculties as real) are mentally generated sensations organized by either linguistic or psychological forces. Naiyāyikas responded that the world is constituted by mind-independent objects and that those objects were produced from relations between universals, substances, and properties. As Jay Garfield points out:

> "[I]n the Nyāya-influenced logico-semantic context in which these debates [in the Vigrahavyāvartanī] originate, the dominant view of meaningful assertion (the one that Nāgārjuna calls into question) is one that from our vantage point can best be characterized as a version of Fregean realism: meaningful assertions are meaningful because they denote or express independently existent properties. A proposition is the pervasion of an individual entity or groups of entities by a real universal or sequence of universals."[68]

There were a few exceptions to their realist position on objects, though. *Upādhi*s (the anthropocentric nominal properties) were one of them. In this section, I will cover the Naiyayika position on universals, some nominalist counterarguments from our two Buddhist interlocutors, and finally make a defense of the use of *upādhi*s in light of those Buddhist challenges.

3.3.1 **Vaiśeṣika Metaphysics and the Fundamentals Parts of Our World**

To get to the Naiyāyika position on universals, we must begin with another philosophical tradition, Vaiśeṣika. Vaiśeṣika is both a sister tradition to Nyāya and the source for their metaphysical theories. Kaṇāda Kashyapa wrote the Vaiśeṣika Sutra somewhere between the 6th to 2nd century BCE. They became known for their theories on atomism and the classification of substances. Much of my use of universals pertain to their specific Nyāya definition; however,

---

[68] Garfield, Jay L. "Emptiness and Positionlessness." Journal of Indian Philosophy and Religion, vol. 1, 1996, pp. 12. Any larger discussion of the Vigrahavyāvartanī/the Nyāya school debate is beyond the scope of this project, however, for more on this topic see Bhattacharya, Kamaleswar. "Nāgārjuna's Vigrahavyāvartanī." *Encyclopedia of Indian Philosophies*, edited by Karl Potter, vol. 8, Motilal Banarsidass, pp. 124–33., Bhattacharya, Kamaleswar. "On the Relationship between the Vigrahavyāvartanī and the Nyāyasūtras." *Journal of Indo-European Studies*, vol. 5, no. 2–3, 1977, pp. 265–73. and Annette Meuthrath. *Die Nāgārjuna Zugeschriebene Vigrahavyāvartanī Und Die Nyāyasūtras: Eine Untersuchung Des Verhältnisses Beider Texte Zueinander*. Dr. Inge Wezler Verlag für Orientalistische Fachpublikationen, 1999.

the foundations of what can and what cannot be a universal depends on the Vaiśeṣika categories of substances and atoms. Hence, we need a rough and ready overview of Vaiśeṣika metaphysics now.

Vaiśeṣika describes only six classes of entities constituting the world: substance (*dravya*), quality or particulars (*guṇa*), motion or activity (*karma*), universal (*sāmānya, jāti*), individuator (*viśeṣa*), inherence (*samavāya*) and absence (*ābhāva*).[69] All of these classes are further broken down into the types of entities populating the class, and while it would be interesting to go through why Kaṇāda made these classes in particular, it would take much more time than this current chapter allows for. However, what is important for these classes and the chapter as a whole is keeping track of dependencies and how each entity is related to another. A quick example would be that substances have an independent existence. Particulars do not. They must be instantiated in a substance, therefore, the existence of particulars depends on the existence of substances. Inherence, however, is a class of one and describes the relation between two things where one is located in the other (with an exception to absence relations). Where there is collocation, there is inherence. Unlike substances, universals do not have anything inherent in them. They instead can inhere in multiple things. The 'individuator' (*viśeṣa*) is what makes an atom the simplest fundamental entity. It inheres in individual atoms distinguishing them from other kinds of atoms to explain why different types exist.[70]

The final part of the Vaiśeṣika picture needed here is their explanations of atoms. Atoms (*aṇu*) make up the fundamental building blocks of the world for Vaiśeṣika s. They define them as

[69] Udayana. *Kirṇāvali by Udayanācarya with the Commentary of Vardhamanopadhyāya*. Edited by Mahāmahopādhyāya Śiva Chandra Sārvabhouma, Asiatic Society of Bengal, 1911. pp. 4

[70] Ganeri, Jonardon. *Philosophy in Classical India: Proper Work of Reason*. Routledge, 2001. pp.73

being unproduced, imperishable, and irreducibly simple substances.[71] They can exist independently of other entities, as well. When they combine, they give form to every other entity in the universe. The only difference between entity A and entity B for a Vaiśeṣika is that their arrangement of atoms is different. Thus, we can further divide the kinds of substances Vaiśeṣika s describe into two groups: simple substances and compound substances. Simple substances like the atom are permanent and unchanging while compound substances are impermanent and changeable. An example of this is when you burn a piece of paper, it changes its form, but the atoms constituting the paper would always remain.

3.3.2 Nyāya Universals

The Vaiśeṣika picture above emphasizes that they found describing the fundamental parts of the world philosophically important. The categories simplified all entities into just 7 kinds of things. In addition, Atoms were the simplest for a substance could take. Universals inhered in every substance, which we perceived through particulars. Likewise, when Naiyāyika philosophers pick up Vaiśeṣika metaphysics, we see a similar interest in categorizing the fundamental parts of the world. However, Naiyāyikas are primarily epistemologist, not metaphysicians. Therefore, the kinds of questions they are asking about the world's fundamentals are slightly different. Naiyāyikas (especially Navya-Naiyāyikas beginning around the 11th century CE) are primarily concerned with the connections we have conceptually drawn between properties and substances. These relationships are not merely conceptual, however. They mirror the metaphysical reality Vaiśeṣika s elaborated before. Naiyāyikas, still make space in their philosophy for the constructive force of conceptualization. They must if they want to allow for human error in perception.

[71] Matilal, Bimal Krishna. *Nyāya-Vaiśeṣika*. Harrassowitz, 1977. pp. 70

Otherwise, if the relationships conceived by the agent always mirrored the relations in the world, then an agent's perception of a rope as a snake would be a veridical experience. Naiyāyikas explain perceptual errors of this sort by tracking relationships between particulars and substances, but they also find tracking those relationships to be useful in describing not just conceptual error, but metaphysical states as well. To them, depending on the relationship, some things are more real than others and we can come to know how real something is by these relationships. One way to differentiate realness between one object and another is to look at universals versus nominal properties like *upādhi*s.

Distinguishing genuine universals from nominal properties depends on a few criteria. Naiyāyikas defined defeaters (*jāti-bādhaka*s) for eliminating a pseudo-universal (*upādhi*s) from the category of true universals. There are six defeaters in total.

1. The defect of identical scope – True universals encompass the scope of only one property. In this case, a pseudo-universal will have an identical extension in scope as another universal.
    a. Example of a true universal: solidity
    b. Examples of pseudo-universals: black community-ness and African American community-ness
2. The defect of a partial overlap in scope – True universals will not have any part of their scope overlap with another universal.
    a. Example of a true universal: solidity
    b. Examples of pseudo-universals: Womanhood, niece-hood, daughterhood, etc.

3. The defect of uniqueness – A true universal must be located in more than one locatee. A pseudo-universal is unique and is only instantiated in one instance.[72]
    a. Example of a true universal: personhood
    b. Example of a pseudo-universal: [“personal name”]hood
4. The defect of infinite regress – Universal-hood, meaning a universal of universals, should be rejected as a true universal. If that were allowed, universal-hood would have its own universal-hood-hood supervening on the lower universals scope. This could potentially go on forever. Moreover, while there may be a conceptual interest in the idea of a universal of universals, there is no metaphysical reason to assume that must be the case.[73]
    a. Example of a true universal: solidity
    b. Example of a pseudo-universal: solidity-ness
5. The defect of a universals of difference – universals explain the sameness between the properties of entities. If this is true, a universal of difference, being the scope of all things un-alike, is conceptually incoherent.
    a. Example of a true universal: sameness
    b. Example of a pseudo-universal: different-ness
6. The defect of the universal of inherence – If the universal of inherence were allowed as a true universal, it would result in a vicious regress. Inherence is defined as when any property is located in a substance such that they are inseparable. Think of the red color of

[72] Jonardon Ganeri. “Analytic Philosophy in Early Modern India.” *Stanford Encyclopedia of Philosophy*, 29 May 2019, https://plato.stanford.edu/entries/early-modern-india/.

[73] Chakrabarti, Kisor Kumar, and Society for Indian Philosophy and Religion. “The Nyaya-Vaisesika Theory of Universals:” *Journal of Indian Philosophy and Religion*, vol. 21, 2016, pp. 72–102. *DOI.org (Crossref)*, doi:10.5840/jipr2016215. pp. 375 - 376

a Red Delicious Apple where red cannot be separated from the fruit. With this definition on hand, let's suppose there was a universal of inherence to see where the problem lies. If there were a universal of inherence, then the universal would be qualified by an inseparable relationship. However, the inseparable relationship would also be a member of the universal, which would also then define the nature of the universal again and need to be a token of the universal. This would go on and on. For this reason, Naiyāyikas prohibit a universal of inherence.[74]

*Upādhi*s, the nominal property by Naiyāyikas, violated one or more of these above defeaters. However, they are not perceptually differentiated from universals when we grasp them. This means that the only difference between an *upādhi* and a true universal is that we conceptually differentiate them from one another based on the above principles, but phenomenologically they are identical in function.[75]

3.3.3 **Why not Buddhist Nominalism?**

As mentioned previously, Buddhists are well-known nominalist philosophers in the Indian tradition. In this section, we will review two philosophical traditions among the Buddhists to see how they made an argument against their Nyāya opponents, which will lead us into the Nyāya rejoinder in favor of *upādhi*s. I will examine both the Abhidharma and Yogācāra traditions here.

The Abhidharma tradition of Buddhist philosophy predates the Yogācāra tradition and comes to influence the latter's metaphysical positions, if only in the sense that a commentary on

---

[74] Ibid. 372 – 379; Jonardon Ganeri. "Analytic Philosophy in Early Modern India." *Stanford Encyclopedia of Philosophy*, 29 May 2019, https://plato.stanford.edu/entries/early-modern-india/.

[75] Matilal, Bimal Krishna. *Perception: An Essay on Classical Indian Theories of Knowledge*. 1. issued in paperback, Clarendon Press, 1991. pp. 344 - 345

its founding text was interpreted in favor of a Yogācāra perspective. Vasubandhu was a prolific philosopher writing on a variety of topics, and as we have covered in the previous chapter, he wrote the formative philosophical treatises of the Yogācāra tradition of mind-dependent idealism and linguistic constructivism. That said, he is also well known for his commentary on the Abhidharmakośa, called the Abhidharmakośabhaṣya, which describes a Buddhist tradition interested in the metaphysical foundations of the world in psychological phenomena conceptually projected from atoms. In other words, the whole entity has only a nominal existence while the parts, or atoms, have a substantive existence.

The Abhidharmakośa oscillates between the philosophical perspectives of the Sautrantikas, the Sarvastivadins, and the precursors to the Yogācārins, the Vijñavadins. Sautrantikas, meaning the followers of the *sutra*s, hold that the orthodox Buddhist sutras are the primary authoritative text for their theological and philosophical claims as opposed to other Buddhist texts. A key issue of dispute regards the interpretation of the momentariness of existence. Sautrantikas argued that entities only emerge in an infinitesimally small moment and are extinguished in the next. There is a series of these moments of existence that when viewed in secession gives the impression of continuous existence.[76] In this sense, there is only the present whereas past and future are conceptual errors. Sarvastivadins, who held the commentaries on the Buddhist sutras as the higher authority, disagreed and responded that entities could exist partially in the past, present, and future simultaneously.[77] Lastly, the incipient gestures toward Yogācāra regarding the constitutive force of language are also found in this text thanks to Vasubandhu. It is clear why the Abhidharmakośa

[76] Ganeri, Jonardon. *The Concealed Art of the Soul: Theories of Self and Practices of Truth in Indian Ethics and Epistemology*. Oxford University Press, 2007. pp. 162 - 163

[77] Hall, Bruce Cameron. *Vasubandhu on "Aggregates, Spheres, and Components" :Being Chapter One of the Abhidharmakosa*. Harvard University, PhD Dissertation, 1983, http://id.lib.harvard.edu/alma/990011568930203941/catalog. ProQuest. pp. 91 - 93

and the Abhidharmakośabhashya commentary by Vasubandhu is one of the more important texts in the Buddhist philosophical tradition.

The reading of the Abhidharmakośabhasya we are interested in for this project regards the Sarvastivadin interpretation of nominal properties. The metaphysical world, according to the Sarvastivadins, is made of atomic entities that we grasp in a nominal form influenced by psychological features of our consciousness. These are known as the *skandhas* or aggregates that encompass our phenomenal experience of the Self.[78] They are five in total:

1. form (*rūpa*) – the phenomenal expression of materiality
2. sensations (*vedanā*) – internal and external feelings
3. perceptions (*samjñā*) – grasping information with the sense faculties
4. mental activity or formations (*saṃkhāra*) – grasping information through cognizing about other entities or ideas, self-reflection on previously cognized objects or ideas, and memories of past events
5. consciousness (*vijñana*) – self-awareness.

Taken together these five aggregates explain the cognition of a Self without succumbing to the faults, according to Buddhists, that the Naiyāyikas theory of Self falls into. Notably, most of these are mental attributes with the phenomenal manifestation of *rūpa* being the exception. The metaphysical status form (*rūpa*) is closely tied to the sense faculties and depends on which is employed to define the form's contours. In this sense, form can be visual, tangible, pungent,

[78]Ibid. pp. 57

audible, or flavorful.[79] While the Naiyāyikas also agree that the sense faculties pick out the entities of our world, they will claim that they exist independently of our mental activities.

Hence, the Abhidharmikas differentiate between the substantively existent entities on a fundamental level (*svalaksaṇa*)[80] and the nominally or phenomenologically existent entities that our senses grasp through perception. While this seems similar to the theory of the Vaiśeṣika atomist position, the key difference between them and the Abhidharmika Sarvastivadin view is that the metaphysical status of the atom in the latter's theory possesses its own character (*svalaksaṇa*), which is the causal force generating the phenomenal manifestation of the form.[81] Vaiśeṣikas, on the other hand, will state that an atom possesses a nature and its own material existence.[82]

---

[79] Ibid. 61 - 62

[80] Matilal, Bimal Krishna. *Perception: An Essay on Classical Indian Theories of Knowledge*. 1. issued in paperback, Clarendon Press, 1991. pp. 243-245

[81] It is clear why the Sarvastivadins would prefer this view in light of the canonical tenet of momentariness. They commit themselves to a phenomenologically contiguous appearance of entities, which accords with the error in believing existence continues from one moment to the next. However, they stop short of completely jettisoning any metaphysical foundation for these phenomena. This is largely to avoid the unwanted consequence of a causally unfounded manifestation for entities. Yogacara Buddhist face a similar criticism wherein denying the reality of the world and asserting that we erroneously perceive it instead, they both must explain what causes those perceptions to manifest. Much like other solipsistic philosophies, they treat these as helpful fictions to justify their apophatic stance on the material world. Otherwise, they are didactic tools to facilitate a philosophical discussion on metaphysical points. For example, many scholars of Buddhist philosophy have written about the role of causality in Dignaga and Dharmakirti where their official stance on the matter mirrors that of Hume (i.e. in that causality is a series of assumptions about the material world without objective evidence to support its reality). However, at other times they vigorously defend a causal theory in order to reveal a flaw in an opponents position. The strategy seems to be purely pragmatic in nature in spite of the thoroughness of their picture of causality. That said, the underlying picture of Adhidharma relies on the mind to construct the entities we experience. Furthermore, if those entities are said to be similar in some way, then it stand that for an Abhdharmika those similarities are generated by the mind in a similar fashion. For more on Sarvastivadin and Yogacara Buddhist theories on causation, see Brendan S. Gillon, and Richard P. Hayes. "Dharmakīrti on the Role of Causation in Inference as Presented in 'Pramāṇavārttika Svopajñavṛtti' 11—38." *Journal of Indian Philosophy*, vol. 36, no. 3, Springer, 2008, pp. 335–404, doi:10.1007/s10781-008-9034-z.;Mark Siderits. "Causation, 'Humean' Causation and Emptiness." *Journal of Indian Philosophy*, vol. 42, no. 4, Springer, 2014, pp. 433–49, doi:10.1007/s10781-013-9206-3.; Moriyama, Seitetsu. "Jñānagarbha's Criticism of Dharmakīrti's Causation Based on Apoha Theory." *Indogaku Bukkyōgaku Kenkyū*, vol. 68, no. 3, 2020, pp. 1200–07, doi:10.4259/ibk.68.3_1200.

[82] Ganeri, Jonardon. *Philosophy in Classical India: Proper Work of Reason*. Routledge, 2001. pp. 72.

It might be tempting to call the Abhidharmika picture representationalist nominalism. However, this assumption is unfounded. Matilal comments on this in the following passage:

> For the Buddhist does not say here that we indirectly or mediately become aware of the gross pot, or what he calls a blue expanse. Rather, we become directly aware of the *gross* coloured shape or the blue expanse which we call a pot and, what is more, there is nothing further than this in the material side besides such gross sensibilia as are created out of atom clusters. This direct awareness of the blue is however suspect, because the gross blue is a fake object. To be sure, the epistemological problem for representationalism is to see whether the skepticism about the existence and the ultimate nature of the external objects can be answered or refuted. The Buddhists, at least the [Sarvastivadins], seem to have been sure that we know that external objects exist and we know that they are ultimately atomic (hence imperceptible), and that the atoms come together to generate the gross expanse which we see.[83]

For Abhidharmikas, grasping the particular allows the agent to cognize the real part of the whole as well as the nominal property.[84]

Now that we have a rough and ready understanding of the Buddhist Abhidharmika stance on nominalism, why not utilize an Abhidharmikas version of nominalism for my argument? There are a few deficiencies for its application to contemporary theories of race and gender. First, the use of mental capacities to formulate phenomenal manifestations of the world is too close to a structuralist notion of constructing reality. Like Barthes or Levi-Strauss suggested much later in the western tradition of philosophy, Abhidharmikas argued that the world came into being based on preexisting mental constraints limiting the appearance of various entities. While this could be advantageous in extrapolating on the role of mental faculties in giving meaning to the world, it falls short in explaining a path forward for structural change. For if all meaning is given to us before participating in any particular structure, then interrupting that structure seems to be impossible. Any subsequent intervention builds in the structures before it. And when our goal is

[83] Matilal, Bimal Krishna. *Perception: An Essay on Classical Indian Theories of Knowledge*. 1. issued in paperback, Clarendon Press, 1991. pp. 243

[84] Ibid. pp.290

to disrupt an oppressive systemic force, we need a better theory to work from. The last point in rejecting the Abhidharmika approach deals with where these mental capacities come from. As is well known, our Selves (albeit an illusory phenomenon to them) are continually manifested and destroyed due to the momentariness of all things. Even if Sarvastivadins suggest a single entity can exist in the past, present, and future simultaneously in one moment, there is no escaping the rigidity of an unbroken chain of mental capacities (like the skandhas) preceding your current existence. This is because of the pervasive belief in dependent origination. There is no beginning to you nor an end. Hence, since the nominal properties begin in the mental capacities and they go back in an infinite line, there is little salvific potential for breaking out of the current mental constraints outside of rejecting the world outright (i.e. nirvana).

The Yogācāra tradition similarly uses a nominalist theory to explain the appearance of entities in the world; however, their view relies more on the constructive capacity of language than it does on the constructive capacity of our mental faculties. In this way, it mirrors discursively produced worlds more so than the Abhidharmikas. I will not belabor the point too much here since I have talked quite a bit about the discursive theory of the Yogācāras in the previous chapter. Still, there are a few things worth noting in relation to what they mean by nominalism.

Yogācāras argue that the commonality between entities comes from convention. The iterative use of a word to identify one entity as similar to another does pick out a universal-like explanatory concept for them. They have to allow this much so that when seeing a table-like entity we can say it is a table. When our sense faculties come into contact with the table, we can draw upon the helpful fiction of a universal to explain why the term applied to this iteration of a table like all the rest in that class. However, as expected from the Buddhists, universals, in this case, are an error in thinking. Dharmakirti claims that real particulars are the causes of perceptual experiences.[85] These particulars are similar to sense data in that they are that which become processed into perceptual experiences but are not identical with any entity they we cognize, but they are the mere cause of such experiences. What the entities are outside of sense data is not discernable. Nevertheless, Dharmakirti holds that these causes of our perceptions are real and unknowable as things-in-themselves. This is because we only have knowledge via linguistically shaping these data into comprehensible forms.[86] His theory allows for perception to grasp something real in this case that exists in the world. A surprising result from a Buddhist who claims the world is mere illusion! However, the reality of the world is inconceivable without language. Hence, there is a large gap between the reality of the world as it is and what we come to know about it via linguistic construction. The relation between what there is and what appears before us seems to the non-existent. As Matilal says, "[i]n other words, the verbal thought that we may have, after the sensory perception of IT, is not a perceptual experience, but only a verbalized conceptual thought."[87]

On both accounts, I find the Buddhist account to be lacking primarily because of their lack of connection between the unreality of nominal properties and the real world. The point of this project is to acknowledge the reality of oppressive systems that feel real to us. When we can do that with a realist philosophy without telling people that their world is false or misleading them, we must do so. Continuing to deny that the world has an epistemologically external basis gives into narratives that oppression is only an idea in our head, or in the worst case, it leads people to

[85] Hugon, Pascale. "Is Dharmakīrti Grabbing the Rabbit by the Horns? A Reassessment of the Scope of Prameya in Dharmakīrtian Epistemology." *Journal of Indian Philosophy*, vol. 39, no. 4/5, Springer, 2011, pp. 367–89, doi:10.1007/s10781-011-9137-9. pp. 369 - 370

[86] Ibid. 377.

[87] Matilal, Bimal Krishna. *Perception: An Essay on Classical Indian Theories of Knowledge*. 1. issued in paperback, Clarendon Press, 1991. pp. 320

deny its existence altogether. We need a theory of oppressive systems that can incorporate the common real experiences of the oppressed and does not budge on the phenomenological *and* the metaphysical realities they face based on being targeted by their identity.

3.4 NYĀYA NOMINALISM

The advantage of nominalism in the Nyāya tradition is that while the *upādhi*s, or nominal properties, are not metaphysically real, their constituted by real universals. Let us circle back around to their definition of universals and their defects to see what qualifies as a nominal property for them.

1. The defect of identical scope – True universals encompass the scope of only one property. In this case, a pseudo-universal will have an identical extension in scope as another universal.
    a. Example of a true universal: solidity
    b. Examples of pseudo-universals: black community-ness and African American community-ness
2. The defect of a partial overlap in scope – True universals will not have any part of their scope overlap with another universal.
    a. Example of a true universal: solidity
    b. Examples of pseudo-universals: Womanhood, niece-hood, daughterhood, etc.
3. The defect of uniqueness – A true universal must be located in more than one locatee. A pseudo-universal is unique and is only instantiated in one instance.[88]

[88] Ganeri, Jonardon. "Analytic Philosophy in Early Modern India." *Stanford Encyclopedia of Philosophy*, 29 May 2019, https://plato.stanford.edu/entries/early-modern-india/.

a. Example of a true universal: personhood

b. Example of a pseudo-universal: ["personal name"]hood

4. The defect of infinite regress – Universal-hood, meaning a universal of universals, should be rejected as a true universal. If that were allowed, universal-hood would have its own universal-hood-hood supervening on the lower universals scope. This could potentially go on forever. Moreover, while there may be a conceptual interest in the idea of a universal of universals, there is no metaphysical reason to assume that must be the case.[89]

   a. Example of a true universal: solidity

   b. Example of a pseudo-universal: solidity-ness

5. The defect of a universals of difference – universals explain the sameness between the properties of entities. If this is true, a universal of difference, being the scope of all things un-alike, is conceptually incoherent.

   a. Example of a true universal: sameness

   b. Example of a pseudo-universal: different-ness

6. The defect of the universal of inherence – If the universal of inherence were allowed as a true universal, it would result in a vicious regress. Inherence is defined as when any property is located in a substance such that they are inseparable. Think of the red color of a Red Delicious Apple where red cannot be separated from the fruit. With this definition on hand, let's suppose there was a universal of inherence to see where the problem lies. If there were a universal of inherence, then the universal would be qualified by an inseparable relationship. However, the inseparable relationship would also be a member of the

[89] Chakrabarti, Kisor Kumar, and Society for Indian Philosophy and Religion. "The Nyaya-Vaisesika Theory of Universals:" *Journal of Indian Philosophy and Religion*, vol. 21, 2016, pp. 72–102. *DOI.org (Crossref)*, doi:10.5840/jipr2016215. pp. 375 - 376

universal, which would also then define the nature of the universal again and need to be a token of the universal. This would go on and on. For this reason, Naiyāyikas prohibit a universal of inherence.[90]

In any case, where the defect applies, the result is a nominal property designated as metaphysically unreal. Real or not, not only are the constituent parts of nominal properties real, but they make up most of the perceptible phenomena we encounter. Not to mention that they are exceptionally useful in conventional talk.

Naiyāyikas knew that general terms could correlate to real universals or unreal nominal properties. Real universals often aligned with what is commonly known as natural kinds.[91] The difference between universals that acts as natural kinds and nominal properties is that the latter is constituted, in many cases, by universals. The paradigmatic case for this in the philosophical literature is that of a beast (*paśu*). The definition of a beast is anything that has a tail, covered in fur, and with claws or sharp teeth. It is enough to make this a pseudo-universal given that it has three parts, which in combination, create the class of beasts.[92] In this case, the pseudo-universal violates the second defect by having a partial overlap with another universal. For example, birds have claws, and beasts have claws, but only beasts are covered in fur. Given that both birds and beasts simultaneously occupy past of the scope of things-that-have-claws, and hence both fall prey to the second defect, they both are considered pseudo-universals.

[90] Ibid. 372 – 379; Jonardon Ganeri. "Analytic Philosophy in Early Modern India." *Stanford Encyclopedia of Philosophy*, 29 May 2019, https://plato.stanford.edu/entries/early-modern-india/.

[91] Matilal, Bimal Krishna. *Perception: An Essay on Classical Indian Theories of Knowledge*. 1. issued in paperback, Clarendon Press, 1991. pp. 402.

[92] Ibid. pp. 382 – 383.

3.5 APPLICATIONS TO PERCEPTIONS OF RACE AND GENDER

The choices for how to account for perceptions of race and gender so far are as follows:

1. A realist theory of perception where percepts accord with the objective metaphysical states of the world.
2. A discourse theory of perception where percepts are mutable based on performative acts.
3. A nominalist theory where words can denote constructed entities in the world without implying any metaphysical status.

We can further breakdown option 3, as well.

a. Nominalism that is compatible with representationalism.
b. Nominalism that is compatible with realism.

Of these choices, we have already seen in chapter one why discourse theory, while effective in overturning biological essentialism, leads to unwanted consequences with biased-influenced perceptions. Moreover, nominalism that is compatible with representationalism (as seen in the Abhidharma and Yogācāra Buddhist Schools) still allows for no substantive differentiation between perceptions that accord with the world and illusory perception that do not. Finally, the biological realist interpretation of race and gender also cannot account for the constructed nature of biased perceptions since constructions of race or gender are not acknowledged under this theory.

Therefore, our aim is to have a theory that can account for the construction of social kinds while also giving a foundation for racial or gender-based perceptions that diverge from objective states in the world. In other words, we need a theory that can explain why the racist would err in seeing a gun in a black man's hand when it was just a wallet and why a sexist would err in seeing a sexual invitation just by someone's clothes.

Naiyāyika nominalism, and anthropocentric nominal properties, in particular, fits these conditions because it retains the ontological criticism of socially constructed kinds (referring back to the blockers for true universals 1) and 2) above) while retaining the perceptual difference of veridical and illusory experience. This is from anthropocentric nominal properties like “black” and “women” being built from compounds of true universals.[93] Hence, these properties are not just mind-dependent like the Buddhist models suggest[94] while still being receptive to the cultural and historical forces that construct the perceptual events of an agent. Thus, even if they appear as if they are indiscernible from veridical perceptions, we can disassemble perceptions caused by nominal properties to their base universal constituent parts while conceptually tracing the forces that created the nominal property. Whereas discourse theory collapses its ontological criticism with its epistemological construction of identities, the Naiyayika theory shows there is no need to force that conflation. At the same time, we avoid the unwanted consequence of saying race, gender, or other social kinds exist “only in your head” since anthropocentric nominal properties *do* have an independent existence once you drill down to the base constituent parts.

The previous two chapters focused heavily on social ontology and social epistemology. Now, I want to pivot to a few topics on the claim that social designations (race, gender, ability status, sexual orientation, etc.) exist only in your mind. We will shift over to the philosophy of language to examine two issues: 1) that race does not exist, only humankind does and 2) that hate speech needs an authority figure to institute norms.

---

[93] Guhe, Eberhard. “The Problem of Foundation in Early Nyāya and in Navya-Nyāya.” *History and Philosophy of Logic*, vol. 36, no. 2, Apr. 2015, pp. 97–113. *DOI.org (Crossref)*, doi:10.1080/01445340.2014.984400. pp. 107

[94] Ibid.

4 SPEAKING OF NOTHING: NYĀYA ON RACE ELIMINATIVISM, NEGATION, AND NON-REAL TERMS

4.1 INTRODUCTION

Contemporary debates about the metaphysics of race in the academy, and increasingly in the public sphere, almost always[95] reject a theory of biological essentialism as the teleological explanation for any assumed differences between races. From that point, many scholars have proposed revisionist metaphysical accounts in response. What follows is both a pragmatic and analytical examination into one type of revisionist metaphysics: race eliminativism. As mentioned in a previous chapter, one of the most generative theories for the nature of social kinds is discourse theory, which is broadly speaking a kind of anti-realism. However, all forms of anti-realism rely on accepting that there is something that is "not out there" about an object. Whatever the anti-realist framework, it is always constricted to the conceptual sphere. The benefits of this strategy are that it subverts attempts at making a 1:1 correlation between a socially constructed Being and features of the external world, which surely is the correct move to make once one realizes most of our roles in society are, in fact, wholly socially dependent. The other benefit is that anti-realism has great potential for reform and resistance because it distances our concepts and language, broadly construed, from their ordinary, common-sense use creating some breathing room between the blunt ideas often weaponized against marginalized people and the newer revisionists concepts idealist use to replace them.

[95] Perhaps mention TERFS or just take out the "almost always" if not.

This focus on anti-realism and metaphysical rejection lead some scholars to advocate for eliminating ideas of oppression-correlated social kinds from our conceptual and linguistic life altogether. This stance is called eliminativists. It holds that oppression-correlated social kinds cause more harm than any imaginable benefit. There are many[96], though, that reject this position usually based on the argument that the experiences and social consequences have a social reality that has superseded the metaphysical. To reject this reality, contrary to what the eliminativists believe, is to undermine any attempt at an effective means for reform and resistance.

While I agree with the spirit of this critique, the following arguments in this chapter focus on the semantics of negation and the entailments on this ontological reality. For example, I examine expressions like "there is no such thing as race/gender/etc." My methods for examining this come from the Navya Nyāya tradition where negation and non-being are regarded as a dependence on *existing* substances. Their account of *abhāva* (i.e. "no-thing," non-being, or absence) is peculiar to some since "nothing" appears to be non-existence by its very definition. However, they have a few points in their favor: 1) *abhāva* can be relational in some cases and 2) when it is, *abhāva* depends on the locus of the absence and the reference of the object. In other words, an absence is nothing but a real object not occurring in a specific location. If I were to say "there isn't a person in this house," it is true that both people and houses exist in the world, though, not together in this specific locus.

[96] Glasgow, Joshua, et al. "What Is Race?: Four Philosophical Views." *Oup Usa,* 2019.

However, there is another case we can consider from the Navya Nyāya tradition: the horned hare. The horned hare is a creature often referenced in the philosophical discourse in India as an example of a conceptual entity that does not exist in the world. After all, no one has observed a rabbit with a horn on its head naturally occurring in the wild, so absent any empirical evidence we can say that this is not a creature that exists outside of the imagination. A similar example would be that of a unicorn. If we say that "horned hares and unicorns do not exist," one might assume that the meaning was that these were entirely fictitious entities. Naiyāyikas disagree, though. The connection of two or more incompatible properties determines that the entity has no referent in the world when they are situated together, but separately those properties do exist. Why do we care about this with regard to the non-being of social kinds? Well, I argue in this chapter that negating the existence of social kinds like race (which I contend at horned-hair concepts) results in a nonsensical utterance. Furthermore, I argue that even if we could have meaningful utterances negating race, it will make intersectional social identities completely incomprehensible. While this last conclusion might not trouble some, it might be a line too far for eliminativists to accept.

This chapter begins with a discussion of race eliminativists and arguments in favor of this position. I will limit the scope to Anthony Appiah's work on race eliminativism. I focus on his view because of the extreme consequences of his position, namely, the erasure of race as a social, cultural, or political concept or way of being. After presenting his arguments, I discuss the Navya-Nyāya semantics of negation in detail. Of note in this portion is the comparison between the utterance "there is no such thing as race/gender/etc." with the "there isn't a person in this house," and the "there are no horned-rabbits" examples found in the Sanskrit texts. Of note, there is the difference between the analytic and pragmatic concerns. Whereas some of this chapter centers on the semantic coherence in race eliminativist statements, others center on the ability for members of marginalized groups to have an intersectional identity to represent themselves in political contexts. Finally, I finish the chapter by applying the Navya-Nyāya semantics of negation race eliminativism where Appiah's conclusions appear as incoherent in the Nyāya semantic framework.

4.2 Racial Eliminativism

There are various definitions of eliminativism used in philosophy. In this context, we'll take eliminativism to mean an argument suggesting a metaphysical reduction of features of the world that go beyond what is necessary to explain a common-sense notion. In other words, the main claim behind this position is that eliminativists see explanations of worldly phenomena as resting on a superfluous metaphysical claim. Instead, they claim it is better to eliminate them for a simpler account. For example, eliminativism in the context of the philosophy of mind suggests that the mental activities or mental states that we commonly believe to be constitutive of the mind are actually non-existent.[97] This is provocative because it stands in contrast to our common sense experiences and the beliefs many default to regarding the kind of entity the mind is and the attributes that constitute it. In a similar fashion, race eliminativism will advance against the commonly held thesis that races exist by arguing that this category rests on superfluous metaphysical categories.

[97] For more on this understanding of Eliminativism, see Griffiths, Paul. *What Emotions Really Are: The Problem of Psychological Categories*. University of Chicago Press, 1997.; Irvine, Elizabeth, and Mark Sprevak. "Eliminativism About Consciousness." *The Oxford Handbook of the Philosophy of Consciousness*, by Elizabeth Irvine and Mark Sprevak, edited by Uriah Kriegel, Oxford University Press, 2020, pp. 347–70. *DOI.org (Crossref)*, doi:10.1093/oxfordhb/9780198749677.013.16.; and Lewis, David. "Psychophysical and Theoretical Identifications." *Metaphysics: A Guide and Anthology*, edited by Time Crane and Kalatin Farkas, Oxford University Press, 2004, pp. 629–38.

But just what are these categories that race eliminativists reject? As previously mentioned, they involve biological essentialism. However, this would be too easy of a target for today's discourse on race. While there are certainly people in the world who still subscribe to this outdated doctrine, it is far more common that a revisionist definition of race is circulating among certain pockets of people. By revisionist, I mean some cultural, historical, social, or economic definition of race categories outside of any biological definition. If this is the case, in order to argue an eliminativist position on race, the argument should encompass a rejoinder to the biological definition as well as these other revisionist ones, as well.

I break these biological and revisionist arguments into two categories: the strong definition of race and the weak definition of race. The strong definition avails itself of scientific realism to divide people into one species category or another. Usually, those who hold this position ground races in some form of genetic or phenotypic division of race. Thus, the strong definition of race relies on assumptions about the natural world to establish racial divisions and employs the empirical method to observe such patterns in the world as a means of "proving" a hierarchical structure. To be a race eliminativist about this is to attack the idea of the natural world establishing any such divisions. If they can disprove that those natural patterns exist, then the empirical method fails and we are left with races being a product solely of human thought and activity. One must conclude that there is another intermediary cause for the observation of any racial differences. For example, Anthony Appiah[98] and Naomi Zack[99], among others, argued the language we used for

[98] Appiah, K.A., "The Uncompleted Argument: DuBois and the Illusion of Race," in *Overcoming Racism and Sexism*, L. Bell and D. Blumenfeld (eds.), Lanham, MD: Rowman and Littlefield.

–––, 1996, "Race, Culture, Identity: Misunderstood Connections," in *Color Conscious*, Anthony Appiah and Amy Gutmann, Princeton, NJ: Princeton University Press.

[99] Zack, N., 1993, *Race and Mixed Race*, Philadelphia: Temple University Press.

–––, 2002, *Philosophy of Science and Race*, New York: Routledge.

"race-speak" has no correlate in the metaphysical world against the strong definition of race because the referents for "black," "white," etc. cannot be established independently from socially constructed kinds.

Now, in contrast, the weak definition does not depend on any natural patterns of race observed in the world outside of human activity and thought. Instead, the weak definition of race depends on historical, cultural, or social, or economic forces that construct racial categories.[100] In this view, races have a social reality that is constructed to match assumed biological features while also taking into account the historical, cultural, and social heritage of each group. These features mark individuals with a shared identity and assumed past. Where biological similarities are presupposed, scholars have used them to explain a society's inflexible *belief* or *perceptions* in immutable racial divisions contrary to historical evidence.[101]

The weak definition of race maintains that there is no biological basis for race; rather, the concept has some value and meaning in virtue of our normative or constructed uses. Moreover, it can be argued that race is not wholly a pernicious cultural, historical, or political construct. Instead, it is conceivable that race has produced much in terms of community value and knowledge in addition to a shared sense of identity and culture.[102] In light of this revised version of race, thinkers

---

[100] Haslanger proposes one way of building this kind of argument in Haslanger, Sally. "Gender and Race: (What) Are They? (What) Do We Want Them to Be?" *Noûs*, vol. 34, no. 1, Wiley, 2000, pp. 31–55. JSTOR.

[101]For more on the normative force of race-based epistemologies and perceptions, see Mills, Charles. "White Ignorance." *Race and Epistemologies of Ignorance*, edited by Shannon Sullivan and Nancy Tuana, University of New York Press, 2007, pp. 11–38.

[102] More on this view can be found in Bernal, Dolores Delgado. "Critical Race Theory, Latino Critical Theory, and Critical Raced-Gendered Epistemologies: Recognizing Students of Color as Holders and Creators of Knowledge." *Qualitative Inquiry*, vol. 8, no. 1, 2002, pp. 105–26, doi:10.1177/107780040200800107.; Peller, Gary. "Race-Consciousness." *Critical Race Theory: The Key Writings That Formed the Movement*, edited by Kimberlé Crenshaw, New Press, 1995, pp. 127–58.

in favor of retaining a concept of race while rejecting the systemic devaluing of racial groups in favor of others argue that eliminating race has no emancipatory force in society.[103] Even if they prove that race is non-existent in society, this result does not negate the effects of racism on individuals. People still bear the burden of increased vulnerability, humiliation, and violence (physical, emotional, or psychological) if they have proven that race does not exist.

On the one hand, the strong definition of race is easily refuted with the scientific sources it relies so heavily on.[104] It is easily shown that there is no genetic difference between races nor do the bodily features ascribed to on race go without counterexamples. If all race comes down to is the biological argument for dividing up humans into races, then the strong definition of race is easily defeated by eliminativism.

However, that does not appear to be sufficient enough to prove that races do not exist since even with this abundance of easily obtainable evidence, many still commonly believe in race. Hence, race eliminativists must confront the weak definition of race and explain why it does not exist in virtue of a society's culture, history, or political circumstance. Moreover, race eliminativism presumes that the correct moral position toward the ontology of race is for it to cease to exist. In other words, it is because race exists that societies struggle with racism.

---

[103] Gotanda, Neil. "A Critique of 'Our Constitution If Color-Blind.'" *Critical Race Theory: The Key Writings That Formed the Movement*, edited by Kimberlé Crenshaw, New Press, 1995, pp. 257–75.; and Neville, Helen A., et al. "Color-Blind Racial Ideology: Theory, Training, and Measurement Implications in Psychology." *American Psychologist*, vol. 68, no. 6, 2013, pp. 455–66. *DOI.org (Crossref)*, doi:10.1037/a0033282.

[104] More on the scientific rejection on races can be found in the following sources: Sundstrom, Ronald R. "Race as a Human Kind." *Philosophy & Social Criticism*, vol. 28, no. 1, 2002, pp. 91–115, doi:10.1177/0191453702028001592.; Templeton, Alan R. "Biological Races in Humans." *Studies in History and Philosophy of Science. Part C, Studies in History and Philosophy of Biological and Biomedical Sciences*, vol. 44, no. 3, Elsevier Ltd, 2013, pp. 262–71, doi:10.1016/j.shpsc.2013.04.010.; Yudell, Michael, et al. "SCIENCE AND SOCIETY. Taking Race out of Human Genetics." *Science (American Association for the Advancement of Science)*, vol. 351, no. 6273, 2016, pp. 564–65, doi:10.1126/science.aac4951.

To the weak definition of race, race eliminativists say that the concept of race is built upon the strong biological definition. Therefore, if they prove that the strong definition falls to evidence showing race to be non-existent, the foundation for the weak definition is axiomatically defeated, as well. David B Wilkins summarizes one of the most famous race eliminativists' points as follows: “Appiah concludes, the contemporary meaning of ‘race’ is parasitic on submerged but nevertheless powerful claims about the scientific foundations of racial divisions.”[105] If he is right that any ontological argument for race is contaminated by this strong definition, then his argument suggests that he does not have to respond to the weak definition directly. By undercutting the strong definition, any subsequent definition of race, which would be necessarily built upon it in his view, would fall axiomatically.

However, some disagree with this argument. Sundstrom, for example, argues that not only are there alternative frameworks of realism constructing the basis of race talk (outside of biological essentialism), but he also claims that race concepts depend on political and ethical principles, not whether race exists independent of human thought or activity. Furthermore, he suggests that metaphysical pluralism is a better framework for situating the reality of race outside the limitations of biological essentialism. That is to say, the realness of race depends on the political, social, and ethical foundations humans built into society, which regulates how those within contrasted racial groups interact within and between those groups. The construction of race in no way negates its reality. He defines his position opposite Appiah in the following passage:

> If metaphysical pluralism is correct – whether Root’s brand or another – and if race is a real human kind, then this tension [between biological essentialism and the social, political, or ethical construction of race] can be dismissed. Race is a human kind precisely because it is sociopolitical, and it is real, because sociopolitics has made it so. Theorists have to feel no unease with assigning the predicate ‘real’ to race. What is meant here is social, not

[105]Appiah, Anthony. *Color Conscious : The Political Morality of Race*. Princeton University Press, 1998.pg. 8

> biological reality; and to say it is a 'kind' is not to say it is a naturally occurring one…This ontology of race is descriptive, and is prescriptive only regarding methodology in the sciences: the social sciences ought to make use of race, but biology ought not. Whether a human kind, such as 'race', ought to be conserved or not depends on its legitimacy. Legitimacy is to be determined by moral and political, not metaphysical, arguments.[106]

Other scholars echo Sundstrom's claim race is a reality based on social, political, and ethical constructions. Sally Haslanger, for example, argues that race (as well as gender) is defined by relations of hierarchy between constructed groups.[107] Moreover, groups are divided only by assumptions about biological traits while the lived conditions generated by political, cultural, social, and economic stratification are all too real. Her definition of both social kinds – gender and race – depends on these assumed biological traits socially or politically determining inclusion on either a subordinated or subordinating hierarchical group.

There is one last view to consider here. There is the idea that race might be a harmful concept regardless of whether it is parasitic on disproven biological meaning. Appiah describes below the way in which race as socially salient identity not only continues to bind people in groups from some assumed heritage, but it also acts as the driving force behind social clashes and political strife:

> In the twenty-first century, one might have hoped to see signs that race thinking and the hostilities grounded in race—the problem of the color line—might be vanishing. Yet belief in an essential difference between Us and Them persists widely and continues to be thought by many to be inherited…Once ethnoracial groups are in place, inequalities between them, whatever their causes, provide bases for political mobilization. Many people now know that we are all, in fact, one species, and think that racial differences are, from a biological point of view, illusory; but that seldom undermines the significance for them of racial identities and affiliations… When I think about why the racial fixation has proved so durable, I sometimes recall the lost-wax method by which goldweights in Ghana are cast. (You create a wax model, surround it with clay, and melt the wax away by pouring in

[106] Sundstrom, Ronald R. "Race as a Human Kind." *Philosophy & Social Criticism*, vol. 28, no. 1, 2002, pp. 91–115, doi:10.1177/0191453702028001592. pp. 101, 104

[107] Sally. "Gender and Race: (What) Are They? (What) Do We Want Them to Be?" *Noûs*, vol. 34, no. 1, Wiley, 2000, pp. 31–55. JSTOR.

> molten brass.) In this case, the nineteenth-century race concept the lost wax: the substance may have melted away, but we've intently filled the space it created.[108]

Whether race persists in the cultural consciousness as a biological idea seems disconnected to whether or not groups align themselves with racial groups. Moreover, the social divisions and even violence once explained by biological difference between groups persist today because of an ideological identity, which (unconsciously or otherwise) affiliates with political agendas. Thus getting rid of the concept of biological race alone will not curb the social harms suffered from racism. The very idea of it perpetuates those harms.

The discourse surrounding eliminativism circles these kinds of metaphysical questions. The debate for or against race eliminativism either directly or indirectly concerns the ontological status of social kinds. Furthermore, the arguments for and against the reality of race proceed by defining the sphere of "real" entities and making claims about what belongs and does not belong in the sphere. However, this is where my chapter begins to diverge from this conventional approach. I want to analyze eliminativist statements based on their semantic content to see how what we have to infer to make the claim meaningful. While many have debated the ontological grounds for race (as we have seen), I believe a more fruitful entryway to discussing eliminativism is through the philosophy of language and expressions of negation and absence. This is for two reasons: 1) race-talk, not the reality of race, is ultimately what chafes the eliminativists, and 2) reconciling how we talk about social kinds builds common social, political, and ethical ground. The ontological understanding of social kinds is an imperative question; however, from this point

[108] Appiah, Anthony. *The Lies That Bind: Rethinking Identity, Creed, Country, Color, Class, Culture*. First published as a Liveright paperback edition, Liveright Publishing Corporation, a division of W.W. Norton & Company, 2019. pp. 117 – 118.

forward I will focus on the methods through which we communicate about that ontology to uncover what the talk of absences is based on.

4.3 THE CASE OF THE HORNED HARE -- NAIYĀYIKAS ON ABSENCES

While philosophy as an academic discipline is rife with ironies stemming from investigations into (sometimes quite literately) unspeakable matters (e.g. apophatic religious expressions, etc.), there is arguably no greater irony than the debate about nothing. The amount of ink spilled by philosophers such as Russell,[109] Quine,[110] Frege,[111] and others on the sematic, logical, or sometimes ontological nature of nothing is, indeed, impressive. One of the reasons this is a notable case of an ironic philosophic endeavor is that you have to have said something to make progress toward an answer about nothing. Hence, philosophers have come up with several means to accommodate the inherent difficulties to define that which lacks an existence. It should come as no surprise that philosophers in India took on this challenge of teasing out what the semantic and logical formations of negative entities are, as well. I see applications in these arguments to the discursively produced racial and gendered terms, which I consider to be "non-real."[112] There are a few benefits to applying arguments on negative entities to these terms: 1) this method naturally calls on us to be clearer about the nature of the terms themselves, especially with respect to their ontological referents (if any) and how they bring meaning (if any) into a discourse. For example, I will show that race eliminativist interpretations of terms like "Black" or "white" have more in

[109] Russell, Bertrand. "On Denoting." *Mind*, vol. 14, no. 54, Oct. 1905, pp. 479–93.

[110] Quine, W. V. *Word and Object*. Martino Fine Books; Illustrated edition, 2013.

[111] Frege, Gottlob. "Negation." *The Frege Reader*, edited by MIchael Beaney, Blackwell Publishing, 2003, pp. 346–61.

[112] This chapter takes for granted that there is nothing in the natural world that racial and gendered terms incontrovertibly pick out. That said, there is still more to the term "non-real" I have to explain, and will do so in the following pages.

common with “unicorns” than other non-entities in philosophy like round squares or a whatsit. However, while race terms are fictional for this group (with varying degrees of pragmatic application in “identity politics” as discussed below), unicorns, round-squares, and whatsits have vacuous semantic content under certain conditions for Naiyāyikas. As such, not only can they not carry any meaning between a speaker and a listener, they reduce to nothing more than nonsense phrases. I aim to show that race eliminativists are playing a “nonsense” game.

To begin, we will have to clarify why race terms (and other social kinds susceptible to eliminativism) fit into unicorn-like categories and what absences are under Nyāya philosophy. There is one distinction I have to make between absences and non-real objects. Absences and non-real objects are both about the non-existence of an object; however, the former describes an object that is real while the latter describes a fictitious object. Both (and more) are accounted for under the Naiyāyikas classification of the four kinds of absences[113]:

1. Prior absence (*prāgabhāva*)
2. Later absence (*pradhvaṃsābhāva*)
3. Eternal absence (*atyantābhāva*)
4. Mutual absence (*anyonyābhāva*)

The first two types of absences refer to things that are either lost or found. They describe cases where either some object was previously non-existent in a locus and later came to exist in another locus (e.g., when you need to find your favorite book and it is not where it should be, but you later find it somewhere else) or cases where something previously existed in a locus, but it is no longer

[113] abhāvaś caturvidhaḥ / prāgabhāvaḥ pradhvaṃsābhāvo 'tyantābhāvo 'nyonyābhāvaś ceti // 9
Annambhaṭṭa. *Tarkasamgrahadipika on Tarkasamgraha (The Manual of Reason)*. Translated by Bhattacharya, G., Progressive Publishers, 1983.

there (e.g., when you look for that book again and lose it because you are looking in the wrong spot/locus). For our purposes, these two cases are not important. The third and fourth cases, however, are vital. I'll start with the fourth case first. A mutual absence is when the non-existence of one property or entity is dependent on something else also not existing. Two instances of this are either the absence of a roof because there are no walls (e.g., when one entity does not exist because another entity it depends on also does not exist) or the absence of color on a non-existent shirt (e.g., when a property does not exist because it inheres in a substance). We will come back to this type of absence in the next section when considering the "parasitic relationship" between the social, political, and ethical definitions of race and the biological essentialist definition of race.

The third category of absences describes an object that never existed and will never exist. An example of this type is the horned hair or a unicorn. Purely fictitious entities are a part of this category, and many important debates within the Indian philosophical discourse circles around how to paraphrase sentences referencing them so that the listener gains some kind of meaning. There are some cases where the fictitious entity carries meaning to the listener by placing two real properties in the wrong relation to each other. This is like the connection between a horn growing out from a hare's head. Hares and horns exist, but horns do not occupy a locus on the hare's head. Another case of a fictional entity (otherwise known as an empty-term) is where there are no relations between properties to give meaning to a fictitious entity. An instance of this would be Lewis Carrol's Bandersnatch or JubJub bird. His poem about these creatures intentionally avoids describing any properties that have a common scope with an existing entity. So, while he speaks about the Bandersnatch and the JubJub bird, it's impossible to express meaning about their nature.

Some philosophers in India treat all fictitious entities as fit they are Bandersnatches (horned-hares included) while others analyze non-existent referents as composites of properties in the wrong relation to one another. The Yogācāra Buddhists make up the former camp with their belief in "inference of perishing" (*vināśitvānumāna).*[114] The "inference of perishing" is a Buddhist argument for momentariness and non-existence. Dharmakirti claimed that because only existent objects could causally affect another object, any object lacking causal efficacy was only a mental construction and purely fictitious. The paradigmatic example is of something smashing a clay pot. If you drop the pot on the floor, you have not caused the absence or non-existence of the pot, according to Dharmakirti; rather, you made pieces of the pot from the smashed whole. Any concept of the pot's non-existence or absence is a mental construct only and your understanding of any meaning about it is based on a metaphysical confusion. To be clear, the absence was not caused to come into existence any more than the creation of a pot from clay rid the world of a prior absence of a pot. His view is predicated on a theory of aggregates within Buddhist phenomenology stating that the five physical and psychological features creating an illusion of a unitary person persisting across time. Hence, are not relationships between loci and locates for him. Instead, they are mental constructs that have no basis in reality.

Naiyāyikas disagreed and claimed that absences are not only real[115], but they must reference existing objects and the metaphysical relationships between them. Every possible thing

[114] For more on Dharmakirti's view on the inference of perishing and the considerations behind the translation of the term, see Masamichi Sakai. "Śākyabuddhi and Dharmottara on the Inference of Momentariness Based on the Absence of External Causes of Destruction." *Religion and Logic in Buddhist Philosophical Analysis : Proceedings of the Fourth International Dharmakīrti Conference, Vienna, August 23-27, 2005*, edited by Helmut Krasser et al., Verlag der Österreichischen Akademie der Wissenschaften, 2011, pp. 407–21.; and Mimaki, Katsumi. *La Réfutation Bouddhique de La Permanence Des Choses (Sthirasiddhidūṣaṇa) et La Preuve de La Momentanéité Des Choses (Kṣaṇabhaṅgasiddhi)*. Institut de civilisation indienne, 1976.

[115] For more on the reality of absences, see Guha, Nirmalya. "No Black Scorpion Is Falling: An Onto-Epistemic Analysis of Absence." *Journal of Indian Philosophy*, vol. 41, no. 2, Apr. 2013, pp. 111–31, doi:10.1007/s10781-013-9175-6.; Matilal, Bimal Krishna. *The Navya-Nyāya Doctrine of Negation; the Semantics and Ontology of Negative Statements in Navy-Ayāya Philosophy*. Harvard University Press, 1968.; and Perszyk, Kenneth J. "The Nyāya and Russell on Empty Terms." *Philosophy East and West*, vol. 34, no. 2, University of Hawai'i Press, 1984, pp. 131–46, doi:10.2307/1398914. JSTOR.

that could be absent must also be at least conceivable, and that which is conceivable is based in some small fraction on entities in the world.[116] By claiming that absences are real, Naiyāyikas are trying to explain why the experience of a locus is different from perceiving an emptiness within that locus. It is the same as asking the difference between seeing a coffee table and seeing a drink coaster missing from the coffee table. While it might seem like the content of both perceptions are identical (in that the perceiver sees just the coffee table each time), Naiyāyikas commitment to realism primed them to categorize absences as a perceivable phenomenon not dependent on logical reasoning. In other words, while their interlocutors argued that absences were inferences or mental constructs, they argued that there was something graspable outside of the mind representing an absence. Moreover, Jayanta (9th Century), a Nyāya philosopher, attacked the Buddhist position of Dharmakirti when he argues that absences could be a cause. Gillion describes Jayanta's critique in the following passage on the causal efficacy of "negative states of affairs" or absences:

> A negative state of affairs might be an effect: a short-circuit caused there to be an absence of electric power. And a cause and its effect might both be negative states of affairs: an absence of oxygen in a room might cause someone to go unconscious.….[W]hat one knows is the negative fact of a colleague's absence from his office and one knows it by means of perception.[117]

As we have seen, one metric for determining whether absences are real or fictitious in Indian philosophy depends on causation. Simply put, the assumption is that real entities *cause* other states of affairs whereas fictional entities do not. In addition to causation's major role in determining real

[116] Chakrabarti, Arindam. "Absence, Non-Existence, and Other Negative Things." *Realisms Interlinked: Objects, Subjects and Other Subjects*, Bloomsbury Academic, 2019. pp. 285

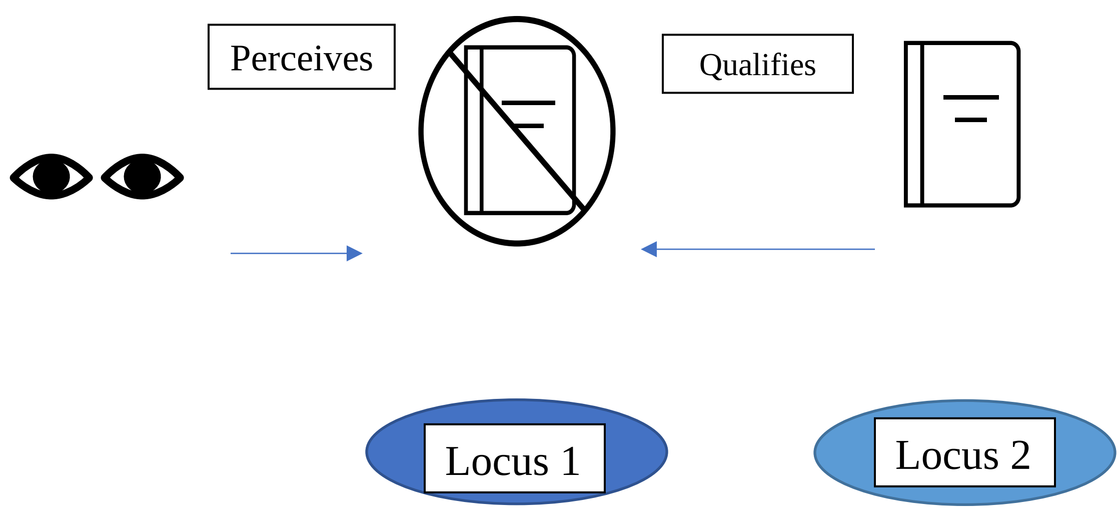
[117] Gillion, B.S.. "Negative Facts and Knowledge of Negative Facts." *Indian Philosophy: A Collection of Readings (Metaphysics)*, edited by R.W. Perrett, Garland Publishing, Inc., 2001.

entities, there is also the condition that absences have relations between properties and substances determining their epistemic or metaphysical scope (more on this below). Lastly, there is also the question of whether or not we are dealing with fictitious entities or empty terms. While horned-hairs are a kind of entity we can use to understand fictitious terms, we'll now move on to the metaphysical deconstruction of horned hairs and their linguistic meaning when negated.

The debate on the definition of absence and its relation to a state of affairs in the world is exactly at the crux of the eliminativist expression "there is no such thing as race." The categorizations of absences are illuminating when conceptualizing the nature of eliminativist claims about social kinds; however, this project also benefits from some consideration of how absences rely on relationships between particulars qualifying a substance. This is partially because the Naiyāyika theory of absences incorporates three factors:

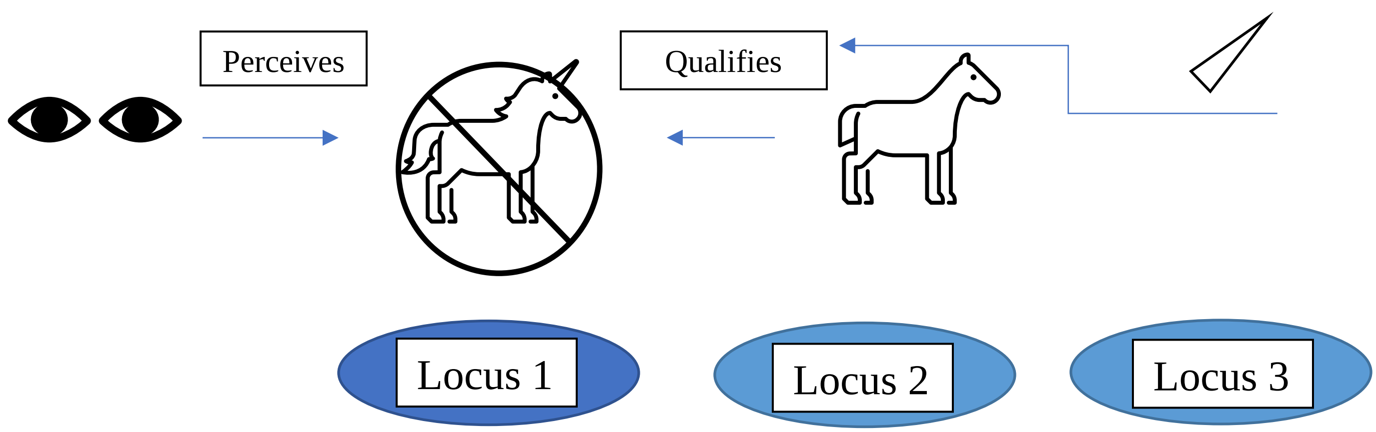
1. Perceiving the absence
2. The locus of the absence
3. The reference of the absence

If we were to map out the three aspects of a perception of absence, it would look like the following:



The above diagram shows how the agent perceives the absence (in this case, it is a book) in a locus. Furthermore, the absence depends on there being a real book in some other locus to act as a qualifier for what the agent perceives as missing. Therefore, this diagram describes the phrase "There is no book (in this locus)."[118]

Conversely, absences of fictional or empty terms follow this diagram:



Whereas the previous diagram showed the absence as qualified by an existing object, in this case, the empty term of "unicorn" has no existing referent. Instead, we have horses in one locus and horns in another locus that are coming together to produce an absence of a unicorn. Hence, in this instance, the phrase represented here is "there is no unicorn (in this locus)." We want this formulation that negates an empty term, as opposed to the inverse that indicates an empty

[118] While one might assume the phrase represented here is "I do not perceive a book (in this locus)," that would imply that the agent was aware of their own perception of an absence in addition to the absence itself. In this case, the agent is merely aware of the absence even while that awareness is dependent on their perception.

terms existence (e.g. “there is a unicorn (in this locus)), because this phrase reflects the same form of the eliminativist's claim that “there is no such thing as race” otherwise phrased as “there is no race in this locus.” The locus here is the locus of “race” in the biological essentialism sense. While this presumes that “race” is an empty term like “unicorn,” going by Appiah’s own argument, the political and social “race” is an empty term as well since it is parasitic on the biological sense.

We now have a few more problems to settle when it comes to analyzing the type of entity Appiah is negating. Primarily, this relates to whether or not we are even able to negate empty terms like this to begin with when their referents are divided in the world among these loci. However, as promised, this investigation is not primarily about ontology. We proceed with our analysis by categorizing the relationships of properties and substances. As we will see in the chapter on hate speech, we know that the Naiyāyikas considered language to mirror the metaphysical state of the world, hence, barring any metaphorical expressions,[119]the expression relays the syntactic and semantic relationship between the properties and substances under discussion.

During the 11th to 13th century, Naiyāyikas began to develop a specialized language to clarify these relationships linguistically so that they more accurately map onto the metaphysical reality expressions represent. After realizing that the philosophical Sanskrit at the time was insufficient to live up to the level of accuracy needed, they implemented a few terms (delimiters, describers, correlates, and counter-correlates) to determine the relations between properties and substances (delimiters), properties and properties (describers), and loci and locates (correlates and counter-correlates). Now that we have definitions available to us to categorize the four types of absences and how they might contextualize the nature of this non-existence of race, we can turn to

[119] As mentioned in chapter 1, metaphorical experessions are discursive (in the sense of discourse theory) since they reflect an anti-realist interpretive lens.

how properties are in relation to one another to linguistically represent the foundational traits under contestation for race eliminativists.

4.4 AN INTERSECTIONALITY AND RACE ELIMINATIVISM: NAVYA-NYĀYA'S THEORY OF DELIMITERS, DESCRIBERS, CORRELATES, AND COUNTER-CORRELATES

Let's begin with a few examples of the properties eliminativists contest before I detail how Naiyāyikas would paraphrase those claims in the Navya-Nyāya language. Appiah writes the following:

> On the referential view we are required to find something in the world that best explains the history of usage of the term. Two candidates suggest themselves for the biological uses of "race": one is the concept of a population that I have been using for a while now. It can be defined as "the community of potentially interbreeding individuals at a given locality."[120]…The trouble is that, in this sense, while there are human populations that are and have been for some time relatively reproductively isolated, it is not at all plausible to claim that any social subgroup in the United States is such a population. In *this* sense, then, there are human races, because there are human populations, in the geneticists' sense, but no large social group in America is a race.[121]

There are two definitions under examination here: one pertains to the strictly scientific definition of race regarding a "community of potentially interbreeding individuals at a given locality" and the other pertains to biological categories mapping onto our conventional groupings of race in the US context. While some argue that there may be extremely rare instances of the first case, the

[120] Mayr, Ernst. *Populations, Species, and Evolution*. Belknap Press of Harvard University Press, 1970. pp 82, quoted in Appiah, Anthony. *Color Conscious : The Political Morality of Race*. Princeton University Press, 1998. pp. 72

[121] Ibid pp. 72 – 73.

claim is far from settled.[122] The second case involves relevant properties being determined by inheritable traits isolated within the conventional US race group and is the exact definition of race that is rejected by biologists[123] and race eliminativists alike. Nevertheless, even if these claims about race are empty terms, we can ascertain that the relevant properties that would be in connection with one another are whichever ones are assumed to biologically mark someone as a member of an exclusively interbreeding group. Since we are taking these to be fictional empty terms just like the horned hare, we could have to assume they have the same structure. This would mean that just as horns and hares exist, there would be similar traits associated with race that would exist, as well. However, they would not exist paired together to create such a thing as a horned hare.

To be clear, the point is not that empty terms like the horned hare are ontologically vacuous as some might assume based on its fantastical nature. Like unicorns or other mythological creatures from a medieval bestiary, no one would assume they had any reality supporting them. Hence, one might resist the comparison between horned hares and conventional race categories since the previous one is not observed anywhere in the world and the latter example *is* observed influenced by socially constructed categories. For instance, we never observe a hare growing a horn from its forehead, but we do observe people who have both blond hair and blue eyes. One could object that

---

[122] There is much debate about whether race can be an applicable term in human beings even if the conventional historical, cultural, and political definitions are admitted as empty terms. See the following article for a summary of those standpoints: Robin O. Andreasen. "The Meaning of 'Race': Folk Conceptions and the New Biology of Race." *The Journal of Philosophy*, vol. 102, no. 2, The Journal of Philosophy, Inc, 2005, pp. 94–106, doi:10.5840/jphil200510222.

[123] For excellent summary arguments for why race is not a biologically salient category in homosapiens, see Templeton, Alan R. "Biological Races in Humans." *Studies in History and Philosophy of Science. Part C, Studies in History and Philosophy of Biological and Biomedical Sciences*, vol. 44, no. 3, Elsevier Ltd, 2013, pp. 262–71, doi:10.1016/j.shpsc.2013.04.010.; and Yudell, Michael, et al. "SCIENCE AND SOCIETY. Taking Race out of Human Genetics." *Science (American Association for the Advancement of Science)*, vol. 351, no. 6273, 2016, pp. 564–65, doi:10.1126/science.aac4951.

this is not a fair comparison between the unsupported connection between empty terms like horned-hares and empty terms like race referenced by the eliminativists. However, there is a problem with this objection. Biologists reject the conventional definition of race based on biological essentialism because it cannot be found to correspond to a group in nature. While it may be the case that one individual might have all of the attributes described by classical race eugenics theories dividing humankind (which was supported by mainstream 20th-century scientists until recently), the accepted evidence now shows that there is in fact no such observable phenomenon like it that groups people within those categories. So, whereas there might be a horned hare in existence at some point in the history of life on Earth – taking into account random chance – it is not the case that we can say horned hares are an existential entity. Therefore, if our current project is to track the properties mismatched together creating one fictional entity represented as an empty term, horned hairs and race fit the bill especially if we consider the strong definition of race based on biological essentialism.

Now, according to Appiah and other race eliminativists, showing that these properties do not describe a biological race also entails any other definition of race is doomed to fail. To this point, Appiah writes the following on how the historical, cultural, and political definitions of race are created in spite of a lack of foundation:

> Race is, in this way, like all the major forms of identification that are central to contemporary identity politics: female and male; gay, lesbian, and straight; black, white, yellow, red, and brown; Jewish-, Italian-, Japanese-, and Korean-American; even that most neglected of American identities, class. There is, in all of them, a set of theoretically committed criteria for ascription, not all of which are held by everybody, and which may not be consistent with one another even in the ascriptions of a single person; and there is then a process of identification in which the label shapes the intentional acts of (some of) those who fall under it.[124]

[124] Ibid. pp. 79 – 80.

Here, Appiah argues that the ascriptive function of race is functional for actualizing political ends if not for picking out categories absent human activity and thought. Notably, however, he states that the properties individuals claim for themselves are dominated by "intentional acts," which I take to mean the cognitive disclosure of politically salient aspirations that are actualized or yet to be actualized. In other words, these ascriptions (or properties defining individuals in a political world) are limit the possible actions (physical or mental in nature) to the political boundaries defined for a particular group. This is a characteristically discursive point to make given that Foucault, in *History of Sexuality Vol.1*, made a similar argument only in that work he spoke of the power of taking on these ascriptions to enable a politically salient power tied to a group identification so that the group could interrupt or engage with systems of power.[125]

Notably, Appiah stresses the process of identification, which in this case is the closest we get to his acknowledgment that race has a life in the political sphere. Still, the fact that the process of identification is irregular leads him to conclude that "I can choose how central my identification with it will be—choose, that is, how much I will organize my life around that identity."[126] While one could argue the nature of this choice and how much agency individuals actually have to identify as they please, the main point of interest for this project is that historical, cultural, and political definitions of race are joined together to describe an individual out of political expediency. In other words, the connection between race and the world is nothing other than properties placed together in relations like the nominal properties discussed in the previous chapter. Their constructed nature might be predicated on the mishmash of physical traits not naturally associated with each other, but they have some reality in the social world.

---

[125] Foucault, Michel. *The History of Sexuality*. Vintage Books ed, Vintage Books, 1990.

[126] Appiah, Anthony. *Color Conscious : The Political Morality of Race*. Princeton University Press, 1998. pp. 80

Of the two examples we have seen so far, we have the collection of properties describing an individual based on an assumed biology, which is akin to a fictional empty term, as well as the second definition of properties deliberately constructed to grant the ability to interact with and create political norms through identity politics. In each case, we have two basic parts reflected in Naiyāyika language: properties and substance. We have discussed properties at length already, though, substances are their counterpart acting as the bearer of those properties. Without substances, not only would properties have nothing to inhere in, but substances would be imperceivable because it is only through properties that we can observe substances via their traits.

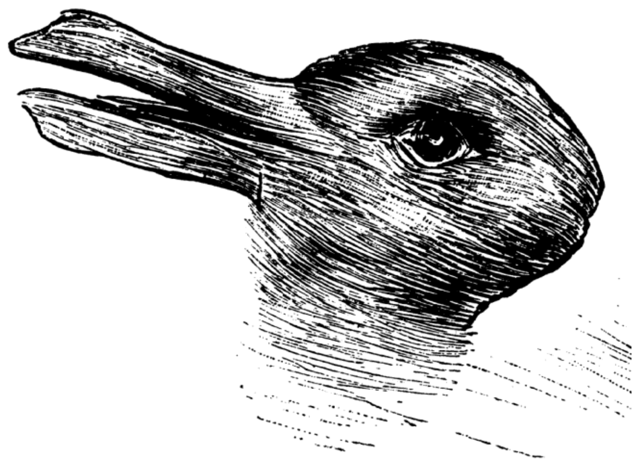
Navya-Nyāya technical vocabulary structures particulars (i.e., traits or features that we notice about an object) in dependent relationships describing a whole cognition (the sum total of those traits or features giving the perceptual of a whole object). They achieve this by employing relational technical terms like inherence (*samavāya*), contact (*samyoga*), an equivalence relation (*svarūpa*), delimiter (*avacheddaka*), describer (*nirupika*), subjunct (*anuyogin*) and adjunct (*pratiyogin*).[127] By applying this method to these two cases, we can reveal the structure of the properties-substance relations as well as their representation in thought.

Each cognition is analyzable into either qualifiers located in a qualificand as well as qualifiers described by other qualifiers, which are themselves both located the qualificand. Qualifiers and qualificands are concept mapping terms for property and substance. It would take many more pages to go into each of these technical relationships in detail, however, an important note here is that unlike in Euro-American philosophy where one represents properties qualify

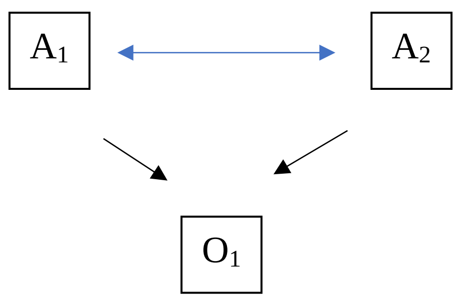
[127] This is not an exhaustive list of each relation Navya-Nyāya, but this is a basic introduction to the most fundamental relations between qualifiers and qualificands. For a more thorough explanation of Navya-Nyāya relations, See Ingalls, Daniel Henry Holmes. *Materials for the Study of Navya-Nyāya Logic*. Motilal Banarsidass, 1988.

substances as '*Fa'*, in Navya-Nyāya properties qualify only through relations, therefore, we must use the form 'a*R*b.' What this means is that in the case if *Fa*, the *F* represents the substance which possesses some *a* property. A way to paraphrase this would be "the book has a red color" for the original phrase "the red book." In contrast, Naiyāyikas paraphrase "the red book" as "red resides in the book by an inherence relation," meaning that the color red (a) and the book (b) are mediated by a relation of inherence. Had we suggested another sentence like "the book is on the table," we would use another Naiyāyika paraphrase of "the book is located on the table via a contact relation." Here, the book is (a), the table is (b), and the *R* is the contact relation. We see that they intended the a*R*b formula to encompass more than substances possessing properties. Instead, the intent was to schematize the content of all perception and testimony through these relationships.

Another key feature to remember is that the 'a*R*b' form reflects the final stage of the process of perception on the Nyāya theory. Prior to this is the theorized non-conceptual awareness (*nirvikalpika*) stage where the agent grasps the properties of a substance, but they have yet to be organized in the right relationship. In theory, the process works by grasping the redness of the book as well as the rectangular shape of the book, but they have no connection between them. Only in conceptual awareness (*savikalpika*) do properties coalesce into their proper relations. A familiar example of how this might phenomenologically appear is in the duck-rabbit picture where depending on how you place the properties of the picture in relation to one another, you either perceive a duck or a rabbit. It is only at this step that the received information becomes cognized in terms of relations.



The most basic form of relationship is between delimiters and describers. They both diagram the relationships between different qualifiers qualifying a qualificand. In the picture below we can see qualifiers a_1 and a_2 delimiting object o_1 and describing each other.



The blue line indicates that describers characterize qualities with respect to other qualities. Hence, if a quality like “red” and “white” inhered in the same substance – like that of a candy cane – then red would be said to describe white and vice versa in the cognitive map about that perception of a candy cane. Conversely, the black lines are delimiters, which confine the cognition to one type of substance only. In the duck-rabbit optical illusion case, Naiyāyikas would claim that the map of the cognition shifts delimiters based on whether it applies a “duck” delimiter or a “rabbit” delimiter.

"Describers," like other relations particular to Navya-Nyāya, have an epistemic force, but not necessarily any metaphysical one. On this view, one cannot conceive of properties of social identity in isolation, however, it is helpful to use describers to acknowledge specifically how the constituent aspects of a cognition relate to each other. The more complex the social identity is, the more complex and variable the diagram of the cognition. However, a strength of this view is that can handle the conceptually rich variability of social identity while retaining the metaphysical regularity of universals and substances.

As for the issue of non-real entities and negation, we need to limit what part of the cognition is being negated with respect to other constituent components of a cognition before we map it back onto the cognition's representation in language. The concern is about if we say that "race" is not real, and we also know that under Appiah's definition "race" is a non-real entity," what relationship would it have to the anyone qualified by that race-property or if we wanted the group of humans. Furthermore, this issue would even further be complicated if we suppose that the non-real property were just an *upādhi* as discussed in the previous chapter. If *upādhis*, or anthropocentric nominal properties, are metaphysically vacuous but epistemically rich *and* their epistemic value is based on community convention, then negating the metaphysical portion (in this case of race) is a non-contentious observation while the negating the epistemic portion is out of character with Appiah's previous comments about identity politics. Moreover, the community creates and proliferates these nominal properties *and* their interdependence on one another. This is because the *upādhi* is a complex compound property. In the case of the councilor, the social property inhering in that person to identify them with that political occupation is predicated upon the political institution itself making the possibility available.

This brings us back to the constellation of cognitions with respect to delimiters and describers. These terms reflect the cognitive possibilities of two properties being in the appropriate relation to one another for there to be a cohesive meaning. If Appiah wants to suggest that race does not exist metaphysically, a problem only arises when that claim extends into the realm of what is conceptually possible and linguistically meaningful. What does it mean to negate race if it is not only a non-real entity but also an entity that is predicated on other epistemic properties for meaning? Given everything from the locus-specific definition of absence, to the general absence of unreal kinds, to the negation of interlinked properties, is anything to be accomplished by negating race?

So, what can we make of correlates, counter-correlates and intersectionality[128][129]? The problem I see with Appiah's point is that, on the Nyāya view, it is impossible to conceive of any one property out of its relation to another property or substance in content-laden cognitions. Hence, intersectional identity awareness, which entails an identity composed of various socially salient property-ascriptions, would be conceptualized in virtue of the other properties, as well. This is because to be a black queer woman, for example, would only be cognizable through the social lens of oppression and privilege each brings to bear on a single person (or in the above scheme, a single substance).

[128] While an in depth look at the argumentative structure and ethical concerns of intersectionality and critical race theory are beyond the scope of this chapter, the foundations of this theory can be found in the following works: Crenshaw, Kimberlé. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." *University of Chicago Legal Forum*, vol. 1989, 1989, p. Article 8.; ---. "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color." *Critical Race Theory: The Key Writings That Formed the Movement*, edited by Kimberlé Crenshaw, New Press, 1995, pp. 357–83.

[129] Furthermore, for any readers interested in the tactical potential of intersectionality for social change, see the following: Hill Collins, Patricia. *Intersectionality as Critical Social Theory*. Duke University Press, 2019.

It's unclear how to maintain this "central identification" for political identity politics, though, while one argues that race is non-existent. On the Naiyāyika view, their realist philosophy forces them to closely tie cognitions with the state of the world in terms of their metaphysical property-substance relations. Having given up on any notion that race could exist in any way (socially, culturally, economically, politically, etc.) in reality, we are wondering what a political identity politics would even reference? If race and other social kinds are mere fictions, it can reference anything in the world. Whereas at least the *upādhi* view gives us some conventional property to use in the constellation of socially salient cognitions, race eliminative leaves us nothing at all. To make matters worse, the horned hair, being itself a constellation of properties, would be unthinkable without at least some reference to where those concepts were referenced in the world. To demonstrate this last point, consider the horned hair social category of "serfs" within a feudal system. While I can look up the definition of a serf, I have never spoken to a person in a medieval feudal system who has this social identity and I have never perceived the conditions of serfdom, so I cannot claim to cognize what this is outside of other proxy-properties that I assume are close enough to what this social class is. On the other hand, I can absolutely cognize race (at least in the American context) since it is immediately accessible to me via the race-based social properties that permeate US culture. It seems absurd to claim that I could cognize race without "race" being an accessible social property in the world or that we could construct identities without it being "real."

4.5 Can we have a Meaningful Negation of Race?

In this chapter, we have covered a few concerns about race eliminativism ranging from the casual efficacy of non-real terms to the epistemic force of imaginary entities. To begin answering some of those questions, we could start by asking can non-real entities (like race) cause things to occur in the material world? Should we be Buddhist about this and say that non-real entities (like race) have no effects? Well, to be fair to the Buddhist, the effects of discrimination, derogation, and subordination could be experienced while still denying the existence of race. This simply goes back to much of Vasubandhu's arguments in chapter 1 about discursively produced worlds as well as relying on assumptions linking the nature of cause and effect that are in opposition to their irrealist metaphysical stance on the world. However, it seems an uncontroversial statement for Appiah to say that "race" can cause effects, so it is unclear if the telos of causal arguments for or against the continued use of race-talk is the point of race eliminativism at all. In fact, color-blind politics are predicated on the idea that an absence can cause something to occur in the world, namely, the end to a racist hegemonic social and political system. However, race eliminativism depends on the alignment with an epistemic belief and a metaphysical reality. If race does not exist outside human activity and thought, then the realization of that metaphysical state of affairs will lead toward a social and political system reflecting that fact. While it is worth noting that critical race theory has many rebuttals to color-blind theories of ending racism, the salient point here is that, unlike Dharmakirti, no one is questioning anymore whether or not the absence could have a causal potency with respect to the non-existence of race or other social kinds. So far, their assumption that fictional terms or entities can cause real effects seems justified.

However, we still have to settle the matter of what is expresses when negating a non-real term. Expressions about the horned hare in the affirmative are always meaningful if they refer to existent properties. Preszyk explains the conditions of meaningful statements referencing empty terms in the following passage:

> If 'Pegasus does not exist' means 'There is an absence of a winged horse', the Nyāya will say that this is nonsignificant. However, if it means 'There is an absence of wings in a horse', then it is meaningful and true. The sentence 'There is a hare's horn on the table' is meaningful, but 'There is no hare's horn on the table' is meaningless because the expression 'absence of a hare's horn' is nonsignificant. This expression becomes meaningful if it is transformed into either 'A hare which is not on the table has an absence of a horn' or 'A

hare which is on the table has an absence of a horn'. Following the Nyāya we can summarize these last two conditions in the following way: the morpheme 'not' in conjunction with 'a' possesses mutual syntactical expectancy, and is therefore meaningful, if and only if(1) 'a' does not refer to a property found in every entity, and (2) 'a' is nonempty.[130]

To explain further, the conditions for being a meaningful negating expression are 1) if the negation applies to a non-universal scope and 2) a has a reference in the world. Why is this the case? In the first instance, we are only able to negate expressions that have a locus. Hence, if we were to negate an expression representing something without a locus (otherwise stated as having a locus of all existence), then the expression would be meaningless because it cannot convey anything substantive. For example, stating that “there is nothing knowable” [131] cannot convey substantive information since the universal property “knowable” exists in every locus. Without a conceivable reference whatsoever (since there’s no locus for the reference), it would have no content for a meaningful cognition. To a listener, this expression lacks syntactic expectancy (*ākāṅkṣā),* which generates an awareness of the relation between words via an utterance.[132] If there’s no loci between at least two relations, the Naiyāyika position is that the utterance is meaningless.

However, this case is not as relevant for our purpose as the latter example Preszyk mentions. Negating an empty term is also considered meaningless for Naiyāyikas because negating the referent of an empty term, a non-existent entity, is impossible to generate a cognitive series of relations. To review, an empty term like a horned hare is merely cognized as a set of properties

---

[130] Perszyk, Kenneth J. “The Nyāya and Russell on Empty Terms.” *Philosophy East and West*, vol. 34, no. 2, University of Hawai’i Press, 1984, pp. 131–46, doi:10.2307/1398914. JSTOR. pp. 134

[131] Ibid. 133 -134.

[132] Annambhaṭṭa. *Tarkasamgrahadipika on Tarkasamgraha (The Manual of Reason)*. Translated by Bhattacharya, G., Progressive Publishers, 1983. Pg. 67

and substances (e.g., a horn and a hare) that would never be placed together in the same locus. Since they are in the incorrect relation to one another, and by virtue of that alone, a horned hare is a non-entity. Uttering that an entity possessing these incorrect relations to one another does not exist adds no meaningful content to an expression. So, if race is a horned hare, and a horned hare is an empty term, Naiyāyikas would argue that negating it is a non-sense expression, hence, the expression conveys *no meaning*.

Now, this chapter assumes a few things: 1) that biological accounts of race are false (I agree with the race eliminativist on that much) and 2) that if we take their metaphysical claims about this to their conclusion, we end up with odd results like this. To those who say that "race does not exist" is a meaningful expression, I would say that it could be to anyone who rejects assumption 1). If they still think that race is biologically determined, then this could be meaningful since they would cognize race not as a horned hare but as an existent entity. In those cases, perhaps race eliminativist argument could do some work with transforming systemic inequality. However, if you following a revisionist account of race (as I believe more and more people are), this remains meaningless. In other words, negating the strong definition of race has no effect on the weak definition. It is not parasitic as Appiah claims. You would need a different argument to demonstrate that cultural, social, political, or economic definitions are not real. The property relations for each of these types of race accounts are different and as a result, have different references and loci in the world. If race is an empty term like a horned hare, negating it is a non-sense expression. If you then claim that any revisionist concept of race is non-existence because it is based on the base empty term "race," you have not said anything meaningful either since the predicate is a non-sense expression.

5 STICKS AND STONES: ON WHAT MĪMĀṂSĀ AND NYĀYA CAN TEACH US ABOUT HATE SPEECH

5.1 INTRODUCTION

No matter the political issues dividing the American public nor how heinous the views of any group, many believe freedom of speech is an efficient method toward political and social resolutions and a necessary feature of a well-functioning democracy. The thought is that people can come to rational conclusions about what is best for our community by debating opposing ideas in a public forum. But like many political ideals, the devil is in the details for what someone means by "freedom of speech." Defamation, slander, and causing a public panic, for instance, are notable exceptions to legally protected speech, hence, how we define it determines what kinds of speech are protected and what kinds can be regulated.

This chapter builds on the foundation of philosophers who argue freedom of speech protections should not encompass hate speech. Moreover, like many of them, I also use the framework of speech act theory to understand the impact of harm from hate speech on marginalized groups. Where this project differs is in the application of an alternative view of speech acts found in the Indian philosophical tradition of Mīmāṃsā[133] because their speech act theory does not need a speaker's intention for an illocutionary effect. I find this theory helpful for explaining how a listener can have the correct uptake of a speech act without the speaker intending any pejorative meaning (e.g. in cases where someone wears black-face while claiming not to be

[133] A note on Sanskrit terms in this chapter: Mīmāṃsā refers to a philosophical tradition and a Mīmāṃsika is a philosopher with in that tradition. Similarly, Nyāya refers to a philosophical tradition and a Naiyāyika is someone in that tradition.

unaware of the historical and cultural impact of the act). The Mīmāṃsā portion of the chapter speaks to audiences engaged in work on constitutive forms of hate speech where there can be norm-setting speech acts without a speaker's intention.

However, accounting for how speech acts cause harm without an agent's intention is only half the issue. A related problem revolves around the mental content of words experienced by the listener and the impact those words have. The latter half of this chapter will address this by incorporating a Naiyāyika theory of verbal cognition explicating the relation between verbs and actions. As we will see, Naiyāyikas argue that there is no difference between our cognition of verbs (i.e. a linguistic expression of action) and our cognition of actions (i.e. the process of doing something in the world). In other words, if the agent meets the conditions for comprehending a linguistic utterance, then there's no meaningful difference between the conceptualization of bigoted words and bigoted deeds. This portion of the chapter will speak toward philosophers concerned with the harm of hate speech on marginalized groups.

This work seeks to engage with both philosophers working with western materials and others working with sources from the Indian philosophical traditions. As such, much of this chapter provides overviews for debates on hate speech and Sanskrit philosophy of language so that the main points of my argument are understood. The latter portion gives introductory remarks on Sanskrit verbal endings and their importance in Nyāya philosophy of verbal comprehension. However, this first part below provides a working introduction to the freedom of speech vs. hate speech arguments western political philosophers discuss including the conditions that justify censoring hate speech and different types of harm (primarily constitutive and causal).

5.2 WHY SHOULD WE CENSOR HATE SPEECH? A BRIEF INTRODUCTION

5.2.1 John Stuart Mill on Freedom of Speech Exceptions

This section reviews some of the conditions John Stuart Mill sets for freedom of speech exceptions. I use these exceptions to test if hate speech should be in the same category as defamation, etc. There are only two exceptions noted here where one is an implied exception and the other is explicitly stated. The implied exception is when hate speech does not have any direct propositional content. Without any proposition about the political or social world up for debate, we cannot test the merits or justification for holding that political or social belief as Mill would want us to do. The other explicit exception is the harm principle where the harm of speech outweighs the benefit of allowing it to go uncensored.

John Stuart Mill offers four arguments in defense of freedom of speech in the second chapter of *On Liberty*.[134]

1. If a powerful group in a society completely censored a political view from the public, it is impossible to prove that this view is false. This is because the view cannot be verified as true or false if no one knows about its existence.
2. If a political view is false, it still may be the case that it contains portions of the truth just as the right view may contain something false. It is possible that coupling them both could yield a stronger overall position, so censoring any of them before assessing the right and wrong portions would be wrong.

[134] Mill, John Stuart. "On Liberty - Of the Liberty of Thought and Discussion Chapter II." *Mill, On Liberty, Chapter 2 | Library of Economics and Liberty*, www.econlib.org/library/Mill/mlLbty.html?chapter_num=2#book-reader.

3. If a political opinion is completely true without defect, it is possible people will not adopt this view unless it is proven to them through publicly scrutinizing its merits. This is because the public would have no justification for taking up the view outside of debating its merits.
4. A political opinion is in danger of becoming a lifeless doctrine if the public is not allowed to debate its merits.

Based on these four arguments, Mill reasons that the freedom of speech enables the discovery of knowledge about our political and social systems through the *justification* of that knowledge. The catch is that for unregulated political speech to be beneficial for society as a whole, we would have to believe and have evidence for political speech being an avenue toward discovering new areas of knowledge. In Mill's worst-case scenario where new ways of thinking never arose due to censorship, political knowledge becomes mere dogma, and I would imagine society crystallizes into a fixed political and social regimen never reacting to new challenges or dangers we might face as a community. However, there is plenty of evidence that hate speech does not have this function of revealing new knowledge. One way to test this is to look to legal definitions of hate speech and examine it to see if it fits the above conditions. Jeremy Waldron, for example, explains the practical challenges in legally defining hate speech in Canada and Great Britain:

> Many statutory definitions of what we call hate speech make the element of "hatred" relevant as an aim or purpose, something that people are trying to bring about or incite. For example, the Canadian formulation…refers to the actions of a person "who, by communicating statements in any public place, incites hatred against any identifiable group." Or it is a matter of foreseeable effect, whether intended or not: the British formulation refers to speech that, in all the circumstances, is likely to stir up hatred."[135]

[135] Waldron, Jeremy. *The Harm in Hate Speech*. Harvard University Press, 2012. pg. 35

In at least these two cases, the defining characteristic of hate speech is how it influences hateful behaviors or the possibility of hateful behaviors arising. In other words, the content of hate speech is important only in so far as it could foreseeably cause hateful actions, not solely because of the information conveyed by the words. Of course, the British case questions the amount of time between when someone expresses hate speech and when the effect might manifest. This is because the primary causal link between $speech_1$ and $event_x$ would be weakened depending on how many events occurred after $speech_1$ but before $event_x$. Even in the Canadian case of where hate speech must "incite" hatred, there is no clear concept on when that hatred must manifest for the speech to causally connect to an instance of hatred or discrimination. For now, however, I will leave it to others to define what factors into the causal connection or even if we should only conceive of hate speech to have causal effects,[136] but what is important to note here is that for Canada and England hate speech must be tied to a foreseeable incident of discrimination.

That need not be the case, though. Rosenfeld in a law review on hate speech laws in the western world defines hate speech as "…speech designed to promote hatred on the basis of race, religion, ethnicity or national origin."[137] We would need to add language around gender, sexuality, and other marginalized groups to the list of targeted communities, although, the main point here is that this definition does not tie the effects of hate speech to an "incitement" of hatred or discrimination nor to the likelihood that it would occur. Instead, here for hate speech to function

[136] For a helpful summaries of the some theories about the casual or constitutive harms of hate speech, see Mary Kate McGowan, and Ishani Maitra. "Introduction and Overview." *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012. pg. 6-8 and McGowan, Mary Kathryn. *Just Words: On Speech and Hidden Harm*. First edition, Oxford University Press, 2019. pg. 23-24

[137] Rosenfeld, Michel. "Hate Speech in Constitutional Jurisprudence: A Comparative Analysis." *Cardozo Law Review*, vol. 24, no. 4, April 2003, pp. 1523, *HeinOnline*, https://heinonline-org.ezp prod1.hul.harvard.edu/HOL/P?h=hein.journals/cdozo24&i=1537.

as hate speech, it must promote (or spread the ideology of hatred) against a marginalized group. Whether is it connected to a specific incident is not relevant.

Let's now revisit Mill. Recall that his arguments for freedom of speech rest on political views potentially revealing some truth to the public (i.e. some political knowledge) and allowing the public to develop their own rationale for why those political views might be true (i.e. some justification for that knowledge). Notice that the laws in Canada and England define hate speech in such a way that neither knowledge nor justification are an aim of the speech. Hate speech designed to incite hateful actions does not function to impart knowledge. Instead, the laws define hate speech as having some causal capacity increasing the probability for harm against a marginalized group. As an example of what would qualify as hate speech under these laws, shouting a racist slur (arguably)[138] does not have any direct propositional content that could uncover a political truth. Therefore, it is clear that Mill would not consider this kind of hate speech deserving of a government-enforced protected status.

However, what about Rosenfeld's definition, which hinges not on an incitement to enact discrimination or violence against marginalized groups, but instead on the *promotion* of hatred? In

[138] There's a fair amount of debate on whether or not slurs have propositional content. On the one hand it seems like slurs do not have to have propositional content to derogate and subordinate a group given that the emotive force or psychological impact can take effect without the hearer explicitly cognizing a state of affairs. That said, many philosophers believe slurs do have propositional content since they may declare an allegiance to an ideology. Much of this is outside the scope of this paper. However, some author's who discuss this more in depth are. Blakemore, Diane. "Slurs and Expletives: A Case against a General Account of Expressive Meaning." *Language Sciences*, vol. 52, Nov. 2015, pp. 22–35. *DOI.org (Crossref)*, doi:10.1016/j.langsci.2014.06.018. Croom, Adam M. "How to Do Things with Slurs: Studies in the Way of Derogatory Words." *Language & Communication*, vol. 33, no. 3, July 2013, pp. 177–204. *DOI.org (Crossref)*, doi:10.1016/j.langcom.2013.03.008.

---. "Slurs." *Language Sciences*, vol. 33, no. 3, May 2011, pp. 343–58. *DOI.org (Crossref)*, doi:10.1016/j.langsci.2010.11.005.

this scenario, promoting a political ideology has the capacity of revealing new political knowledge just as the promotion of public education ideas could reveal a better educational policy. Given that promoting an idea (and not inciting hateful behavior) might reveal new knowledge, it would seem that this kind of hate speech would be deserving of legal protection from censorship.

As an example, take the following excerpt circulated in July 2019. I came upon this message since it was sent to me directly in addition to other Harvard affiliates in support of Kyle Kashuv, a student whose admittance into Harvard was revoked after it was made public he regularly used racial slurs among friends and on social media. The email is quite long, but I feel it is important to quote the bulk of it at length to demonstrate the structure of the author's argument for free speech and his use of racism as a political ideology as he addresses what he sees as unfair admission practices against white people. As a warning, the author uses offensive slurs liberally in the following excerpt:

> Dear Mr. Lawrence Bacow:
>
> I ask that you kindly reinstate Kyle Kashuv's acceptance to Harvard University and remove William Fitzsimmons from your administration. Harvard's Free Speech Guidelines clearly convey the seminal importance of free speech to the university.
>
> "Free speech is uniquely important to the University because we are a community committed to reason and rational discourse. Free interchange of ideas is vital for our primary function of discovering and disseminating ideas through research, teaching and learning."
>
> ….Harvard's Free Speech Guidelines form a valid contract between current students, matriculating students and the university. The Office of General Counsel

is copied on this email, but it would be difficult to fathom that you are not familiar with the basic precepts of free speech. If Mr. Kashuv were to file a TRO or preliminary injunction against the university, he would prevail, and afterward move forward with a complaint for substantial damages…

The despicable decision of your staff, notably William Fitzsimmons, to revoke Mr. Kashuv's offer exposes the blatant hypocrisy for a bevy of reasons. Harvard's racist admission standards have been exposed time and time again, particularly in the recent discrimination lawsuit against your university. You routinely send recruitment letters to low IQ negroes with 1100 SAT scores, yet revoke offers of admission from Caucasians with high 1500's SAT scores, while at the same time, enforcing a much higher academic bar for other matriculating students. You allowed an imbecile named David Hogg to matriculate at Harvard with a 1270 SAT score, known for his frequent profanity-laced diatribes against opponents. How peculiar that Harvard's "Maturity and Moral Character" litmus test was not used to revoke Hogg's admission. Swarms of black spooks congregate on campus with radios three times the size of their brains, blasting racist and misogynistic lyrics under the guise of musical "artistic expression." Yet, ironically, their behavior as adults compared to Kashuv's as a 16-year-old minor does not lead to any punitive action on your end.

Besides encouraging your staff to practice racism in their admission standards, you assail individuals with differing political views. You attacked Professor Ronald Sullivan for zealously advocating (as lawyers are required) on behalf of his client Harvey Weinstein. You've hired convicted felons to your faculty. You've launched a crusade against Conservative students like Kashuv, but not Hogg who do not espouse your far-left, Communist views. You kowtow to disgusting Chinks who drive moving tanks over speech dissidents and send thousands of Uighurs to Chinese concentration camps…

Kindly note that I am not representing Mr. Kashuv at this point in time. My background focuses on the campaign and crowdfunding aspects of high stakes litigation. I am mindful of the $44 million humiliating verdict against Oberlin College in favor of Gibson's Bakery. Here, an obese homosexual named Meredith Raimondo abused her power as Dean of Students by using a bullhorn to shout that the Gibson's were "racist", which was a spurious and defamatory claim. Fitzsimmon's used a similar bullhorn against Kashuv. As such, because Fitzsimmons has exposed Harvard to a lawsuit where the stakes are enormous, those on the right side stand to profit enormously.

"Heuchler" is Deutsche for "hypocrite". And "Shleger" is Yiddish for "bully". William Fitzsimmons' contemptible behavior toward Kashuv while groveling at the feet of vicious, low-SAT negroes certainly makes him a heuchler and shleger. Your atrocious conduct bestows on you a six-pointed yellow badge with three points of "Heuchler", "shleger", and "Kikel". Perhaps the other three points can be "Reinstate Kyle Kashuv" to redeem yourself.

Jamal[139]

[139] "Jamal West." *Letter to Kikel Lawrence Bacow / Harvard's Two-Faced Hypocrisy Surrounding Kyle Kashuv*. 16 July 2019. It's safe to say that the name "Jamal West" is a pseudonym to obscure the true identity of the author.

The author's letter is shockingly repugnant since most racists and homophobes these days refrain from broadcasting their actual views so honestly and publicly. That said, I want to focus on what the author claims is true about freedom of speech, and if this example satisfies Mill's criteria for protected speech. The underlying grievances of this email are the following:

1. Since Harvard acknowledges a commitment to freedom of speech as a necessary principle of academic discovery, revoking Kashuv's admission based on his beliefs (racist or otherwise) is a violation of that commitment.
2. Furthermore, freedom of speech enshrines the legal protection of all speech (including racist hate speech); therefore, it is legally invalid to revoke Kashuv's admission based on his use of racial slurs.
3. Harvard has accepted other students into the university who have, according to the author, extreme liberal views on gun control, therefore, denying Kashuv based on his extreme speech is hypocritical.
4. Harvard accepts "less worthy" students of color over white students, which the author believes is another reason for Kashuv being denied admission.

The ideology of racism in this email, Mill would argue, is deserving of being legally protected speech because rational people would be able to reason to the conclusion that this view was, in fact, harmful to our country as a whole.

All of Mill's arguments require that people see political discourse as a means toward rationally examining the benefits and detriments of any political ideal. Furthermore, it assumes that once someone goes through this rational examination, they would adopt the ideal based on its merits alone. However, it is not clear that political speech aims to inform or share ideas. Rather, the case seems to be that political speech is directed only toward those that already hold your ideology or to shout down an opponent.

Even so, let's still assume that at least in some cases we can reason our way out of bigoted ideologies as Mill suggests. In this case, is there any other reason to be in favor of restricting hate speech? Should we look at "Jamal's" email as a welcome opportunity for further conversation on race in America? Do we at all account for the harm in this email in weighing that decision? If the email functions to cause harm to marginalized groups, then it could violate Mill's other prohibition of speech in that it causes harm. He claims that "…the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others."[140] So, if speech like that email causes harm, then Mill would agree that the government would be justified in censoring it.

5.3 On Constitutive Harm -- The Problem of Authority

Feminist philosophers and critical race theorists have theorized for years about the capacity for speech acts to constitute a norm of discrimination or cause harm as an effect of that enactment. While a comprehensive overview of those philosophical developments is beyond the scope of this paper, I do want to highlight one issue for the constitutive harm view called the "problem of authority" to preface the next section on Mīmāṃsika speech act theory.

The problem of authority comes from assuming one must be in a position of authority vis-à-vis a marginalized group for them to create a norm of subordination. A historical example would be state legislators instituting laws that Black people could not use the same swimming pools as white people. In this example, it is in virtue of that governing body's authority that they were able

[140] John Stuart Mill. (1863 [1859]). *On Liberty*. Ticknor and Fields. p. 23

to create that norm of subordination. If enough people conform to this new rule, then they have demonstrated their acceptance of that person's authority to create such a norm and enforce it. In J.L. Austin's terms, the first utterance of a state legislator has illocutionary force because the words bring a new norm into existence based on the authority of the governor. The perlocutionary effect of the utterance is the community adapting their behavior to this new norm as a result of the illocutionary act.

Austin tells us that authority is among the preparatory conditions for an illocutionary speech act to have the intended effect on the listener.[141] In other words, without authority, the state legislator could not set any norms since the community would not recognize them as having the appropriate relation to the larger social body to dictate social interaction or communal behavior. Hence, the problem of authority in hate speech debates is about how it is possible that a person could set a bigoted norm when a speaker lacks authority.[142]

Returning to the email, while it is true that the author makes regular use of hate speech to derogate various marginalized groups, it is less clear what authority the author has behind them to elevate hate speech from merely offensive to something worthy of censorship. To be clear, the difference between hate speech and offensive speech is that hate speech targets an individual based

---

[141] J.L. Austin described several conditions that were conducive toward a successful speech act. He describes seven total for illocutionary force including preparatory force encompassing speaker authority. A clear summary of all of those conditions can be found on the SEP: Mitchell Green. "Speech Acts." *Stanford Encyclopedia of Philosophy*, 2 Oct. 2014, https://plato.stanford.edu/entries/speech-acts/#SevComIllFor.

[142] The problem of authority pertains to words constituting harm and not causing harm. Briefly put, some words have the power when uttered by someone of authority to create new states of affairs while the same words fail to do so when uttered by someone lacking authority. However, anyone lacking authority can *cause* harm (not constitute) with words. An example might be if a co-worker continually made racist jokes in the office the caused a hostile work environment as opposed to the boss declaring a racist policy. Rae Langton has a useful discussion of this topic in both Rae Langton. "Beyond Belief: Pragmatics in Hate Speech and Pornography 1." *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012, pp. 72–93. and Rae Langton. "Subordination, Silence, and Pornography's Authority." *Censorship and Silencing: Practices of Cultural Regulation*, edited by R.C. Post, 1998, pp. 261–83.

on their membership in a historically marginalized group. This is because hate speech can trigger generational trauma based on a history of discrimination or either implicitly or explicitly reinforce a hegemonic social hierarchy. Offensive speech, on the other hand, is disrespectful in tone, but not necessarily drawing on a history of discrimination. For instance, offensive speech might be if one person told someone else that their shoes looked ugly. Surely, anyone would feel angry or embarrassed if they were on the receiving end of such a comment. However, insulting someone based on their clothing does not have the same impact as insulting someone based on their inclusion in a marginalized group. But if we want to say that the author of the email has some illocutionary force behind their email for their words to constitute hate speech, then we should be able to see that the author occupies some position of authority. One might be tempted to say that this email only has the capacity to cause harm rather than constitute harm.

Is it true that only certain types of people in positions of authority can set bigoted or subordinating norms? Many would say no. They would say that there are cases where the speaker would still be in some position of authority to subordinate if their words have authoritative weight in the context of a conversation. Ishani Maitra points out in her article, "Subordinating Speech,"[143] that someone can gain situational authority based on whether the group defers to a rule in the moment. One example of this would be when a group of friends plan a road trip. In this circumstance, we might have two or more people who want to leave at various conflicting times or who want to stop at various places along the way making the trip overly complicated or impossible if they were to accommodate everyone. Then, one person in the group speaks up saying that the plan as-is is untenable. They begin delegating to one person that they take on the

[143] Ishani Maitra. "Subordinating Speech 1." *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012, pp. 94–102.

responsibility of when to leave. They delegate to another person the task of choosing the route and stops. This continues without objection from the group. If Maitra is correct, this delegator has situational authority even as they are among peers. If one can gain authority spontaneously depending on if certain social conditions are met, this meets the preparatory requirement for constitutive harm.

Mary Kate McGowan also provides an alternative account of authority where there can be subordinating speech without an explicitly authoritative position vis-à-vis other persons. As opposed to standard exercitives that require the speaker to occupy some position of authority to have the illocutionary force of constituting a new subordinating law or rule, McGowan posits that conversational exercitives work by implicating a set of conversational norms capable of constituting harm without the speaker's intention or with the speaker occupying positional authority.[144] The idea turns on the Gricean concept of conversational implicature where a listener in a conversation must make an inference between notion A and notion B because what the speaker means by notion A relies on the meaning in notion B. Take for example this exchange: a child says to her parent, “Hey, did you know Tina’s parents let her get a dog?” and the parent replies, “We can get a dog when you can take care of it.” In this case, what the child says explicitly is a sort of knowledge check asking if her parent knows something or not. However, what she’s actually asking is if she can get a dog – a meaning that the parent correctly picks up on because what she means (i.e. she wants a dog) is implied by what she asks. The standard exercitive takes the implicature where notion A can warn, direct, threaten, etc. in virtue of relying on notion B.

[144] McGowan, Mary Kathryn. *Just Words: On Speech and Hidden Harm*. First edition, Oxford University Press, 2019. pp 50 -81.

Now, in the case of conversational exercitives, there is a similar inference affecting the normative constrictions of a conversation. These exercitives change the boundaries of what is acceptable in a conversation without explicitly stating that the boundaries are being changed. In this case, norms binding the semantic inference from notion A to notion B are themselves subordinating when the speaker implies a subordinating boundary shift. Taking an example from the email above where "Jamal" says, "[Harvard] routinely send[s] recruitment letters to low IQ negroes with 1100 SAT scores, yet revoke[s] offers of admission from Caucasians with high 1500's SAT scores, while at the same time, enforcing a much higher academic bar for other matriculating students," notion A is a testable claim about Harvard's admission statistics and notion B is that affirmative action privileges black students at the expense of white students. McGowan would say that the implication from notion A to notion B brings to bear a norm of suspicion about the qualifications of black students in places of immense educational privilege. This suspicion places the burden on the listener to answer such questions and dispel the accusation, especially if they identify as a black Harvard student. That kind of onus to justify one's existence in a particular place is a kind of constitutive harm on McGowan's account since the accusation places one immediately in a position of ambiguity in terms of their legitimacy as a student.

These are just two ways to subvert the problem of authority and they are effective to a point. However, my concern is that "authority" may be a red herring and not actually a preparatory condition at all. Moreover, these position*s* are not without their problems. One issue is that Maitra's view depends on the assent of participants in a conversation toward turning some opinion into a normative fact. The concern here is that utterances constitute hate speech only if the participants of the conversation accept something as hate speech. It confers a lot of power for people to individually prohibit the effects of subordinating speech where it isn't evident people can deny that subordinating effect so easily.

Another issue is that while it is certainly true hate speech can only be known as hate speech based on context, the context is greater than a mere conversational sphere of reference. For example, in Maitra's subway example when the passenger says "F***in' terrorist, go home. We don't need your kind here,"[145] it is true that the individual people present can recognize (by either assenting or dissenting to that thought) that some utterance is constitutive of hate speech (i.e. setting a norm of Islamophobia in the train car). However, it seems odd to decide whether this particular utterance is hate speech depending on if someone is recognized as an authority figure. Constitutive hate speech subordinating a member of a marginalized group seems more related to the dominant societal narrative the speech is a part of rather than the individual authority of the speaker. In other words, the words themselves have authority because they were historically empowered to subordinate. This also goes beyond just the role of the speaker into the effect it has on the listener just as in the causal view of hate speech describes.

A final issue with Maitra's view is that the state of affairs for that conversation only lasts as long as the conversation itself. In other words, constitutive hate speech is in effect so long as the conservation lasts, however, there is no way for the "facts" of the matter to extend beyond that scope. Any extension to the aftereffects of the train car incident is uncertain.

McGowan's theory of conversational exercitives addresses many of these concerns in that the listener perceives the historicity of subordinating norms across time in the background meaning

[145] Ishani Maitra. "Subordinating Speech 1." *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012, pp. 101.

of conversational norms. They come to the fore when a conversation begins and recedes once the conversation ends, but nevertheless they are constantly present. McGowan is also onto another crucial point here where the speaker's intention is not necessary for speech to be subordinating. Cleary the email author intends to subordinate; however, we can look at another example to see it's not required. In 2017, the Carolina Panther's quarterback, Cam Newton, gave a post-game interview in the press room where sports journalist, Jourdan Rodrigue, asked him about his team running certain routes in the game. Newton answered her question by saying, "It's funny to hear a female talk about *routes* like -- it's funny." When he was called out for his comments, he first insisted that she wasn't seeing the routes in the game correctly. Then, he said he meant to say it was funny to hear *reporters* talk about routes, not just women. In any case, Newton was making a poor attempt at humor that had the same effect as the email author delegitimatizing someone because of their inclusion in a marginalized group.

Still, under McGowan's account, it is difficult to pinpoint the process of harm production that hate speech has on the listener. Much of my own view dovetails with McGowan's and the following sections on the Mīmāṃsika theory of speech acts explaining how words can produce constitutive harm.

5.4 SANSKRIT PHILOSOPHY OF LANGUAGE ON HATE SPEECH

5.4.1 A Mīmāṃsā Theory of Text and Performance

Mīmāṃsā is well known for claiming that the Vedas are a text without an author but for also claiming that the Vedas "compel" anyone who reads it in the appropriate way to perform a ritual sacrifice. The Vedas are a set of religious texts describing instructions on the correct way to perform ritual sacrifices and Mīmāṃsā concentrates on the interpretive tools to ensure that anyone who receives information from the Vedas understands them correctly to achieve the desired ritual result. Hence, Mīmāṃsā maps the connection between text, reader, and the reader's response to the text's content. We can then categorize the Mīmāṃsā project as twofold:

1. To systematize the interpretation of Vedic commands to ritual sacrifice and
2. To theorize how Vedic words lead to worldly results.

In this section, I will explain what text means for the Mīmāṃsā for our scenario on hate speech and detail its illocutionary and perlocutionary effects without an author.

At first glance, the Vedas are just a set of instructions and mantras that describe a ritual sacrifice. Much of the text are sets of injunctions commanding you to do some act. For example, a verse may tell you to light the sacrificial fire when the sun is at a particular place in the sky. Mīmāṃsikas ask, why does this verse compel you to light the fire when it says to do so? If we have another case where the sacrificer reads the same verse written on a random scrap piece of paper, it is less likely they would go ahead with the instructions. The obvious reason that the sacrificer would follow the Vedas' instructions and not the scrap piece of paper is that the former is invested with authority over ritual sacrifice and the latter is not. However, they have to explain in virtue of what does this text have authority? We've already said that Mīmāṃsikas do not appeal to the expertise of an author figure nor to any personified god author who has jurisdiction over sacrificial matters. The Vedas have authority in and of themselves.

Mīmāṃsā uses the concept of *bhāvanā*, the linguistic force causing an agent to perform some action, to explain the specifics of the uptake of commands and their enactment. Bronkhorst explains that "[t]he reason why human activity is expressed in a causative form is that the Mīmāṃsikas consider that human activity, unlike physical movements, consists in intentional actions performed with the aim of realizing a purpose.”[146] We see this in Kumarila’s (founder of the Kumārila tradition of Mīmāṃsā) interpretation of one of the most quoted excerpts from the Mīmāṃsika textual tradition: *svargokāmo yageta* (one who desires heaven should perform ritual sacrifice). Freschi analyzes Kumarila’s paraphrase of this Sanskrit sentence as the following:

1) svargakāmaḥ ("one who is desirous of heaven") → svargaḥ ("heaven"),
2) -ta (optative verbal suffix) → bhavati ("occurs"),
3) yaj (verbal root "to sacrifice") → yāgena ("through sacrifice").[147]

The arrows represent how the original text of *svargokāmo yageta* (meaning one who desires heaven should perform ritual sacrifice) can be reinterpreted through a Sanskrit grammatic paraphrase in another sentence “heaven occurs through sacrifice.” This Vedic injunction commands that the agent to sacrifice to attain heaven. The agent has previously desired heaven and knows from reading the Vedas that they ought to perform a sacrifice to achieving that desire. Kumarila was explaining why an agent takes up an action (e.g. through some desirous aim), what an agent does to achieve that aim (the means), and through what steps does it manifest (the procedure).[148] Since the Vedas are canonically authorless, Mīmāṃsikas need to explain why the role of the speaker never originates from within their own tradition. All of this work stems from comprehending one’s own (i.e. the listener’s) aim alongside comprehending that (in this case) the Vedas have information conducive toward achieving it. Hence, regardless of a speaker’s intention to cause someone to act a certain way, language causes the listener to take up behaviors in

---

[146] Bronkhorst, Johannes. *Mīmāṃsā and Vedānta: Interaction and Continuity*. Ed. World Sanskrit Conference. 1. ed. Delhi: Motilal Banarsidass Publ, 2007. Print. Papers of the 12th World Sanskrit Conference v. 10.3. 208

[147] Elisa Freschi. “HOW DO EXHORTATIVE EXPRESSIONS WORK? BHĀVANĀ AND VIDHI INRĀMĀNUJĀCĀRYA AND OTHER MĪMĀṂSĀ AUTHORS.” *Rivista Degli Studi Orientali*, vol. 81, no. Fasc. 1/4, 2008, pp. 151. JSTOR.

[148] Ibid.

alignment with some prior mental state of desire. As Katakoa writes in his paper on the causal theory of *bhāvanā*, an integral part of this theory rests on the listener grasping that words have a hold over them "[f]or no one follows a conjunction without recognizing it to be an injunction."[149]

As for where the authority of the Vedas comes from, Penner offers this helpful analogy between the Vedas and mythology:

> Neither rituals nor myths have an author. Thus there is a sense in which performers of ritual learn to perform a ritual as we learn how to speak our language in spite of the fact that we cannot explain the rules on which both are based. In either case, it simply will do no good to search for an original performer who first taught the ritual or the language, for this simply leads us into [an] infinite regress.[150]

Myths and legends give us implied commands of how we should behave just as the Vedas give us direct commands on performing a sacrifice. Myths pull from commonly held beliefs on appropriate behaviors and have the authority to do so in virtue of being shrouded in givenness. Their communities take their social narratives for granted. The Vedas, too, are given. When a sacrificer takes up those ritual commands and acts on them, they merely invoke the narrative, they never create it for themselves. This is because the Vedas cannot exist without sacrificial performance, so Mīmāṃsā also claims that the text is inseparable from the sacrificer. Clooney states that the sacrificer "activates" the text, but that they are always "preceded by the word".[151] In other words, the background discourse (or myth) demands the uptake of a command and only gains visibility via the performance.

---

[149] Kataoka, Kei. "Scripture, Men and Heaven: Causal structure in Kumarila's action-theory of *bhāvanā*." Journal of Indian and Buddhist Studies, vol. 49, No. 2, March 2001, pp. 1034.

[150] Penner, Hans H.. "Language, Ritual and Meaning." *Numen*, vol. 32, 1985, p. 13.

[151] Clooney, Francis X.. "Why the Veda Has No Author: Language as Ritual in Early Mīmāṃsā and Post-Modern Theology." *Journal of the American Academy of Religion*, vol. 55, no. 4, Dec. 1987, pp. 673.

Still, one could say that this picture is incomplete because the background scripts about gender, race, etc. are observed to update over time. On this model, it appears that these scripts would be static and, instead of reflecting the changing nature of cultural features, the forces giving legitimacy to the racial, gendered, etc. normative acts would maintain over across historical periods and various locations. However, there are a few ways to alleviate this concern. First, one could argue that the individual's social actions that manifest racial, gendered, etc. meaning and give context to how one is recognized by other are themselves generative of new "texts" that could be referenced in the future. This could be possible since every social act would not necessarily be a perfect facsimile of the reference "text;" rather, it would instead be performed in response to a given context. As such, the social act would necessarily have to be tailored to the event which precipitated it. In response, the social act would now be observable as an instance of a racial, gendered, etc. "text," hence, as a reflection of that updated "text" it would come to be revised over time. This explanation echoes in part a Heideggerian theory[152] of *Das man* and *dasein*. The strength of this theory is that it accounts for the unexpressed possibilities of historical and cultural variance with these background "texts."

Another way to explain these unexpressed possibilities is to go with a traditional Vedic perspective[153] of the texts already holding within it any infinite number of possibilities for cultural or historical manifestation. This view comes from a challenge often thrown at Mīmāṃsīka philosophers about their claim that the Vedas are authorless. The challenge to their view is

[152] [152] Heidegger, Martin. *Being and Time*. Translated by John Macquarrie and Edward Robinson, Blackwell Publishing, 1962. pp. 126 – 130.

[153] McCrea, Lawrence. "The Transformation of Mīmāṃsā in the Larger Context of Indian Philosophical Discourse." *Periodization and Historiography of Indian Philosophy: Twelve Lectures Held at the Fourteenth World Sanskrit Conference (Kyoto, September 1 - 5, 2009)*, edited by Eli Franco, Verein "Sammlung de Nobili, Arbeitsgemeinschaft für Indologie und Religionsforschung", Institut für Südasien-, Tibet- und Buddhismuskunde der Universität Wien, 2013, pp. 140–41.

typically the world conforms to a set of causal rules, namely, that sequences of causes and effects pervade all observable events. There is some thing that was there before and caused another to exist. Extending that to the Vedas, the challenger might say that those texts, too, much have something that caused them to come into existence. For texts, normally that is some author. They created the work, so they are the cause of the work. The reason why this is pertinent to updating the historical or cultural "text" in our case is that presumably an author figure (however that would manifest in a society) would be able to update racial, gendered, etc. scripts over time. However, Mīmāṃsīka do not accept this framing and suggest instead that there are some injunctions for how we should act that have always existed and will always exist.[154] Even so, it is not the case that they are revealed all at the same time to us. Some may be revealed later and, presumably, there could be lost knowledge that becomes obscured in the future. In this way, this is another parallel to Heidegger's later work in the concealing and disclosing of worlds.[155] Where we might be "thrown" into a world of meaning, there still is the possibility of shifting that world through our reorientation toward the things around us. Still, Heidegger's picture and the Vedic explanation differ here since the former requires action and effort toward actualizing an "authentic" way of Being in the world, which would disclose another way the world could be for a subject. The Vedic picture does not stipulate an explicit role for the subject in this process. In any case, there are at least these theoretical narratives for how the set of historical and cultural "texts" could be updated over time.

Returning to the email above, I argue that the racist and homophobic ideology behind the words of the author functions just like the Vedas function to instruct a sacrifice. In this instance, it is helpful to view the "sacrifice" as a performance of bigotry. Each performer upon interacting

---

[154] Ibid.

[155] Heidegger, Martin. *Being and Time*. Translated by John Macquarrie and Edward Robinson, Blackwell Publishing, 1962. pp. 175 – 179, 200 – 210.

with the text (or ideologies) aligns their comprehension of the text with their desires. Then they can invoke the relevant meanings to complete the performance. The difference here between the desire of the performer and the intention of the speaker is that the desire cannot shape or impact in any way the message of the performance. In ritual practice, the text does not have an agenda outside of compelling a sacrifice to perform a sacrifice.[156] It does not matter why the sacrificer does it, but if they happen to have some desire to act in accordance with the ritual, that is of no real consequence.

If this is true, it seems not to matter if a performer desired to perform a bigoted ritual. If they did, it is an obvious invocation of the bigoted text. If they did not, the bigoted ritual is still "successful" in invoking that "text." Furthermore, if the norms of these rituals or myths carry the authority perpetually and not the individual, it seems whenever they are invoked there is the potential for constitutive harm. Hence, it is unclear whether there should be a focus on speaker intention for constitutive harm at all under this view.

5.5 A Brief Introduction to the Debate around Sanskrit Verbal Suffixes

But what about the listener who is on the receiving end of a bigoted ritual? For that, we need some more background material before jumping into the Naiyāyika answer to this question. Just as the first section was an overview of the conditions for censoring hate speech, this section will be an overview of Sanskrit philosophy of language around verbal suffixes. Verbal suffixes are

[156] Clooney, Francis X.. "Why the Veda Has No Author: Language as Ritual in Early Mīmāṃsā and Post-Modern Theology." *Journal of the American Academy of Religion*, vol. 55, no. 4, Dec. 1987, pp. 668.

important for the Naiyāyika theory of linguistic comprehension demonstrating a similarity between grasping verbal meaning and grasping worldly actions.

For centuries of philosophical debate on the meaning of Sanskrit verbal endings, the primary issue has always been the relation between syntax and semantics. More specifically, philosophers challenged each other on how each grammatical component in a sentence generated its unique semantic value, which when taken together as a whole sentence yields the totality of the listener's comprehension. At first blush, it seems right to say that particular grammatical components are responsible for producing particular concepts. After all, nouns give us cognitions of people, places, and things while verbs give us cognitions of actions. For verbal suffixes, they take for granted that it is responsible for generating a particular part of a listener's linguistic understanding, but they disagree on what part that is.

When conjugating a Sanskrit verb, we use three components to generate meaning: the verbal root (*dhātu*), the verbal stem (*pada*), and the verbal suffix (*ākhyāta*). These three components allow the speaker to generate the person, tense, number, mood, and voice of the verb. Since Sanskrit is an inflected language, the verb itself can indicate the grammatical agent of the action by the suffix indicating whether it is a singular, dual, or plural agent(s). For example, to create the meaning "she speaks" you would begin with the verbal root, *vad*, meaning "to say" or " to speak", add the infix *a* to produce the verbal stem, *vada*, and finally add the verbal suffix, *-ti*, indicating that this is a 3rd person, present tense, active voice verb. The final output of this formula is *vadati*, "she speaks[157]." Adding the feminine *sā* pronoun would make this even more explicit

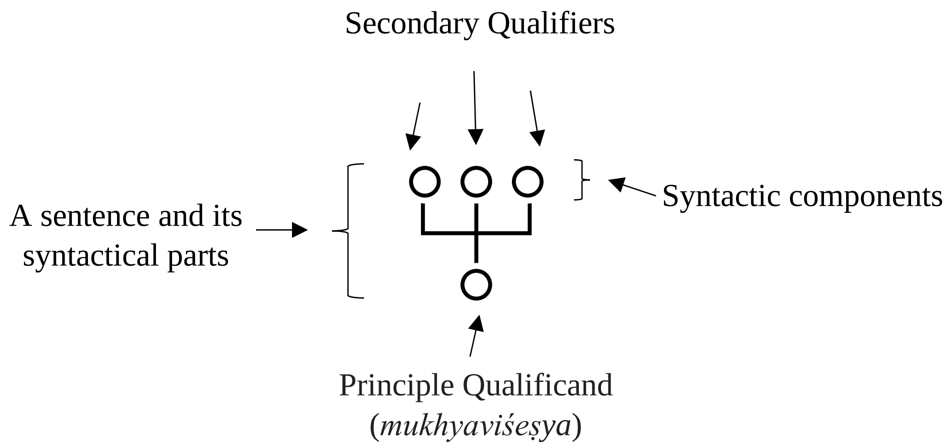
[157] The *ti* ending indicates any 3rd person pronoun by itself. We could also read this sentence as "he says" or "it says" depending on the context of the whole passage.

since *vadati* alone only indicates that some agent is speaking. This much every Sanskrit philosopher and grammarian agrees upon.

However, the debate of verbal endings also extends into Nyāya's fundamental metaphysical and epistemological positions. Generally speaking, they both maintain that there is a state of affairs independent of an agent's experience, we can know about those states of affairs as they are, and language expresses the state of affairs as they are independent of the agent.

Sanskrit philosophers may disagree on the specifics of the comprehension of language (*śābdabodha*), but they accept that it depends on identifying which grammatical component houses the primary semantic meaning in a sentence. Often secondary semantic meanings complement the primary meaning, but the primary meaning is what a sentence is about. This primary meaning is called the *mukhyaviśeṣya*, otherwise known as the principle qualificand.[158] This principle qualificand is the grammatic core causing a listener's comprehension since it is the foundation (or focus) of the sentence. Another way of conceptualizing the *mukhyaviśeṣya* is that this is the component of an utterance drawing a listener's attention. The Naiyāyikas claim the principle qualificand is the nominative case (the subject position in active voice sentences) (*prathamāntārthamukhyavisesyakasābdabodha*).

[158] It is worth observing that aboutness in Sanskrit linguistics does account for intentionality, as well. For more on this topic, see Matilal, B. K. "The Intensional Character of Laksana and Samkara in Navya-Nyaya." *Indo-Iranian Journal*, vol. 8, no. 2, 1964. *Crossref*, doi:10.1007/BF00156210.



For example, Naiyāyikas say the proper paraphrase of *vadati* is that "She (the agent) expends effort toward the action of speaking." For them, the nominative case signifying the agent is the principle qualificand. The secondary qualifiers are effort corresponding to the verbal suffix and the verbal root giving us the action undertaken by the agent. I want readers to hold onto this thought since the way that the listener comprehends actions, I will argue, reflects how they understand and acquiesce to the rules around actions in the world.[159]

5.6 The Nyāya Theory of Verbal Suffixes

[159] I realize that my readers might be skeptical of how a Sanskrit speaker's comprehension of language affects our own understanding of an English speaker's comprehension. My answer is that even as the arguments below depends on Sanskrit verbal suffixes, the theories of action triggered by them is applicable to our own case in English. For instance, there is the matter of verbal cognates in English rooted in Sanskrit. The most important one in this case being *bhū* meaning "to be" or to "become." Many Indo-Europeans languages, including English, take there verb for "to be" from Sanskrit's *bhū*, and *bhū* is the root verb from which we derive the noun *bhāvanā*. This "coming into being" concept is a shared one between these two languages. Moreover, western philosophy shares the idea that the agent's mental state is the origin actions too, albeit, in a slightly different manner as the Naiyāyikas below. We will see more of how this works next beginning with a brief summary of the positions of the three stakeholders in the debate.

The *Tattvacintāmaṇi* (TCM) is a foundational text of the Navya-Nyāya (the new Nyāya) tradition providing a technical philosophical language to describe the content of cognitions. Gaṅgeśa composed the TCM in the 14th century CE. His work expands on the 11th-century philosopher, Udayana, in that they both sought to increase the precision and clarity in Sanskrit philosophical discourse and define a series of terms to describe specific epistemological relations between qualifiers and qualificands. The book is divided into four chapters for the four *pramāṇas* (i.e. the means of acquiring valid knowledge) accepted by Nyāya: perception, inference, analogy, and testimony. The only portion I examine here is called the *Ākhyātavāda* of the fourth chapter of the TCM explaining the meaning of Sanskrit verbal roots. The exchange begins with a Naiyāyika and a Bhāṭṭa Mīmāṃsika interlocutor[160] debating about whether effort is the meaning of a verbal suffix (*ākhyāta*) or if *bhāvanā* (productive operations) convey their true semantic meaning. More specifically, the Mīmāṃsika is arguing that activity is the meaning of a verbal suffix. The verb they both use to argue their point is *pac* (to cook) in the present indicative (*pacati*).

5.7 A Naiyāyika Theory of Action

Gaṅgeśa suggests that the semantic meaning of verbal suffixes must be effort because of the Self. Naiyāyikas consider the Self (*ātman*) to be a substance containing properties like cognition, desire, aversion, and volition.[161] Similarly, effort is a property of the Self closely connected to volition or will. Many properties of the Self are mental phenomena that Naiyāyikas use to infer the Self's existence. The Self is what gives the feeling of the mental phenomena of

[160] Scholars on Indian philosopher conventionally differentiate between Bhatta Mīmāṃsikas and Prabhakara Mīmāṃsikas due to their difference in hermeneutics of the Vedas and the exhortative capacity of verbs. For more on this issue, see the work of Lawrence McCrea, Elisa Freschi, John Taber.

[161] Ganeri, Jonardon. *The Self: Naturalism, Consciousness, and the First-Person Stance*. 1. ed., 1. impr. Oxford: Oxford Univ. Press, 2012. Print. 249-51

thoughts, sensations, and emotions belonging to one being and is the substance to which the pronoun "I" corresponds to. A notable example is how Uddyotakara in his treatise, the *Nyāyavarttika*, argues that the Self must exist to account for the phenomenal experiences of desiring the same object at two different times. This is in response to Buddhist no-Self critiques rejecting the Self's existence and argue thoughts of a Self are a result of a cognitive error.[162] Uddyotakara's idea is that one being (the Self) exists to possess the sensation of the experience of the object in the initial t_1, and must continue to exist in the subsequent t_2 for the memory of t_1 to produce a desire for the same object in t_2. Without a substratum to retain the memory of the sensation across t_1 and t2, there can be no connection between the initial experience of a pleasurable object and the desire for it at a later point. Now, of course, Buddhist philosophers have a response to this argument, however, that is not important for our current enterprise. What is important is that the Self has an integral role in connecting desires, aversions, volition, and effort to all actions for Naiyāyikas.

The *Ākhyātavāda* begins with the Naiyāyika's position:

> Because a verbal suffix conveys [the default semantic meaning of] effort, there is the [secondary semantic meaning] of activity for a verbal suffix in [examples] like 'the chariot goes' for insentient [grammatical agents]. For instance, in the case of 'he cooks' [and similar examples] the [expended] effort [on behalf of the agent] is to be conveyed [from] the verbal suffix. This is because the paraphrase of all verbal suffixes is due to [the use of] "*karoti*," which has the meaning of effort in [paraphrases like] *pacati* (he cooks) and *pākaṃ karoti* (he makes effort to cook).[163]

---

[162] Chakrabarti, Kisor. *Classical Indian Philosophy of M* Chakrabarti, Kisor Kumar. *Classical Indian Philosophy of Mind: The Nyāya Dualist Tradition*. State University of New York Press, 1999. 61-64.

[163] *ākhyātasya yatnavācakatvāt acetane ratho gacchatīty ādāv ākhyāte vyāpāralakṣaṇā. tathā hi pacatīty ādāv ākhyātasya yatno vācyah, pacati pākaṃ karotītiyādiyatnārthakakarotinā sarvākhyātavivaraṇād.*

Gaṅgeśa, *Tattvacintāmaṇi*, Ed. Kamakhyanath Tarkavagisha. Vol. 4/2, pp 819.

Gaṅgeśa assigns sentient beings and insentient beings different semantic values for verbal suffixes. It is only in the case that an insentient being is a grammatical subject that effort is *not* the primary meaning of the verb. In those cases, there is simply activity through an indirect meaning (*lakṣaṇā*) because only sentient beings with a Self can possess effort. The Naiyāyika's argument rests on the Sanskrit paraphrase "*pacati pākaṃ karoti*," and while this is the standard paraphrasing of the verb *pac* in Sanskrit, Naiyāyikas take some liberties with the interpretation of *karoti* here by claiming that *karoti* conveys effort instead of the more conventional meaning of "making" or "doing." Note that Pāṇini (the grammarian who codified the Sanskrit language 4th century BCE) uses *karoti* in verb paraphrases to denote that some action is occurring, not specifically to mean effort. Nevertheless, the Naiyāyikas now have to defend their interpretation of *karoti* as effort if they want their argument to succeed against their philosophical opponents.

For the Naiyāyikas, verbally expressing "she says" causes the cognition of the agent exerting effort to speak as a deliberate act. Naiyāyikas have always been proponents of direct realism – meaning that the world exists independent of an observer and we are capable of coming to know about it without a mediating influence. Language, too, is capable of grasping the world as it is. Thus, the agent's volition is always placed at the center of any verbal action because we perceive a difference in our actions versus the actions of an insentient object. We experience the Self as possessing the properties of volition, cognition, will, and thought. Effort begins in the Self and terminates elsewhere in the world. However, we never see a chariot move on its own in a willful way. The charioteer can will it forward as a sentient being, but if the chariot is on a downward slope and just starts moving on its own, we don't say it made effort to move. Any action by the *ātman*-possessing subject of the verb will need to exert some kind of will originating in the self and terminating wherever the action was intended. If this is the case, our cognitions from verbal actions closely mimic our cognitions from real-world events

Some sounds force us to comprehend an agent while other sounds cause us to comprehend the action merely happening. Say you are walking outside during the fall and you hear something that sounds like an acorn dropping. You don't see it, but to hear the sound of an accord dropping is to infer "an accord fell from a tree" barring any further evidence that someone climbed the tree and was throwing them down. On the other hand, let us say this time you are walking during the fall and hear leaves loudly crunch somewhere. You again don't see what caused the crunch, but naturally, you would infer "someone or something stepped on dead leaves nearby." Since this is the way most people comprehend sounds in the world, it makes sense that most people would understand the verbs describing these sounds in the same way. If a listener heard the sentence, "the acorn just fell from the tree," the listener would comprehend that there was the activity of an acorn falling from a tree. No need to inquire about an agent and their impact on the activity here. However, if the same listener heard, "the leaves gave a crunch," they might infer that an agent is stepping on the leaves.

For cases like this, the average person upon hearing verbal expressions of hate speech would cognize the effort of the speaker (or sacrificer, performer, etc.) to bring an action into worldly manifestation. How someone reacts based on a second-order cognitive move could explain their response to such expressions. However, the initial cognition for a listener is just as threat-laden as a worldly action and possesses the impression of harm directed toward them. Going back to the email once again, a Naiyāyika would not be able to separate "just the words" arguing a bigoted ideology against marginalized groups from a cognition of the worldly manifestation of each claim as if there actually were racist admission practices against white students at Harvard. Shifting the ground of what really is the case back to a non-racist cognition requires debunking the first order cognition. I imagine the initial cognition is somewhat like shifting the ground for debate as McGowan describes and the secondary cognition is trying to shift it back again.

If we consider the Naiyāyika account, comprehension of verbs mirrors our common sense comprehensions of actions. Since certain actions entail a comprehension of an agent expending effort toward an action, so do certain verbs entail the comprehension of an agent. Words, then, have a close connection between the external manifestation of an action and the internal mental state of a grammatical agent willing to perform some action. Hence, certain verbs are always comprehended with a connection to a grammatical agent's volition or effort to bring about an action. For certain cases like this, the average person upon hearing hate speech would conceive of the semantic meaning of the words but also the intention of the speaker to bring an action into fruition.

To those who might object that immaterial words are incapable of physical effects (like harm) in the world, they could instead take into account the capacity of agents to change the external world based on their internal mental states (e.g. desires, aversions, and volition among other phenomenological aspects of the mind). Similarly, if Nyāya is correct, the motivations for actions are read into verbal expressions of acts. There are a series of inferences for a listener that draws the connection between the speaker's volition —> effort toward the action —> the action begin completed. Hence, there is a potential for harm in the external world, whether physical, mental, or institutional in nature, when verbal expressions anticipate the potential for an agent's motivation to act.

Hopefully, I have shown that the potential for harm expressed in hate speech goes beyond just words. Our linguistic comprehension of hate speech necessarily also grasps the volition of the grammatical agent to cause an action. As such, there is the *actual* potential for harm.

5.8 CONCLUSION

J.L. Austin's *How to Do Things With Words* often comes up in the debate between the Millian free speech proponents and the pro-political correctness advocates. His work was instrumental in western philosophy for demonstrating that words do more than describe a state of affairs. Instead, they can create conditions in the world, too. However, if words have this capacity to change the status of social being (like in the case of marriage vows above), then we ought to be mindful of what they create, who the creation benefits, and who it harms.

Like Austin, Naiyāyikas and Mīmāṃsikas thought about the capacity of words to do things in the world, but in slightly different ways. Naiyāyikas saw words as expressions indicating a necessary connection between agent and Self, thus, defining the verbal suffix in terms of their metaphysical commitment to the existence of a Self. Otherwise, the actions of insentient beings merely occur with no agentive force behind them. Mīmāṃsikas, on the other hand, thought the desires may have motivated action, but the authority backing their meaning was prior to the agent. The common saying about sticks and stones is somewhat naive in light of the philosophical work on the intersection of word and actions. However, even if one accepts that words can cause harm in the world, they may still resist calls for censorship based on the risk of marginalized groups losing their ability to speak against oppressive governments and other risks via aggressive censorship.

I want to end here on this last point about the effects of speech acts to cause harm. This limited examination of Indian theories of word and world focused primarily on the mindset of the agent, namely, what the agent creates or does as a result of hearing speech or how a person interprets the grammatical agent's effort toward accomplishing an action. Unfortunately, there is still a bias against believing marginalized people about their experiences of harm unless there are multiple reports of wrong. The myths or ideologies we could invoke to discuss our harms simply are not as legible as the dominant oppressive ones. As such, this model doesn't leave much room for salvific "sacrificial" performances to fight system oppression. Of course, this is far from the case. Activists have shown time and time again that activating counternarratives against bigotry is possible. There is a lot more to say on how to access those rituals, however, I believe that we could describe what they could be if we focused on the origins of the semantic meaning, the mental processes about linguistic comprehension, and the word's capacity to produce worldly action.

6 CONCLUSION

I began this dissertation by covering four very different topics. At its end, it became a more cohesive work with interrelated issues on the philosophy of perception and the philosophy of language. We started by exploring realist ideological challenges to discourse theory in chapter one and then moved on to chapter two's proposal toward anthropocentric nominal properties that account for the defects in discourse theory. This was followed by an analysis of absences and negation of race-laden expressions in chapter three where we concluded that "there is no such thing as race" is a meaningless utterance, and then continued on to a Mīmāṃsā speech act theory of hate speech in chapter four showing that even if race is a metaphysically vacuous concept, it can still produce constitutive and causal harm via hate speech.

However, the main point I want my readers to consider is that any overly abstract account of social kinds is not only superfluous but may indeed be harmful to any practical philosophical theory for substantive political change. Each of these topics is redirecting us from methods that seek to point toward non-realist ideas of race and gender, which themselves rely on conceptualizing the nature of social kinds as either a helpful fiction or a meaningless distraction leading to systematized harm. In discourse theory, we have the discursive account of race and gender allowing for a fluidly amorphous manifestation of social being circumventing any attempts to know its form in a social context. Whatever is it in one moment could shift in the next since social being is always in a state of becoming and resists a static shape. Much like the Yogācāra we discussed previously, this constant state of coming into being via our language (or for Butler, performativity) is a powerful critique undermining the hegemonic standard of biological essentialism that polices strict gender and race categories. However, from this initial critique, the question remains: how can we build toward an egalitarian social and political existence when the very nature of our oppression is always in negotiation by constantly becoming? How can we even think in terms of systemic oppression when, as the Yogācāra's believe, the external world is only an illusion and, as Butler would claim, our social being is predicated on moments of performativity?

Chapter 2 supposes that there is at least one way out of this through anthropocentric nominalism. I propose that *upādhi*s (anthropocentric nominal properties) help us in this endeavor since they are conventionally defined traits that accord with our common-sense perceptions of the world while being entirely predicated on social facts. In other words, it accomplishes the job of discourse theory, which demonstrates the flaws in hegemonic ideologies like biological essentialism, while also having none of the weaknesses of it so that we can have a stable social kind to latch onto to dismantle systemic oppression. After all, how can we address systems targeting historically oppressed groups without having any idea of those groups to discuss?

Chapter 3 transitions into the philosophy of language and race talk. Race eliminativists claim that "race" terms are parasitic on biological racism by their very nature. As such, when we deploy them in our discourse, they are evocative of a hegemonic ideology regardless of the intent of the speaker. Moreover, race eliminativists would say that while the political usage of race *as an ascription* might be conducive to achieving the pragmatic ends of voicing assent or dissent for a social-kind-based policy, this is merely a helpful fiction that allows identity politics to circulate in the political discourse. Their main claim is race is metaphysically vacuous, so we must realize that claims about the world involving race must be vacuous, as well.

However, I advance two responses to these assertions: 1) any claims about the negation of a vacuous term is axiomatically a nonsense proposition and 2) the political utility behind identity politics in tandem with a denial of race (or potentially other social kinds if we extend the thesis toward other things like gender as Judith Butler does[164]) is incompatible with an intersectional construction of identity. Both arguments rely on Nyāya philosophical frameworks that show that empty terms like horned hairs – which I take to be identical to "race" as defined by Appiah – cannot carry any semantic value when negated. Furthermore, the second argument uses Nyāya's conceptual awareness (*savikalpika*) and non-conceptual awareness (*nirvikalpika*) system of cognitions showing that each trait qualifying a base substance must be known in relation to another trait. Therefore, if the notion of one trait is vacuous (based on the first argument), intersectional identities and any political advocacy based around them necessarily fall, as well.

Finally, I discuss hate speech to conclude the latter half of the dissertation on the philosophy of language. Like Maitra and McGowan, I argue that constitutive harms do not need an authoritative speaker to enact them. However, I diverge from their theories by utilizing a Mīmāṃsa framework of speech acts espoused by Kumarila Bhatta. He develops a theory that privileges the listener and their comprehension of a speech act in order to change something about the social world (in his case via Vedic ritual); though, this depends on the authority of the ritual text being valid in its own right. As I point out, just as the Vedas are an authorless text with the power to enjoin sacrificers to take up commands or transform the nature of a sacrificial rite, so too can the authority of background cultural practices like a gendered or racial script enjoin actors to commit acts or transform a norm. Moreover, if one were to argue that hate speech is instead about causal harms as opposed to constitutive harms, the impact of hateful speech when phrased as subordinating descriptions of the world is cognitively indistinguishable from a subordinating

[164] Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. Routledge, 2006. Pg. 3

action. This is because, for the Navya-Naiyāyika, Gaṇgeśa, cognitions of verbal expressions are identical to the cognitions of perceived actions. The effect this has on whoever hears hate speech is that the utterance is axiomatically understood as a subordinating act.

In each of these chapters, we just the beginnings of how to rethink the philosophy of race and gender. The topics chosen here could, of course, be expanded and themselves the subject matter of their own manuscripts. However, each of these four demonstrates the varieties of techniques that influenced my own thinking on race and gender in the hopes that others in the field will see the benefit in reorienting toward realism as well as expand the scope of philosophical texts that are considered for these such endeavors. No matter whether the topic is the philosophy of perception or the philosophy of language, a reorientation toward realism is warranted in order to cut down on unnecessary theoretical complications. In addition, it encourages us to center the expressions of the lived experiences of oppression.

In sum, the goal of this project is two-fold: 1) to test the limits of the idealist and skeptical struts of the theoretical frameworks of race and gender and 2) to propose possibilities for a realist framework toward social kinds and the harms in hate speech. However, the greater point in all of this is that for those of us working within race and gender studies – whether that's from a philosophy department, WGS Department, African American Studies, or Ethnic Studies – it is important to intently employ our methodological tools toward the common goal of challenging oppression. Sticking with the theory method, as exemplified in the works of Foucault, Fanon, Butler, and Spivak to name a few, is best equipped for a productive destruction of societal systems regardless of their ostensive complexity. After all, their theory (as it is practiced outside of philosophy departments) often diverges from the methodological constraints of asking small questions with unknown ends. Whereas a philosopher might ask, "what is race?" or "how do we know things as gendered?", the theorist will ask "how do we generate and an antiracist epistemology in the 21st century US context?" However, it is now my belief that there cannot be any *constructive* result from such methods. While the scope of the theory questions is apt for analysis of a complex social issue, it struggles to provide a framework for an alternative so long as it relies on abstractions that are unrelated to the common conceptions of the society it seeks to change. Discourse theory and eliminativism are both outside the scope of our common perceptual and linguistic experiences to bring about social transformation. Furthermore, understanding hate speech should be grounded in how norms are created through invoking bigoted cultural practices. These ideas are not radical reconstructions of social ideas or concepts, but their implementation in this work, I argue, accomplished the same goals of those highly abstracted theories without succumbing to idealism run amuck.

While this dissertation tackles four areas for a realist intervention, this is certainly not an exhaustive account of where we could pivot to this position. Moreover, I want to make very clear that pivoting toward realism is not a blunt instrument toward building a workable intervention into public discourse. But why not start by investigating our common perceptions and uses of language as possessing some salvific potential? It seems strange to write them off as being wholly bankrupt of any redeeming qualities for social justice or that they are an unqualified evil. I strenuously reject any use of the philosophy of perception or language that would be employed toward upholding any systemic oppression, and, yes, there are times when that takes the form of appealing to so-called "common sense" notions of social kinds. However, instead of jettisoning our notions of common sense epistemologies, we could reinterpret them so that they still have that inherent conventionality to many people's intuitions while also pushing back against the aims at which they are deployed. In this sense, theories' propensity toward idealism and abstraction is like taking a hatchet to conduct an appendectomy. The scalpel is always going to be the better instrument in such cases. Tweaking the aims of common sense epistemologies, which are based on realist ideas, is a strategy more likely to lead toward social transformation.

I will end by saying that this dissertation is as much about the topics and Indian Philosophy as it is about how to pragmatically achieve anything with practical philosophy. Unlike those who are mostly concerned with purely theoretical issues, we actually have to consider whether or not our methods will lead to any benefit. There are stakes to this game whether we play it in the Ivory Tower or in activist circles. So, we'd better consider the tools we use to accomplish social transformation.

7 BIBLIOGRAPHY

Altman, Andrew. “Freedom of Expression and Human Rights Law: The Case of Holocaust Denial.” *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012, pp. 25–50.

Andreasen, Robin O. “The Meaning of ‘Race’: Folk Conceptions and the New Biology of Race.” *The Journal of Philosophy*, vol. 102, no. 2, 2005, pp. 94–106.

Annambhaṭṭa. *Tarkasamgrahadipika on Tarkasamgraha (The Manual of Reason)*. Progressive Publishers, 1983.

---. *Tarkasamgrahadipika on Tarkasamgraha (The Manual of Reason)*. Progressive Publishers, 1983.

Appiah, Anthony. *Color Conscious : The Political Morality of Race*. Princeton University Press, 1998.

---. *The Lies That Bind: Rethinking Identity, Creed, Country, Color, Class, Culture*. First published as a Liveright paperback edition, Liveright Publishing Corporation, a division of W.W. Norton & Company, 2019.

Ashworth, A. J. “The Doctrine of Provocation.” *The Cambridge Law Journal*, vol. 35, no. 2, 1976, pp. 292–320.

Ban, T. A. “Pharmacotherapy of Depression: A Historical Analysis.” *Journal of Neural Transmission*, vol. 108, no. 6, 2001, pp. 707–16.

BBC Editors. “Europe and Right-Wing Nationalism: A Country-by-Country Guide.” *BBC World News*, 13 Nov. 2019, https://www.bbc.com/news/world-europe-36130006.

Bejan, Teresa. *Is Civility a Sham?* Report, 2018, doi:TED Salon: Brightline Initiative.

Bernal, Dolores Delgado. “Critical Race Theory, Latino Critical Theory, and Critical Raced-Gendered Epistemologies: Recognizing Students of Color as Holders and Creators of Knowledge.” *Qualitative Inquiry*, vol. 8, no. 1, 2002, pp. 105–26.

Bhattacharya, Kamaleswar. “Nāgārjuna’s Vigrahavyāvartanī.” *Encyclopedia of Indian Philosophies*, vol. 8, Motilal Banarsidass, pp. 124–33.

---. “On the Relationship between the Vigrahavyāvartanī and the Nyāyasūtras.” *Journal of Indo-European Studies*, vol. 5, no. 2–3, 1977, pp. 265–73.

Blakemore, Diane. "Slurs and Expletives: A Case against a General Account of Expressive Meaning." *Language Sciences*, vol. 52, 2015, pp. 22–35.

Bonilla-Silva, Eduardo. "The Linguistics of Color Blind Racism: How to Talk Nasty about Blacks without Sounding 'Racist.'" *Critical Sociology*, vol. 28, no. 1–2, 2002, pp. 41–64.

Bordo, Susan. *Unbearable Weight: Feminism, Western Culture, and the Body*. 10. anniversary ed., [Nachdr.], Univ. of California Press, 2013.

Bronkhorst, Johannes. "Innovation in Seventeenth Century Grammatical Philosophy: Appearance or Reality?" *Journal of Indian Philosophy*, vol. 36, no. 5–6, 2008, pp. 543–50.

Butler, Judith. "An Interview with Judith Butler: Gender As Performance."." *Radical Philosophy*, vol. 67, 1994, pp. 32–39.

---. *Bodies That Matter: On the Discursive Limits of "Sex."* Routledge, 2011.

---. *Gender Trouble: Feminism and the Subversion of Identity*. Routledge, 2006.

---. *Undoing Gender*. Routledge, 2004.

Chadha, Monima. "ON KNOWING UNIVERSALS: THE NYĀYA WAY." *Philosophy East and West*, vol. 64, no. 2, 2014, pp. 287–302.

Chakrabarti, Arindam. "Absence, Non-Existence, and Other Negative Things." *Realisms Interlinked: Objects, Subjects and Other Subjects*, Bloomsbury Academic, 2019.

---. *Realisms Interlinked : Objects, Subjects, and Other Subjects*. New York, NY : Bloomsbury Academic, 2020.

Chakrabarti, Kisor Kumar. *Classical Indian Philosophy of Mind: The Nyāya Dualist Tradition*. State University of New York Press, 1999.

---. "The Nyāya-Vaiśeṣika Theory of Universals." *Journal of Indian Philosophy and Religion*, vol. 21, 2016, pp. 72–102.

Clooney, Francis X. *Thinking Ritually : Rediscovering the PЕ«rva МД«mДЃб№ЃsДЃ of Jaimini*. Sammlung De Nobili Institut fГјr Indologie der UniversitГ¤t Wien, 1990.

---. "Why the Veda Has No Author: Language as Ritual in Early Mīmāṃsā and Post-Modern Theology." *Journal of the American Academy of Religion*, vol. 55, no. 4, 1987, p. pp.659-684.

Cooper, Brittney. *Intersectionality*. Oxford University Press, 2015, http://oxfordhandbooks.com/view/10.1093/oxfordhb/9780199328581.001.0001/oxfordhb-9780199328581-e-20.

Correll, Joshua, Bernd Wittenbrink, et al. “Stereotypic Vision: How Stereotypes Disambiguate Visual Stimuli.” *Journal of Personality and Social Psychology*, vol. 108, no. 2, 2015, pp. 219–33.

Correll, Joshua, Bernadette Park, et al. “The Police Officer’s Dilemma: Using Ethnicity to Disambiguate Potentially Threatening Individuals.” *Journal of Personality and Social Psychology*, vol. 83, 2003, pp. 1314–29.

Crenshaw, Kimberlé. “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.” *University of Chicago Legal Forum*, vol. 1989, 1989, p. Article 8.

---. “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color.” *Critical Race Theory: The Key Writings That Formed the Movement*, edited by Kimberlé Crenshaw, New Press, 1995, pp. 357–83.

Croom, Adam M. “How to Do Things with Slurs: Studies in the Way of Derogatory Words.” *Language & Communication*, vol. 33, no. 3, 2013, pp. 177–204.

---. “Slurs.” *Language Sciences*, vol. 33, no. 3, 2011, pp. 343–58.

Dalmiya, Vrinda. “The Metaphysics of Ethical Love: Comparing Practical Vedanta and Feminist Ethics.” *Sophia*, vol. 48, no. 3, 2009, pp. 221–35.

D’amato, M. “Three Natures, Three Stages: An Interpretation of the Yogācāra Trisvabhāva-Theory.” *Journal of Indian Philosophy*, vol. 33, no. 2, 2005, pp. 185–207.

De Silva, Padmasiri. *Environmental Philosophy and Ethics in Buddhism*. St. Martin’s Press, 1998.

Delgado, Richard, and Jean Stefancic. “Legal Storytelling and Narrative Analysis.” *Critical Race Theory (Third Edition): An Introduction*, NYU Press, 2017, pp. 44–57.

Dinan, T. G., et al. “Genomics of Schizophrenia: Time to Consider the Gut Microbiome?” *Molecular Psychiatry*, vol. 19, no. 12, 2014, pp. 1252–57.

Donovan, Delores A., and Stephanie M. Wildman. “Is the Reasonable Man Obsolete? A Critical Perspective on Self-Defense and Provocation.” *Loyola of Los Angeles Law Review*, vol. 14, no. 3, 1981, pp. 435–68.

Dotson, Kristie. “A Cautionary Tale: On Limiting Epistemic Oppression.” *A Journal of Women Studies*, vol. 33, no. 1, 2012, pp. 24–47.

Durkheim, Emile. *The Rules of Sociological Method*. 1st American ed, Free Press, 1982.

Foucault, Michel. *The History of Sexuality*. Vintage Books ed, Vintage Books, 1990.

---. *The Order of Things: An Archaeology of the Human Sciences*. Vintage books edition, Vintage Books, 1994.

Fowler, H. W., and Jeremy Butterfield. *Fowler's Dictionary of Modern English Usage*. First edition, Oxford University Press, 2015.

Framarin, Christopher G. *Hinduism and Environmental Ethics : Law, Literature, and Philosophy*. Routledge, 2014.

Frege, Gottlob. "Negation." *The Frege Reader*, edited by MIchael Beaney, Blackwell Publishing, 2003, pp. 346–61.

Freschi, Elisa. "HOW DO EXHORTATIVE EXPRESSIONS WORK? BHĀVANĀ AND VIDHI INRĀMĀNUJĀCĀRYA AND OTHER MĪMĀṂSĀ AUTHORS." *Rivista Degli Studi Orientali*, vol. 81, no. Fasc. 1/4, 2008, pp. 149–85.

Fricker, Miranda. *Epistemic Injustice: Power and the Ethics of Knowing*. 1. publ. in paperback, Oxford University Press, 2009.

Ganeri, Jonardon. "Analytic Philosophy in Early India." *Stanford Encyclopedia of Philosophy*, 2019, https://plato.stanford.edu/entries/early-modern-india/.

---. *Philosophy in Classical India: Proper Work of Reason*. Routledge, 2003.

---. *The Concealed Art of the Soul: Theories of Self and Practices of Truth in Indian Ethics and Epistemology*. Oxford University Press, 2007.

Ganeri, Jonardon, and Bimal Krishna Matilal. *The Collected Essays of Bimal Krishna Matilal*. Oxford University Press, 2015.

Garfield, Jay. "Emptiness and Positionlessness." *Journal of Indian Philosophy and Relgion*, vol. 1, 1996, p. 12.

Garfield, Jay L. "Vasubandhu's Treatise on the Three Natures Translated from the Tibetan Edition with a Commentary." *Asian Philosophy*, vol. 7, no. 2, 1997, pp. 133–54.

Gelber, Katharine. "'Speaking Back': The Likely Fate of Hate Speech Policy in the United States and Australia 1." *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012, pp. 50–71.

Gier, Nicholas F. *The Virtue of Nonviolence : From Gautama to Gandhi*. State University of New York Press, 2004.

Gillion, B. S. "Negative Facts and Knowledge of Negative Facts." *Indian Philosophy: A Collection of Readings (Metaphysics)*, edited by R. W. Perrett, Garland Publishing, Inc., 2001.

Gillon, Brendan S., and Richard P. Hayes. "Dharmakīrti on the Role of Causation in Inference as Presented in 'Pramāṇavārttika Svopajñavṛtti' 11—38." *Journal of Indian Philosophy*, vol. 36, no. 3, 2008, pp. 335–404.

Glasgow, Joshua, et al. "What Is Race?: Four Philosophical Views." *Oup Usa*, 2019.

Goldman, Alvin. "Reliabilist Epistemology." *Stanford Encyclopedia of Philosophy*, 2021, https://plato.stanford.edu/entries/reliabilism/.

Goodman, Charles. *Consequences of Compassion: An Interpretation and Defense of Buddhist Ethics*. Oxford University Press, 2009.

Gorman, Sara E., and Jack M. Gorman. *Denying to the Grave: Why We Ignore the Facts That Will Save Us*. Oxford University Press, 2017.

Gotanda, Neil. "A Critique of 'Our Constitution If Color-Blind.'" *Critical Race Theory: The Key Writings That Formed the Movement*, edited by Kimberlé Crenshaw, New Press, 1995, pp. 257–75.

Green, Mitchell. "Speech Acts." *Stanford Encyclopedia of Philosophy*, 2014, https://plato.stanford.edu/entries/speech-acts/#SevComIllFor.

Griffiths, Paul. *What Emotions Really Are: The Problem of Psychological Categories*. University of Chicago Press, 1997.

Guha, Nirmalya. "No Black Scorpion Is Falling: An Onto-Epistemic Analysis of Absence." *Journal of Indian Philosophy*, vol. 41, no. 2, 2013, pp. 111–31.

Guhe, Eberhard. "The Problem of Foundation in Early Nyāya and in Navya-Nyāya." *History and Philosophy of Logic*, vol. 36, no. 2, 2015, pp. 97–113.

Gutmann, Amy, et al. *Color Conscious : The Political Morality of Race*. Princeton University Press, 1998.

Hall, Bruce Cameron. *Vasubandhu on "Aggregates, Spheres, and Components" :Being Chapter One of the Abhidharmakośa*. Harvard University, PhD Dissertation, 1983, http://id.lib.harvard.edu/alma/990011568930203941/catalog.

Harvey, Peter. *An Introduction to Buddhist Ethics: Foundations, Values and Issues*. 9. print. with corrections, Cambridge Univ. Press, 2011.

Haslanger, Sally. *Critical Theory and Practice*. Van Gorcum & Comp. b.v., 2017.

---. "Gender and Race: (What) Are They? (What) Do We Want Them to Be?" *Noûs*, vol. 34, no. 1, 2000, pp. 31–55.

Haslanger, Sally Anne. “Gender and Race.” *Resisting Reality: Social Construction and Social Critique*, Oxford University Press, 2012, p. 230.

---. *Resisting Reality: Social Construction and Social Critique*. Oxford University Press, 2012.

Heidegger, Martin. *Being and Time*. Translated by John Macquarrie and Edward Robinson, Blackwell Publishing, 1962.

---. “On the Essence of Truth.” *Heidegger’s Later Writings : A Reader’s Guide*, edited by Lee Braver, Continuum, 2009, pp. 25–38.

---. “The Origin of the Work Of Art.” *Heidegger’s Later Writings : A Reader’s Guide*, edited by Lee Braver, Continuum, 2009, pp. 39–56.

Hess, E. J., et al. “Dopamine Receptor Subtype Imbalance in Schizophrenia.” *Life Sciences*, vol. 40, no. 15, 1987, pp. 1487–97.

Hill Collins, Patricia. *Intersectionality as Critical Social Theory*. Duke University Press, 2019.

Hornsby, Jennifer. “Disempowered Speech.” *Philosophical Topics*, vol. 23, no. 2, 1995, pp. 127–47.

---. “Speech Acts and Pornography.” *Women’s Philosophy Review*, vol. 10, pp. 38–45.

Hughes, Geoffrey. “The Origins and the Debate.” *Political Correctness: A History of Semantics and Culture*, Wiley-Blackwell, 2010, pp. 60–84.

Hugon, Pascale. “Is Dharmakīrti Grabbing the Rabbit by the Horns? A Reassessment of the Scope of Prameya in Dharmakīrtian Epistemology.” *Journal of Indian Philosophy*, vol. 39, no. 4/5, 2011, pp. 367–89.

Ingalls, Daniel. *Materials for the Study of Navya-Nyāya Logic*. Harvard University Press, 1951.

Irvine, Elizabeth, et al. “Eliminativism About Consciousness.” *The Oxford Handbook of the Philosophy of Consciousness*, edited by Uriah Kriegel, Oxford University Press, 2020, pp. 347–70, http://oxfordhandbooks.com/view/10.1093/oxfordhb/9780198749677.001.0001/oxfordhb-9780198749677-e-16.

Iyer, Raghavan. *The Moral and Political Thought of Mahatma Gandhi*. Oxford University Press, 2000.

Jablensky, Assen. “The Diagnostic Concept of Schizophrenia: Its History, Evolution, and Future Prospects.” *Dialogues in Clinical Neuroscience*, vol. 12, no. 3, 2010, pp. 271–87.

“Jamal West.” *Letter to Kikel Lawrence Bacow / Harvard’s Two-Faced HypocrisySurrounding Kyle Kashuv*. 16 July 2019.

James, Lois, David Klinger, et al. "Racial and Ethnic Bias in Decisions to Shoot Seen through a Stronger Lens: Experimental Results from High-Fidelity Laboratory Simulations." *Journal of Experimental Criminology*, vol. 10, 2014, pp. 323–40.

James, Lois, Bryan Vila, et al. "Results from Experimental Trials Testing Participant Responses to White, Hispanic and Black Suspects in High-Fidelity Deadly Force Judgment and Decision-Making Simulations." *Journal of Experimental Criminology*, vol. 9, 2012.

Kapila, Shruti, and Faisal Devji, editors. *Political Thought in Action: The Bhagavad Gita and Modern India*. Cambridge University Press, 2013.

Kataoka, K. *Scripture, Men and Heaven:Causal Structure in Kumarila's Action-Theory of Bhavana*. 2001.

Keown, Damien. *The Nature of Buddhist Ethics*. St. Martin's Press, 1992.

Krieglmeyer, Regina, and Jeffrey W. Sherman. "Disentangling Stereotype Activation and Stereotype Application in the Stereotype Misperception Task." *Journal of Personality and Social Psychology*, vol. 103, no. 2, 2012, pp. 205–24.

Lacan, Jacques, et al. *The Psychoses: The Seminar of Jacques Lacan. Book 3: 1955 - 1956*. Reprinted, Routledge, 2000.

Langton, Rae. "Beyond Belief: Pragmatics in Hate Speech and Pornography 1." *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012, pp. 72–93.

---. "Speech Acts and Unspeakable Acts." *Philosophy & Public Affairs*, vol. 22, no. 4, 1993, pp. 293–330.

---. "Speech Acts and Unspeakable Acts." *Sexual Solipsism: Philosophical Essays on Pornography and Objectification*, edited by Langton Rae, Oxford University Press, 2009, pp. 25–64.

---. "Subordination, Silence, and Pornography's Authority." *Censorship and Silencing: Practices of Cultural Regulation*, edited by R. C. Post, 1998, pp. 261–83.

Lewis, David. "Psychophysical and Theoretical Identifications." *Metaphysics: A Guide and Anthology*, edited by Time Crane and Kalatin Farkas, Oxford University Press, 2004, pp. 629–38.

Maitra, Ishani. "Subordinating Speech 1." *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012, pp. 94–102.

McCrea, Lawrence. "The Transformation of Mīmāṃsā in the Larger Context of Indian Philosophical Discourse." *Periodization and Historiography of Indian Philosophy: Twelve Lectures Held at the Fourteenth World Sanskrit Conference (Kyoto, September 1 - 5, 2009)*, edited by Eli Franco, Verein “Sammlung de Nobili, Arbeitsgemeinschaft für Indologie und Religionsforschung”, Institut für Südasien-, Tibet- und Buddhismuskunde der Universität Wien, 2013, pp. 127–144.

Mansfield, Nick. *Subjectivity: Theories of the Self from Freud to Haraway*. New York University Press, 2000.

Marques, Teresa. *The Expression of Hate in Hate Speech*. Report, 2020, doi:Lecture.

Matilal, B.K. “The Intensional Character of Laksana and Samkara in Navya-Nyāya.” *Indo-Iranian Journal*, vol. 8, no. 2, 1964, http://www.springerlink.com/index/10.1007/BF00156210.

Matilal, Bimal Krishna. *Logic, Language, and Reality: An Introduction to Indian Philosophical Studies*. 1st ed, Motilal Banarsidass, 1985.

---. *Nyāya-Vaiśeṣika*. Harrassowitz, 1977.

---. *Perception: An Essay on Classical Indian Theories of Knowledge*. 1. issued in paperback, Clarendon Press, 1991.

---. *The Navya-Nyāya Doctrine of Negation; the Semantics and Ontology of Negative Statements in Navy-Ayāya Philosophy*. Harvard University Press, 1968.

Mayr, Ernst. *Populations, Species, and Evolution*. Belknap Press of Harvard University Press, 1970.

McGowan, Mary Kate. “On ‘Whites Only’ Signs and Racist Hate Speech: Verbal Acts of Racial Discrimination 1.” *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012, pp. 121–47.

McGowan, Mary Kate, and Ishani Maitra. “Introduction and Overview.” *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012.

McGowan, Mary Kathryn. *Just Words: On Speech and Hidden Harm*. First edition, Oxford University Press, 2019.

McRae, Emily. “Equanimity and Intimacy: A Buddhist-Feminist Approach to the Elimination of Bias.” *Sophia*, vol. 52, no. 3, 2013, pp. 447–62.

Meiklejohn, Alexander. *Free Speech and Its Relation to Self-Government*. Lawbook Exchange, 2000.

Meuthrath, Annette. *Die Nāgārjuna Zugeschriebene Vigrahavyāvartanī Und Die Nyāyasūtras: Eine Untersuchung Des Verhältnisses Beider Texte Zueinander*. Dr. Inge Wezler Verlag für Orientalistische Fachpublikationen, 1999.

Mills, Charles. “Ideology.” *The Routledge Handbook of Epistemic Injustice*, edited by Ian James Kidd et al., 2019, pp. 100–12.

---. “White Ignorance.” *Race and Epistemologies of Ignorance*, edited by Shannon Sullivan Nancy Tuana, State Univ of New York Pr, 2007, pp. 11–38.

Mimaki, Katsumi. *La Réfutation Bouddhique de La Permanence Des Choses (Sthirasiddhidūṣaṇa) et La Preuve de La Momentanéité Des Choses (Kṣaṇabhaṅgasiddhi)*. Institut de civilisation indienne, 1976.

Moriyama, Seitetsu. “Jñānagarbha’s Criticism of Dharmakīrti’s Causation Based on Apoha Theory.” *Indogaku Bukkyōgaku Kenkyū*, vol. 68, no. 3, 2020, pp. 1200–07.

Motilal, B. K. “The Intensional Character of Laksana and Samkara in Navya-Nyāya.” *Indo-Iranian Journal*, vol. 8, no. 2, 1964, pp. 85–95.

Muñoz, José Esteban. *Cruising Utopia: The Then and There of Queer Futurity*. NYU Press, 2009.

Neville, Helen A., et al. “Color-Blind Racial Ideology: Theory, Training, and Measurement Implications in Psychology.” *American Psychologist*, vol. 68, no. 6, 2013, pp. 455–66.

Nielsen, Laura Beth. *License to Harass: Law, Hierarchy, and Offensive Public Speech*. Princeton University Press, 2004.

---. “Power in Public: Reactions, Responses, and Resistance to Offensive Public Speech.” *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012, pp. 148–73.

Nussbaum, Martha C. *Philosophical Interventions: Book Reviews, 1986-2011*. Oxford University Press, 2012.

Nyāyaratna, Mahāmahopādhyāya Meheśa Chandra. *NavyaNyāya-Bhāṣāpradīpa*. Sanskrit College, 1973.

Oberhammer, Gerhard. “Ein Beitrag Zu Den Vāda-Traditionen Indiens.” *Wiener Zeitschrift Für Die Kunde Süd- Und Ostasiens Und Archiv Für Indische Philosophie*, vol. 7, 1963, pp. 63–103.

Oke, Arvin F., and Ralph N. Adams. “Elevated Thalamic Dopamine: Possible Link to Sensory Dysfunctions in Schizophrenia.” *Schizophrenia Bulletin*, vol. 13, no. 4, 1987, pp. 589–604.

Ollett, Andrew. “What Is Bhavana?” *Journal of Indian Philosophy*, vol. 41, no. 3, 2013, pp. 221–62.

Patil, Parimal G. *Vasubandhu Lecture: Week 8*. Report, 2017.

Payne, B. Keith, et al. “Mental Control and Visual Illusions: Toward Explaining Race-Biased Weapon Misidentifications.” *Journal of Experimental Social Psychology*, vol. 41, no. 1, 2005, pp. 36–47.

Payne, B. Keith. “Weapon Bias: Split-Second Decisions and Unintended Stereotyping.” *Current Directions in Psychological Science*, vol. 15, no. 6, 2006, pp. 287–91.

Payne, Brian, et al. “Mental Control and Visual Illusions: Toward Explaining Race-Biased Weapon Misidentifications.” *Journal of Experimental Social Psychology*, vol. 41, 2005, pp. 36–47.

Peller, Gary. “Race-Consciousness.” *Critical Race Theory: The Key Writings That Formed the Movement*, edited by Kimberlé Crenshaw, New Press, 1995, pp. 127–58.

Penner, Hans H. “Language, Ritual and Meaning.” *Numen*, vol. 32, 1985, p. 13.

Perszyk, Kenneth J. “The Nyāya and Russell on Empty Terms.” *Philosophy East and West*, vol. 34, no. 2, 1984, pp. 131–46.

Phillips, Stephen H. *Epistemology in Classical India: The Knowledge Sources of the Nyāya School*. Routledge, 2012.

Phillips, Stephen H., and N. S. Ramanuja Tatacharya. “FROM GAṄGEŚA’S ‘TATTVACINTĀMAṆI’: DISCOURSE ON PERCEPTUAL PRESENTATION OF SOMETHING AS OTHER THAN WHAT IT IS: Anyathā-Khyāti-Vāda.” *Journal of Indian Philosophy*, vol. 28, no. 5/6, 2000, pp. 567–650.

Plato. “Book VI.” *Plato: Complete Works*, edited by John M. Cooper and D. S. Hutchinson, Hackett Pub, 1997, pp. 1107–32.

Quine, W. V. *Word and Object*. Martino Fine Books; Illustrated edition, 2013.

Ram-Prasad, Chakravarthi. *Indian Philosophy and the Consequences of Knowledge: Themes in Ethics, Metaphysics and Soteriology*. Ashgate Pub, 2007.

Ranganathan, Shyam. *Ethics and the History of Indian Philosophy*. 1st ed, Motilal Banarsidass Publishers, 2007.

---, editor. *The Bloomsbury Research Handbook of Indian Ethics*. Bloomsbury, 2017.

Reichardt, Regina, and Jeffrey Sherman. “Disentangling Stereotype Activation and Stereotype Application in the Stereotype Misperception Task.” *Journal of Personality and Social Psychology*, vol. 103, 2012, pp. 205–24.

Rodriguez-Pereyra, Gonzalo. “Nominalism in Metaphysics.” *Stanford Encyclopedia of Philosophy*, 2015, https://plato.stanford.edu/entries/nominalism-metaphysics/.

Rosenfeld, Michael. “Hate Speech in Constitutional Jurisprudence: A Comparative Analysis.” *Cadozo Law Review*, vol. 24, no. 4, 2003, pp. 1523–68.

Russell, Bertrand. “On Denoting.” *Mind*, vol. 14, no. 54, 1905, pp. 479–93.

Saddhatissa, H. *Buddhist Ethics*. Wisdom, 1997.

Sakai, Masamichi. “Śākyabuddhi and Dharmottara on the Inference of Momentariness Based on the Absence of External Causes of Destruction.” *Religion and Logic in Buddhist Philosophical Analysis : Proceedings of the Fourth International Dharmakīrti Conference, Vienna, August 23-27, 2005*, edited by Krasser Helmut et al., Verlag der Österreichischen Akademie der Wissenschaften, 2011, pp. 407–21.

Saussure, Ferdinand de, et al. *Course in General Linguistics*. Columbia University Press, 2011.

Scanlon, Thomas. “A Theory of Freedom of Expression.” *Philosophy & Public Affairs*, vol. 1, no. 2, 1972, pp. 204–26.

Severance, Emily G., et al. “Gastroenterology Issues in Schizophrenia: Why the Gut Matters.” *Current Psychiatry Reports*, vol. 17, no. 5, 2015, p. 27.

Siderits, Mark. “Causation, ‘Humean’ Causation and Emptiness.” *Journal of Indian Philosophy*, vol. 42, no. 4, 2014, pp. 433–49.

Siegel, Susanna. *The Rationality of Perception*. First edition, Oxford University Press, 2017.

Somin, Ilya. *Democracy and Political Ignorance: Why Smaller Government Is Smarter*. Stanford Law Books, an imprint of Stanford University Press, 2013.

Spivak, Gayatri Chakravorty. “Can the Subaltern Speak?: Revised Edition, from the ‘History’ Chapter of Critique of Postcolonial Reason.” *Can the Subaltern Speak?*, Columbia University Press, 2010, p. 21.

Sreekumar, Sandeep. “An Analysis of Consequentialism and Deontology in the Normative Ethics of the Bhagavadgītā.” *Journal of Indian Philosophy*, vol. 40, no. 3, 2012, pp. 277–315.

Sundstrom, Ronald R. “Race as a Human Kind.” *Philosophy & Social Criticism*, vol. 28, no. 1, 2002, pp. 91–115.

Taber, John. *A Hindu Critique of Buddhist Epistemology: Kumarila on Perception: The “Determination of Perception” Chapter of Kumarila Bhatta’s Slokavarttika - Translation and Commentary*. Routledge, 2005.

Templeton, Alan R. “Biological Races in Humans.” *Studies in History and Philosophy of Science. Part C, Studies in History and Philosophy of Biological and Biomedical Sciences*, vol. 44, no. 3, 2013, pp. 262–71.

Theoharis, Liz. “The Rise of Christian Nationalism in America.” *Salon*, 4 Oct. 2020, https://www.salon.com/2020/10/04/the-rise-of-christian-nationalism-in-america-_partner/.

Tirrell, Lynne. "Genocidal Language Games 1." *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012, pp. 174–221.

Udayana. *Kirnavali by Udayanacarya with the Commentary of Vardhamanopadhyaya*. Asiatic Society of Bengal, 1911.

US Legal. "Reasonable Man Theory Law and Legal Definition." *US Legal*, 2019, https://definitions.uslegal.com/r/reasonable-man-theory/.

Vasubandhu. *A Buddhist Doctrine of Experience: A New Translation and Interpretation of the Works of Vasubandhu the Yogācārin*. Repr. of the ed.: Delhi, 1982, Motilal Banarsidass, 1989.

---. *Triṃśikā*. 2005.

---. *Vijñaptimātratā-Siddhi, Viṃśatika*.

---. *Viṃśatikā*.

Vasubandhu, and Krishnanath Chatterjee. *Vijnapti Matrata Siddhi*. Kishor Vidya Niketan, 1980.

Vasubandhu, and Thomas Augustine Kochumuttom. *A Buddhist Doctrine of Experience: A New Translation and Interpretation of the Works of Vasubandhu the Yogācārin*. Repr. of the ed.: Delhi, 1982, Motilal Banarsidass, 1989.

Waldron, Jeremy. "Protecting Dignity or Protection from Offense?" *The Harm in Hate Speech*, First Harvard University Press paperback edition, Harvard University Press, 2014, pp. 105–43.

---. *The Harm in Hate Speech*. Harvard University Press, 2012.

West, Caroline. "The Free Speech Argument Against Pornography." *Canadian Journal of Philosophy*, vol. 33, no. 3, 2003, pp. 391–422.

---. "Words That Silence? Freedom of Expression and Racist Hate Speech 1." *Speech and Harm: Controversies over Free Speech*, edited by Ishani Maitra and Mary Kate McGowan, 1st ed, Oxford University Press, 2012, pp. 223–48.

Yudell, Michael, et al. "SCIENCE AND SOCIETY. Taking Race out of Human Genetics." *Science (American Association for the Advancement of Science)*, vol. 351, no. 6273, 2016, pp. 564–65.