

What's Special About Sexual Orientation?

Suppose that José is exclusively sexually disposed towards men with green eyes. This might be expressed by saying that José is gay, with a strong interest in men with green eyes. Embedded here is a distinction between sexual orientations and other aspects of sexuality.

Attending to this distinction points to a foundational question in the social ontology of sexuality:

Demarcation Question of Sexual Orientation: Why do some aspects of sexuality (as opposed to others) count as sexual orientations?

In this chapter, I provide an answer to the demarcation question of sexual orientation. Here's the plan. In (§1), I critique (§1.1) biology-based, (§1.2) gender-based, (§1.3) psychiatric-based theories, and (§1.4) wellbeing-based theories of orientation demarcation. In sections (§2) and (§3), I develop the *social structural theory of orientation demarcation*. Roughly, I argue that sexual orientations are sexual dispositions with a shared social significance; more specifically, I argue that sexual orientations are sexual dispositions on the basis of which individuals are positioned in relation to *heteropatriarchal kinship structures*.

In addition to making progress on the demarcation question of sexual orientation, a key aim of this chapter will be to describe the metaphysics of heteropatriarchal kinship structures, which I think have under appreciated import across a range of philosophical discussions.

1. Demarcation Theories of Sexual Orientation

Sexual orientations are *grounded* in sexual dispositions,¹ and sexual dispositions are dispositions to engage in sexual behavior(s) and/or experience sexual desire(s).² To put the point in terms of properties, an individual instantiates such-and-such sexual orientation property in virtue of instantiating such-and-such sexual disposition property (or properties).

In order to avoid any trivializing connotations of the term ‘preferences’, it’ll be useful to introduce some technical terminology:

Orientation-Grounding Sexual Dispositions: Sexual dispositions that ground sexual orientations.

Freestanding Sexual Dispositions: Sexual dispositions that do not ground sexual orientations.

A demarcation theory of sexual orientation ought to differentiate freestanding sexual dispositions from orientation-grounding sexual dispositions, such that:

¹ For discussion of grounding and related relations in social ontology, see Brian Epstein, *The Ant Trap: Rebuilding the Foundations of the Social Sciences* (Oxford: Oxford University Press, 2015), Jonathan Schaffer, “Anchoring as Grounding: On Epstein’s the Ant Trap,” *Philosophy and Phenomenological Research* (2019), and Samuele Chilovi, “Grounding-Based Formulations of Legal Positivism,” *Philosophical Studies* (2019).

² Here I remain neutral between behavior-based and desire-based theories of sexual orientation. For a behavior-based theory, see Robin Dembroff, “What is Sexual Orientation?,” *Philosophers’ Imprint* 16 (2016). For a desire-based theory, see E. Díaz-León, “Sexual Orientations: The Desire View,” in *Feminist Philosophy of Mind*, ed. Keya Maitra and Jennifer McWeeny (Oxford, Oxford University Press).

Demarcation Question of Sexual Orientation (Specified): In virtue of what do orientation-grounding sexual dispositions, as opposed to freestanding sexual dispositions, ground sexual orientations?

At this point, I turn to consider several potential answers to the demarcation question of sexual orientation. More specifically, in respective sub-sections, I argue against biology-based, gender-based, psychiatric-based, and wellbeing-based theories of orientation demarcation.

1.1 Biology-Based Theories of Orientation Demarcation

Queer social movements have recently invoked “born this way” arguments in public discourse. The argument (roughly) is as follows: sexual orientations are innate; what’s innate ought to be tolerated; non-heterosexual orientations are innate; therefore, non-heterosexual orientations ought to be tolerated. While undoubtedly useful in many oppressive contexts, “born this way” arguments aren’t particularly compelling (likely committing the naturalistic fallacy). Plus, I expect that the argumentative strategy might make it difficult to appreciate the value of same-sex sexual activity beyond toleration.

A theory of sexual orientation is *biologically deterministic* to the extent that it holds that sexual orientation properties (such as the property of being homosexual) are explained by biologically innate properties (such as the property of having such-and-such gene). Biologically deterministic theories of sexual orientation hold that sexual orientations are a lot like hair colors: maskable yet inevitable.

Biological determinism about sexual orientation lends itself to the following answer to the demarcation question of sexual orientation:

Biology-Based Theory of Orientation Demarcation: Orientation-grounding sexual dispositions, in contrast to freestanding sexual dispositions, ground sexual orientations in virtue of being explained by biologically innate properties.

According to biology-based theories of orientation demarcation, if same-sex sexual dispositions ground sexual orientations, it's because same-sex sexual dispositions are (*ex hypothesi*) explained by innate biological features. Likewise, if sexual dispositions involving eye color do not ground sexual orientations, it's because sexual dispositions involving eye color are not (*ex hypothesi*) explained by innate biological features.

The trouble here is that biological determinism about sexual orientation has been empirically debunked. For example, Lisa M. Diamond, an acclaimed developmental psychologist, reports that only “between 8-25% of population variance in [sexual] behavior could be attributed to genetic influences, distributed across thousands of different genes.”³

Against biological determinism, Diamond argues in favor of a *dynamical systems theory* – “that emphasize[s] transformative, multidirectional, ongoing interactions among endogenous factors (such as genes, hormones, skills, capacities, thoughts, and feelings) and exogenous factors (such as relationships, experiences, cultural norms, and family history).”⁴ Sexual dispositions are rooted in a complex interplay of biological and social factors, with the following twist: causal interactions are sufficiently robust to call into question the very distinction between what is biological and what is social.⁵

³ Lisa M. Diamond, “What is Sexual Orientation?,” in *The Routledge Handbook of the Philosophy of Sex*, eds. Clare Chambers, Brian Earp, and Lori Watson (New York and London: Routledge, 2022), 81.

⁴ *Ibid.*, 95.

⁵ See also Anne Fausto-Sterling, *Sex/Gender: Biology in a Social World* (New York and London: Routledge, 2012), 93-98.

Biological determinism about sexual orientation might also face trouble at the conceptual level. For example, Saray Ayala-López argues in favor of a conceptual act theory of sexual orientation, according to which the instantiation of sexual orientation properties requires, e.g., interpretation or categorization.⁶ Ayala-López holds that although a “core affect module consisting of some sort of neurophysiological state of the individual in relation to sexual-affective affects” exist independently of sexual orientations, sexual orientation properties are not identical to neurophysiological properties: “while desires/affects are themselves constituted independently of any interpretation, the selection of some of those desires/affects and their conceptualization as related to the sex and/or gender of someone is an interpretative process necessary for sexual orientation.”⁷ For example, suppose that an individual has a neurophysiological state that could be categorized as sexual desire but could also be categorized as love, affection, or adoration. The neurophysiological state would, on Ayala-López’s view, need to be categorized as sexual desire in order for the state to play a role in grounding a sexual orientation.

In sum, because orientation-grounding sexual dispositions are not explained by biological innate properties, it’s not the case that orientation-grounding sexual dispositions ground sexual orientations in virtue of being explained by biological innate properties. So, it’ll be necessary to look further afield in order to find what’s special about sexual orientation.

1.2 Gender-Based Theories of Orientation Demarcation

Given that gender properties are often defined in contrast to biological properties, here’s an intuitive – although, I think, mistaken – answer to the demarcation question of sexual orientation:

⁶ See Saray Ayala-López, “Sexual Orientation and Choice,” *Journal of Social Ontology* (2016), 5-9.

⁷ *Ibid.*, 7.

Gender-Based Theory of Orientation Demarcation: Orientation-grounding sexual dispositions, in contrast to freestanding sexual dispositions, ground sexual orientations in virtue of being gender-based.

In that case, in virtue of being gender-based, José's sexual dispositions towards other men would ground an orientation. In contrast, on account of not being gender-based, José's sexual dispositions regarding eye color would not ground an orientation.

In order to specify the gender based theory of orientation demarcation, let's say that gender-based sexual dispositions are sexual dispositions that involve gender properties. There are many different kinds of gender properties. Sexual dispositions can involve gender properties of (at least) the following kinds: gender *social positions*,⁸ gender *identities*,⁹ gender *feels*,¹⁰ and/or gender *archetypes*.¹¹

There are also many different kinds of involvement with gender properties. For example, gender-based sexual dispositions might *extensionally* involve gender features; an individual who is extensionally disposed towards men will be disposed to desire and/or engage with individuals who are men. Alternatively, gender-based sexual dispositions might *intentionally* involve gender features; an individual who is intentionally disposed towards men will be disposed to desire and/or engage with individuals who are mentally represented (e.g., thought to be) men.

While a defense of the gender-based theory of orientation demarcation would need to specify what it means for a sexual disposition to be gender-based, the aforementioned discussion will be sufficient for dialectical purposes.

⁸ See Elizabeth Barnes, "Gender and Gender Terms," *Noûs* (2020), 714-717.

⁹ See Katharine Jenkins, "Towards An Account of Gender Identity," *Ergo* (2018), 713-717.

¹⁰ See B.R. George and R.A. Briggs, *What Even is Gender?* (London: Routledge, 2023), 32-40.

¹¹ See Matthew Andler, "What is Masculinity," *Synthese* (2023).

As a point in its favor, a gender-based theory of orientation demarcation generates some intuitive results about which sexual dispositions ground sexual orientations. José's being disposed towards men ground an orientation, in contrast to José's sexual dispositions related to eye color, and the gender-based theory of orientation demarcation gets these cases right.

But it might not get all the cases right. For example, suppose that José is polyamorous, such that José is disposed to desire concurrent sexual relationships with multiple partners, who relate to each other within mutually-established frameworks of care. Now, is *being polyamorous* a sexual orientation? That is, is polyamory more like being disposed towards specific genders or more like being disposed to certain eye colors?

The gender-based theory of orientation demarcation answers the question as follows: because *being polyamorous* isn't gender-based, it's not an orientation. To put my cards on the table, I think that some versions of polyamory are sexual orientations. But even without having establishing that point, I think that the gender-based theory of orientation demarcation runs into an issue related to theoretical neutrality. At the outset of inquiry, the gender-based theory of orientation demarcation forecloses conceptual space in which polyamory could be a sexual orientation, and I think that that conceptual space ought (at minimum) to be explored.

A related issue is that the gender-based theory of orientation demarcation seems to defer a more comprehensive answer to the demarcation question. In addition to *differentiating* freestanding sexual dispositions from orientation-grounding sexual dispositions, a theory of orientation demarcation ought to play a role in *explaining* why orientation-grounding sexual dispositions ground sexual orientations. The question is not *whether* but *why* being sexually disposed towards women, men, and/or non-binary individuals ground sexual orientations. And the answer, I think, runs deeper than gender class, gender identity, gender expression, or gender archetype.

Lots of other sexual dispositions could have been socially significant. There are possible worlds in which dispositions with respect to eye color, height, etc. matter in ways that dispositions with respect to gender matter in the actual world. There is a strong link between gender and sexual orientation. But why? An answer to this question will reveal that gender and sexual orientation are unified via an underlying social structure (which I describe in §2).

1.3 Psychiatric-Based Theories of Orientation Demarcation

A significant array of humanistic scholarship on sexuality is influenced by the work of Michel Foucault, who holds that the regulatory influence of psychiatric institutions is essential to sexual orientation. On this point, Foucault famously argues:

We must not forget that the psychological, psychiatric, medical category of homosexuality was constituted from the moment it was characterized [...] The sodomite had been a temporary aberration; the homosexual was now a species.¹²

I'll formalize this idea momentarily, but — in order not to forget the crucial insight Foucault's work on sexuality — I think it's important to separate Foucault's respective historical and metaphysical theories of sexuality.

Regarding the historical theory, Foucault challenges the “repressive hypothesis,” which holds that the contemporary social organization of sexuality is primarily governed by the repression of innate desires.¹³ In addition to serving as a foundational assumption in the work of figures such as Freud, the repressive hypothesis seems to hold sway over a lot of popular left-wing conceptions of sexuality.

¹² Michel Foucault, *The History of Sexuality: Volume 1* (New York: Random House, 1978), 43.

¹³ *Ibid.*, 17-35.

Yet, Foucault argues that since at least the mid-to-late nineteenth-century, the social organization of sexuality, in addition to the *repression* of sexual dispositions, has come especially to involve the *production* of sexual dispositions. On this point, Foucault claims:

[I]t is through the isolation, intensification, and consolidation of peripheral sexualities that the relations of power to sex and pleasure branched out and multiplied, measured the body, and penetrated modes of conduct. And accompanying this encroachment of powers, scattered sexualities rigidified, became stuck to an age, a place, a type of practice. A proliferation of sexualities through the extension of power; an optimization of the power to which each of these local sexualities gave a surface of intervention: this concatenation, particularly since the nineteenth century, has been ensured and relayed by the countless economic interests which, with the help of medicine, psychiatry, prostitution, and pornography, have tapped into both this analytical multiplication of pleasure and this optimization of the power that controls it.¹⁴

A key part of Foucault's historical theory of sexuality is the relation between categorization practices and power. Foucault argues that psychiatric institutions posited various sexual orientation categories, including categories such as *homosexual*, in order socially to organize sexuality; individuals came to regulate their own sexual desires and behaviors in ways that conformed to the posited categories.¹⁵

Taking a broad historical view, it's clear that sexual desires and behaviors have often been socially organized in ways that would (unsurprisingly) seem unintuitive from a contemporary Western perspective. As David M. Halperin reports, "evidence for an age-structured, role-specific, hierarchical pattern of sexual relations among males can be found in the Mediterranean

¹⁴ Ibid., 48.

¹⁵ Recall Lisa M. Diamond's dynamical systems approach to sexuality from (§1.1), which provides an empirically-sophisticated explanation of how social factors — such as the categorization practices described by Foucault — can influence sexual dispositions.

basin as early as the Bronze Age civilizations of Minoan Crete.”¹⁶ Yet: “homosexuality, both as a concept and as a social practice, significantly rearranges and reinterprets earlier patterns of erotic organization.”¹⁷

Enter the metaphysical theory. On Foucault’s view, homosexuality did not exist in contexts such as Minoan Crete or Ancient Athens. For Foucault, same-sex sexuality in these distant contexts are not sublimated manifestations of homosexuality or bisexuality, but rather alternative ways of socially organizing sexuality. The idea here is that homosexuality is a distinctively modern phenomenon, with origins in the mid-to-late nineteenth-century, such that individuals with same-sex sexual dispositions can only be homosexual in associated social contexts. Let’s call this the *anti-travel view of sexual orientation*.¹⁸

In terms of formalization, note that appeal to the grounding relation makes conceptual space for the anti-travel view of sexual orientation. If sexual orientations were identical to sexual dispositions, then a man who instantiated the property *being disposed towards men* would necessarily instantiate the property *being homosexual*. In other words, if sexual orientations were identical to sexual dispositions, then sexual orientation properties would be instantiated in any context in which individuals instantiated the relevant sexual dispositions. That result, however, is incompatible with the anti-travel view.

In contrast, given that sexual orientations are grounded in sexual dispositions, then further conditions might need to be satisfied in order for sexual orientation properties to be instantiated. The property being in such-and-such neural state grounds the property of being in such-and-such

¹⁶ David M. Halperin, “How to Do the History of Male Homosexuality,” *Gay and Lesbian Quarterly* (2000), 95.

¹⁷ David M. Halperin, “How to Do the History of Male Homosexuality,” *Gay and Lesbian Quarterly* (2000), 111.

¹⁸ For further discussion about whether or not social properties travel, see Ron Mallon, “Passing, Traveling, and Reality: Social Constructionism and the Metaphysics of Race,” *Noûs* 38 (2004), 656-658.

conscious state, but only in non-zombie contexts. Likewise, instantiating the property *being disposed towards people of the same sex* grounds the property *being homosexual*, but only in certain social contexts.

With Foucault, I deny that sexual orientation properties such as *being homosexual* were instantiated in Ancient Athens or Minoan Crete. Against Foucault, I hold that sexual orientation properties such as *homosexual* can be instantiated absent oppressive psychiatric institutions. Indeed, Foucault seems to endorse the following:

Psychiatric-Based Theory of Orientation Demarcation: Orientation-grounding sexual dispositions, in contrast to freestanding sexual dispositions, ground sexual orientations in virtue of being regulated by oppressive psychiatric institutions with origins in the mid-to-late 19th century.

While I agree with Foucault that sexual orientation properties aren't identical to sexual dispositions, I think that Foucault too narrowly delimits the range of social contexts in which sexual dispositions can ground sexual orientation properties such as *being homosexual*.

In the previous chapter, I distinguished between *orientation-based sexuality oppression* and *identity-based sexuality oppression*. Building on that discussion, let's say that an individual experiences orientation-based oppression if they are systematically and wrongfully harmed on the basis of their sexual orientation. Now, as participants in a shared queer history, it can be important to track common experiences of oppression. Here, I argue that the psychiatric-based theory of orientation demarcation isn't conducive to that aim.

For example, consider Alan Turing and (as a representative fictional example) Pray Tell. Alan Turing was a mathematician, computer scientist, and theoretical biologist, whose invention of the "a-machine" played a key role in the development of contemporary computing. Turing was prosecuted for "gross indecency" in 1952, which resulted in his suicide in 1954. Turing was the

victim of orientation-based oppression, with a significant psychiatric element: in order to avoid prison, Turing submitted himself to chemical castration.

Pray Tell was an emcee in the house-ballroom scene in NYC in the early 1980s and 1990s. He was beloved in his community, providing guidance to many LGBTQIA+ youth who had been displaced from their families of origin. In the 1990s, Pray Tell was diagnosed with HIV. Pray Tell died after giving his own life-saving antiretroviral medications to a lover — antiretroviral medications that very well might have been accessible absent orientation-based oppression.

The psychiatric-based theory arguably has the result that only Alan Turing is oppressed on the basis of sexual orientation. Yet, I think that Alan Turing and Pray Tell are oppressed on the basis of the same sexual orientation property, *being homosexual*, which is also the basis of a shared sexual orientation, which also figures into a shared history of collective resistance. Sexual orientation properties travel across a wider range of social contexts than the psychiatric-based theory of orientation demarcation can allow.

1.4 Wellbeing-Based Theories of Orientation Demarcation

Raja Halwani defends a theory of orientation demarcation that highlights the important of sexuality to wellbeing.¹⁹ In particular, Halwani argues:

If orientations are considered deep and important features of who people are, their connection to well-being offers a good explanation of why. That is, the claim that the inability to act on some sexual dispositions lowers one's well-being explains well why those dispositions might be given pride of place over other dispositions.²⁰

¹⁹ Raja Halwani, “Sexual Orientations, Sexual Preferences, and Well-Being,” *Social Theory and Practice* (2023).

²⁰ *Ibid.*, 476.

For Halwani, a theory of orientation demarcation ought to be conducive to explaining why orientation-grounding sexual dispositions (as opposed to freestanding sexual dispositions) are “identity-forming and identity-constituting.”²¹ And Halwani argues that the wellbeing-based theory of orientation demarcation is especially conducive to explaining why orientation-grounding sexual dispositions (as opposed to freestanding sexual dispositions) are identity-forming and identity-constituting.

For Halwani, being important to wellbeing is a necessary condition of being a sexual orientation, which lends itself to the following theory of orientation demarcation:

Wellbeing-Based Theory of Orientation Demarcation: Orientation-grounding sexual dispositions, in contrast to freestanding sexual dispositions, ground sexual orientations in virtue of being dispositions that are important to wellbeing — in the sense that being able to act on the dispositions is important to wellbeing.

I agree with Halwani that sexual orientation properties are importantly related to wellbeing, but I deny that being important to wellbeing is a necessary condition of being a sexual orientation.

To begin, note that wellbeing-based theory of orientation demarcation generates some unintuitive results with respect to which sexual dispositions ground sexual orientations. For example, consider a case familiar from queer sexual experience in which some gay men have strong preferences with respect to sexual role. A gay man who strongly prefers to be a bottom (or a top) could experience significant sexual dissatisfaction while having lots of sex with lots of beautiful men as a top (or bottom). On the wellbeing-based theory of orientation demarcation, sexual dispositions with respect to sexual role would ground associated sexual orientations in some individuals. Yet, I find it unintuitive that properties such as *being a top* and *being a bottom* are sexual orientations.

²¹ Ibid., 465.

Halwani replies to this objection, arguing that it would not be “far-fetched to consider [sexual dispositions with respect to sexual role such as *being disposed to be a top*] an orientation,” claiming that “the well-being condition, if true, might thus require us to further fine tune our intuitions.”²² I agree with Halwani that a theory of sexual orientation demarcation very well might require the revision of intuitions about which dispositions ground sexual orientations. Yet, without having already accepted the wellbeing-based theory of orientation demarcation, it’s not clear what would motivate such a revision.

The wellbeing-based theory of orientation demarcation also has the result that a token of a type of sexual disposition could ground a sexual orientation in an individual, while another token of the same type of sexual disposition could fail to ground a sexual orientation in another individual. Above, I considered sexual roles with respect to anatomy such as *being a bottom* and *being a top*. Here, I’ll switch to consider sexual roles with respect to power dynamics such as *being submissive* and *being dominant*.

For example, suppose that Kyle is disposed to desire dominant sexual roles, and that not being able to act on the disposition would negatively affect Kyle’s wellbeing. Perhaps this is the case because Kyle doesn’t also have dispositions to desire submissive sexual roles. Further suppose that Alex is also disposed to desire dominant sexual roles, but that not being able to act on the disposition would not negatively affect Alex’s wellbeing. Perhaps this is the case because Alex also has dispositions to desire submissive sexual roles. The well-being based theory of orientation demarcation has the result that *being disposed to desire dominant sexual roles* would ground an orientation in Kyle but not Alex, and I deny that result.

Additionally, while I agree with Halwani that sexual orientations are often important to identity, I reject Halwani’s argument against social theories of orientation demarcation:

²² Ibid., 483.

[S]ocial construction, as an explanation, goes only so far given that it provides no account of how or why this division in our social practices has come to be [...] claiming that social construction explains why some dispositions are orientations while others are preferences is uninformative—it is more of a promissory note for an explanation than an actual one.²³

I agree with Halwani that it's not maximally informative to claim that sexual dispositions are important to identity on account of their social significance. However, a robust social theory of orientation demarcation could provide such an explanation, and I now turn to argue in favor of such a view.²⁴ More specifically, in (§2), I develop a theory of heteropatriarchal kinship structures, and in (§3), I argue that sexual orientations are grounded in sexual dispositions on the basis of which individuals are positioned in relation to heteropatriarchal kinship structures.

2. Heteropatriarchal Kinship Structures

Heteropatriarchal kinship structures are a type of kinship structure, and kinship structures are a type of social structure. In respective subsections, I'll explain each social phenomenon at increasing levels of specificity.

2.1 Social Structures

Social structures are constituted by relations between social positions.²⁵ For example, suppose that at Local Café is a social structure constituted by relations between social positions such as *barista*, *manager*, and *customer*.

²³ Ibid., 479-480.

²⁴ For discussion of the relationship between identity and social construction, see Ásta, *Categories We Live By: The Construction of Sex, Gender, Race, and Other Social Categories* (Oxford: Oxford University Press, 2018), 118-121.

²⁵ Haslanger, "What is a (Social) Structural Explanation?," *Philos Stud* (2016), 118-120.

Even if I could make the best iced coffee on the block, I wouldn't be a barista at Local Café own the sense of being socially positioned as a barista. Yet, if I were socially positioned as a barista at Local Café, I would be *expected* to know how to make an iced coffee.²⁶

Along these lines, Robin Zheng provides the following analysis of social positions:

A social role R [i.e., social position] is a set of expectations E – predictive and normative – that apply to an individual P in virtue of a set of relationships P has with others (such that anyone standing in the same type of relationships as P occupies the same R), and where E is mutually maintained by P and others through a variety of sanctions.²⁷

Occupying a social position involves being subject to sanctions and rewards for violating or adhering to social norms of the social position. For example, as a customer (as opposed to barista) at Local Café, I can't walk behind the bar to steam oat milk.

Notice that the truth of the sentence 'I can't walk behind the bar to steam oat milk' relies on an *implicit conditionalization* as follows: 'I can't walk behind the bar to stream oat milk, if a likely disruption is to be avoided.' There is also an implicit *quantification*. After all, it is logically possible to walk behind the bar without a disruption. The implicit quantification is over nearby possible worlds in which Local Café has the same social structure.²⁸

²⁶ For related discussion on the normativity of social positions, see Charlotte Witt, *Social Goodness: The Ontology of Social Norms* (Oxford: Oxford University Press, 2023)

²⁷ Robin Zheng, "What is My Role in Changing the System? A New Model of Responsibility for Structural Injustice," *Ethical Theory and Moral Practice* (2018), 873.

²⁸ For related discussion, see Sara Bernstein "Countersocial Counterfactuals" (manuscript).

To gain a bit more traction on the concept of a social position, it's interesting to consider cases in which individuals simultaneously occupy different social positions to different degrees.²⁹ For example, consider Paul, a barista at Local Café, who decided to “visit work” on a day off. Reading at a table, Paul is more-or-less socially positioned as a customer (and more-or-less not socially positioned as a barista). Noticing that their coffee has become cold, Paul could wait in line to ask for some steamed oat milk. In that case, Paul would remain more-or-less socially positioned as a customer (and more-or-less not socially positioned as a barista). Another option would be for Paul to playfully walk behind the bar. Or Paul might be sanctioned by a rule-obsessed manager: “Sit down; I’ll bring it to you later.” Or Paul might be momentarily repositioned as a barista by an overwhelmed manager: “Drinks 414 and 417 need whipped cream; take care of those before you sit back down.” In either case, Paul would become more-or-less socially positioned as a barista (and more-or-less not socially positioned as a customer). Or, with a bit of luck, Paul might enjoy a few minutes of being indeterminately socially positioned before returning to the table: “Working on a day off, you’re so passionate about hipster coffee!”

Important here is that social structures *regulate* individuals through the aforementioned sanctions and rewards. Unlike Paul, even when there is a long line, I don’t even *attempt* to steam oat milk. Why? Because I’m not socially positioned as a barista, and walking behind the bar to steam oat milk would violate the social norms to which I’m determinately subject at Local Café. The sanctions might not be very significant, perhaps only involving an uncomfortable exchange, but I’d like to avoid them more than I’d like immediately to access steamed oat milk.

2.2 Kinship Structures

Kinship structures are a type of social structure, which are substantively related to gender structures. The cultural anthropologist Gayle Rubin explains:

²⁹ For discussion, see Kevin Richardson, “Social Construction and Indeterminacy,” *Analytic Philosophy* (2023), 3-4.

A kinship system is an imposition of social ends upon a part of the natural world [...] Kinship systems [...] exchange sexual access, genealogical statuses, lineage names and ancestors, rights, and *people* – men, women, and children – in concrete systems of social relationship.³⁰

With this in mind, I propose the following working definition:

Kinship Structure: A social structure — constituted by relations between gender-constituent social positions — that regulates sex, love, reproduction, and care.

Kinship structures can be oppressive, but it's also possible to regulate sex, love, reproduction, and care in valuable ways. I'll explain a few key aspects of kinship structures in general before turning more specifically to consider heteropatriarchal kinship structures.

To begin, it is important that sex, love, reproduction, and care are practices with many possible realizations. Take kissing, for example, which is far from a human universal as a sexual practice. Indeed, reporting on “168 cultures from a wide range of geographical locations, historical backgrounds, and social structures,” William R. Jankowiak, Shelly L. Volsche, and Justin R. Garcia claim that “77 cultures (46%) had evidence of the romantic–sexual kiss, and 91 cultures (54%) did not.”³¹ I found that data surprising, but that's only because I've lived in class-stratified societies, and kissing tends to be practiced in class-stratified societies as opposed to egalitarian societies; only approximately 29% of egalitarian societies practicing kissing as part of sex.³²

³⁰ Gayle Rubin, “The Traffic in Women: Notes on the ‘Political Economy’ of Sex,” in *Deviations: A Gayle Rubin Reader* (Durham and London: Duke University Press, 2011), 46.

³¹ William R. Jankowiak, Shelly L. Volsche, and Justin R. Garcia, “Is the Romantic–Sexual Kiss a Near Human Universal?,” *American Anthropologist* (2015), 537.

³² Ibid., 537-538. See also Sara Johnsdotter, “Eroticisms in Cross-Cultural Perspective,” in *The Routledge Handbook of the Philosophy of Sex*, eds. Clare Chambers, Brian Earp, and Lori Watson (New York and London: Routledge, 2022).

Sex is an anthropological universal, but specific sexual practices are not. Different kinship structures regulate sex in different ways, bridging the gap between innate drives and culturally-specific expressions.

For another example, consider bell hooks' understanding of love as a practice: "The word 'love' is most often defined as a noun, yet all the more astute theorists of love acknowledge that we would all love better if we used it as a verb."³³ bell hooks emphasizes how shared (or unshared) conceptions of love affect the practice of loving.³⁴ For example, as part of a critique of conceptions of love that enable various forms of abuse,³⁵ bell hooks argues that love ought to be understood as "the will to nurture our own and another's spiritual growth."³⁶

As bell hooks explains, the importance of developing shared conceptions of love is reason to practice love as part of a community:

Enjoying the benefits of living and loving in community empowers us to meet strangers without fear and extend to them the gift of openness and recognition. Just by speaking to a stranger, acknowledging their presence on the planet, we make a connection. Every day we all have an opportunity to practice the lessons learned in community.³⁷

The ideal is to build communities that sustain conceptions of love that motivate us to cultivate each other.

³³ bell hooks, *All About Love: New Visions* (New York: HarperCollins, 2000), 4.

³⁴ See *ibid.*, esp. 3-14.

³⁵ See *ibid.*, 20-22.

³⁶ *Ibid.*, 136.

³⁷ *Ibid.*, 143.

A similar point applies at the level of kinship structures, which regulate practices through social positions. For example, consider a social structure in which individuals who are socially positioned as fathers are negatively sanctioned for not playing and talking with their children, although not negatively sanctioned for ignoring everyday chores.³⁸ Within the aforementioned structure, it's expected that individuals who are socially positioned as fathers will be more likely to play and talk with their children than to complete household tasks. To put the point schematically, care practices are regulated by the sanctions and rewards that attach to social positions such as *father* and *husband*.

The relevant social positions here are (what I call) *gender-constituent social positions*, which are distinct from *gendered social positions*. Regarding the latter category, let's say that a social position is gendered in virtue of being ideologically represented as properly occupied by either masculine or feminine individuals (and not both). For example, social positions such as *barista*, *manager*, and *customer* are gendered, and social positions such as *nurse* and *doctor* are even more gendered.

In addition to being gendered, social positions such as *husband* and *father* are gender-constituent. The idea here is that social positions such as *husband* and *father* are the building blocks of social positions such as *man*. That might seem to get the order reversed, given that — within heteropatriarchal kinship structures — being socially positioned as a man is a necessary condition of being socially positioned as a husband. But I think that that's only because the social norms that attach to the social position of being a husband are part of the social norms that attach to the social position of being a man. Coarse-grained gender positions such as *man* are dependent on finer-grained gender positions such as *husband* and *father*, and kinship structures regulate sex, love, reproduction, and care via social positions across levels of granularity.

³⁸ For related discussion, see Jeff Hearn, Marie Nordberg, Kjerstin Andersson, Dag Balkmar, Lucas Gottzén, Roger Klinth, Keith Pringle, and Linn Sandberg, "Hegemonic Masculinity and Beyond: 40 Years of Research in Sweden," *Men and Masculinities* (2012), 39.

2.3 Heteropatriarchal Kinship Structures

Heteropatriarchal kinship structures are a type of kinship structure, which are substantively related to binary gender structures.³⁹ More specifically:

Heteropatriarchal Kinship Structure: A social structure — constituted by relations between gender-constituent social positions — that regulates sex, love, reproduction, and care – via an ideology that (a) represents “normal and natural” sexual activity as ultimately inseparable from reproduction and childcare as well as (b) represents “normal and natural” childcare to be organized around dyadic relationships between cisgender women and cisgender men.

Social structures can be individuated in terms of ideology,⁴⁰ and elements (a) and (b) are core to the *ideology of heteropatriarchal kinship structures*. When things aren’t going well, an ideology can sustain an unjust social structure by generating false beliefs and/or errors in reasoning.⁴¹ In order to gain a bit of traction on the ideology of heteropatriarchal kinship structures, I’ll consider some associated cases of distortion.

³⁹ Binary gender structures are constituted by relations between hierarchical social positions assigned on the basis of perceived reproductive role, see Haslanger, “Gender and Race: (What) Are They? (What) Do We Want Them to Be?” in *Resisting Reality: Social Construction and Social Critique* (Oxford: Oxford University Press, 2012), 227-235. See Maria Lugones, “The Coloniality of Gender” in *The Palgrave Handbook on Gender and Development*, ed. Wendy Harcourt (London: Palgrave Macmillan, 2016), 27-32.

⁴⁰ See Robin Dembroff, “Intersection is Not Identity, or How to Distinguish Overlapping Systems of Injustice,” forthcoming in *New Conversations in Philosophy, Law, and Politics* eds. Ruth Chang and Amia Srinivasan (Oxford: Oxford University Press).

⁴¹ For discussion about the ways in which ideological distortions sustain oppressive social structures, see Shelby, “Ideology, Racism, and Critical Social Theory,” *Philosophical Forum* (2003), 183-184.

First are widespread false beliefs among parents. As Quill R. Kukla explains, “[m]any parents think that it is obvious that with [...] power comes the right to restrict our children’s mobility and their choices, and to subjugate them to our will and vision”⁴² Given that the aforementioned belief does not withstand anything close to rational scrutiny, an error-theory is apt: it’s due to an ideology that rationalizes parental restrictions on the free expression of gender and sexuality.

Second are widespread errors in reasoning about reproductive and bodily autonomy. For example, public debates about the right to abortion assume that sexual activity involves a commitment to care labor.⁴³ This is a strange inference from sex (with a specific individual) to care (of another possible individual). Relatedly, so-called ‘involuntary celibates’ (INCELS) make sexual demands upon women under the guise of care labor.⁴⁴ This is a strange inference from care (about men as a category of individuals in the public domain) to sex (with a specific individual in the private domain). As above, an error theory is apt: the strange inferences are distortions rooted in the ideology of heteropatriarchal kinship structures.

Third are widespread false beliefs among married couples. For example, in an argument in favor of the implementation of “love drugs” in clinical contexts, Brian Earp and Julian Savulescu take as representative a case in which a married couple has started to experience sex as “a mechanical act they feel times obliged to engage in.”⁴⁵ The experience might be common, but the belief that sex is a necessary part of a happy marriage – and that sex only ought to be practiced among monogamous couples – is again due to the influence of heteropatriarchal ideology.

⁴² Quill R. Kukla, “Taking Children’s Autonomy Seriously as a Parent,” *APA Newsletter on Feminism and Philosophy* (2020), 15.

⁴³ For discussion, see Kate Manne, *Down Girl: The Logic of Misogyny* (Oxford: Oxford University Press, 2017), 120.

⁴⁴ For discussion, see Amia Srinivasan, *The Right to Sex: Feminism in the Twenty-First Century* (New York: Farrar, Straus and Giroux, 2021), 86-87 and 90. See also Matthew Andler, “What is Masculinity,” *Synthese* (2023). 2 and 14.

⁴⁵ Brian D. Earp and Julian Savulescu, *Love Drugs: The Chemical Future of Relationships* (Stanford: Stanford University Press, 2020), 73.

Here, it's important to attend to the distinction between individuals and structures; heterosexual individuals don't necessarily participate in heteropatriarchal kinship structures; this notwithstanding, a non-accidental correlation obtains.⁴⁶ Myriad epistemic resources (e.g., media portrayals of ideal life patterns) and material incentives (e.g., inheritable wealth) incentivize heterosexual individuals tend to act in ways that sustain heteropatriarchal kinship structures. While queer individuals tend to be marginalized and/or excluded in relation to heteropatriarchal kinship structures, it's also important to recognize that heterosexual individuals have various "escape routes" from the oppressive structures. For example, adoptive families rely on a rejection of heteropatriarchal ideological inferences between reproduction and care.⁴⁷

In sum, kinship structures are constituted by relations among gender-constituent social positions, and heteropatriarchal kinship structures are kinship structure that unduly regulate sex, love, reproduction, and care. [I discuss heteropatriarchal kinship structures in further detail in other work that I'd be happy to provide upon request.] The above discussion should provide a foundation for a specific sort of constructionist theory of orientation demarcation, which I now turn to defend.

3. Sexual Orientations and Heteropatriarchal Kinship Structures

In this section, I argue that sexual orientations are grounded in sexual dispositions on the basis of which individuals are positioned in relation to heteropatriarchal kinship structures.

⁴⁶ For discussion of the relationship between individuals and structures, see Haslanger, "Oppressions: Racial and Other" in *Resisting Reality: Social Construction and Social Critique* (Oxford: Oxford University Press, 2012), 312-317.

⁴⁷ Here, I think, is underexplored coalitional potential across queer and adoptive families. For discussion, see Charlotte Witt, "A Critique of the Bionormative Concept of the Family" in *Family-Making: Contemporary Ethical Challenges* eds. Françoise Baylis and Carolyn McLeod (Oxford: Oxford University Press, 2014), 49-50.

To begin, consider a related statement from Robin Dembroff in their canonical paper on sexual orientation:

[T]he cultural distinction we make between sexual orientation and sexual druthers [i.e., freestanding sexual dispositions] seems somewhat arbitrary. It is not clear why attraction to certain sexes or genders is considered relevant to one's sexual orientation, but not attraction to a certain hair color, race, or economic status. But sex and gender are, for better or worse, particularly salient social categories with respect to sexual orientation. As a result, we find ourselves in the position of classifying persons' sexual orientations on the basis of their sex- and gender-attractions, and not on the basis of other sexual attractions.⁴⁸

A key insight of Dembroff here is that the social significance of sexual orientation is relevant to the metaphysics of sexual orientation. Further developing this line of reasoning, Kevin Richardson claims:

According to social constructionism about sexual orientation, the underlying disposition and desire properties must be appropriately recognized by some relevant social group in order to count as a sexual orientation [...] A sexual orientation is a region of sexual orientation space that has been socially recognized in the right way.⁴⁹

For Richardson, sexual orientations are “regions of sexual orientation space” — in which a point in sexual orientation space represents a set of sexual dispositions — that have a certain sort of social meaning.⁵⁰

⁴⁸ Dembroff, “What is Sexual Orientation?,” *Philosophers' Imprint* (2016), 7.

⁴⁹ Kevin Richardson, “How Sexual Orientation Comes in Degrees” (manuscript).

⁵⁰ More precisely, Richardson holds that a point in sexual orientation space represents an n-tuple of scalar sexual dispositions. See *ibid.*

With Dembroff and Richardson, I endorse the following:

Social Theory of Orientation Demarcation: Orientation-grounding sexual dispositions, in contrast to freestanding sexual dispositions, ground sexual orientations in virtue of having such-and-such (to be specified) social feature.

There are many ways that the social theory of orientation demarcation can be specified. For example, in previous work, I argued that sexual orientation categorizations are “the primary divisions that a society makes with respect to sexuality,”⁵¹ which implies the following:

Social Significance Theory of Orientation Demarcation: Orientation-grounding sexual dispositions, in contrast to freestanding sexual dispositions, ground sexual orientations in virtue of having a high degree of social significance.

That wasn’t quite right. It’s true that some orientation-grounding sexual dispositions have a higher degree of social significance than some freestanding sexual dispositions. For example, sexual dispositions involving gender have a higher degree of social significance than sexual dispositions involving eye color. But other orientation-grounding sexual dispositions might not. For example, perhaps being sexually disposed towards androids could have a higher degree of social significance than being sexually disposed to men. But I don’t think that being sexually disposed towards androids would ground an associated sexual disposition in every relevant possible world (in which being sexually disposed towards androids has a higher degree of social significance than being sexually disposed to men). [*Bladerunner* discussion forthcoming.]

Here, I endorse an alternative social theory of orientation demarcation that focuses on the ways in which individuals can stand in relation to social structures. At a course-grained level, an

⁵¹ Andler, “Public Health, Political Solidarity, and the Ethics of Orientation Ascriptions,” *Ergo* (2021), 102.

individual might be privileged, subordinated, included, excluded, and/or marginalized in relation to a social structure.

Now, consider properties such as *being sexual disposed towards men* or *being sexual disposed towards nonbinary individuals*. In contrast to properties such as *being sexually disposed towards individuals with green eyes* or *being sexually disposed towards tall individuals*, properties on the former list tend to be taken up in ways that position individuals in relation to heteropatriarchal kinship structures.

For example, when instantiated by men, the property *being sexual disposed towards men* tends to be taken up in ways that marginalize individuals within heteropatriarchal kinship structures. This is evident in a wide range of social phenomena including stereotypical representations of lesbian, gay, and bisexual individuals as child predators,⁵² homelessness among lesbian, gay, and bisexual youth,⁵³ and ongoing adoption discrimination against lesbian, gay, and bisexual individuals.⁵⁴

In order to formalize the idea, Ásta's conferralist framework is especially instructive. Ásta argues that individuals are subject to various social *constraints and enablements* on account of being judged to instantiate contextually specific *base properties*.⁵⁵ For example, Ásta describes a case at Mission High School in which individuals are subject to various social constraints and enablements of the conferred property *being cool* – say, being enabled to sit at the “popular

⁵² See Calhoun, *Feminism, The Family, and the Politics of the Closet: Lesbian and Gay Displacement* (Oxford: Oxford University Press, 2000), 160.

⁵³ See Choi, S.K., Wilson, B.D.M., Shelton, J., and Gates, G., “Serving Our Youth 2015: The Needs and Experiences of Lesbian, Gay, Bisexual, Transgender, and Questioning Youth Experiencing Homelessness,” The Williams Institute with True Colors Fund (2015), 4-5.

⁵⁴ See Julie Shapiro, “The Law Governing LGBTQ-Parent Families in the United States,” in *LGBTQ-Parent Families: Innovations in Research and Implications for Practice*, eds. Katherine Allen and Abbie Goldberg (Springer, 2020), 371-374.

⁵⁵ Ásta, *Categories We Live By: The Construction of Sex, Gender, Race, and Other Social Categories* (Oxford: Oxford University Press, 2018), 15-24.

table” in the cafeteria – on account of being judged to have the base property *being blue-haired*.⁵⁶ Along these lines, individuals who are judged to have base properties such as the property of being sexually disposed towards men are subject to various constraints and enablements *that amount to subordination, exclusion, and/or marginalization in relation to heteropatriarchal kinship structures*.

An upshot here is that individuals can be positioned in relation to heteropatriarchal kinship structures on account of being judged to possess features that are not-orientation grounding. For example, consider the following testimony from Jennifer Bartlett about her social experience as a disabled woman:

In my 20s, I was neutral about parenthood partly because, as a woman with cerebral palsy, I was spared the usual intrusive questioning and expectations about having children that most women are subject to. People never pressured me to have children; they just assumed that I could not. In fact, it became clear very fast that women like me are expected *not* to reproduce.⁵⁷

Upon assuming an agential identity as a mother, Bartlett was put through “constant questioning [...about her] capacity to give birth and be a mother.”⁵⁸ Along with many other disabled women, Bartlett is subject to various social constraints related to motherhood.⁵⁹ The base property here is *being disabled*. In virtue of being subject to various social constraints on account of being judged to be disabled, Bartlett is marginalized in relation to heteropatriarchal kinship structures. While

⁵⁶ Ibid., 22-23.

⁵⁷ Jennifer Bartlett, “Disability and the Right to Choose,” [nytimes.com](https://www.nytimes.com/2019/05/10/health/disability-reproductive-rights.html).

⁵⁸ Ibid. The concept of agential identity is due to Robin Dembroff and Catharine Saint-Croix, “‘Yep, I’m Gay’: Understanding Agential Identity,” *Ergo* (2019).

⁵⁹ For related discussion, see Elizabeth Barnes, “Gender without Gender Identity: The Case of Cognitive Disability,” *Mind* (2022), 848-853.

individuals can be positioned in relation to heteropatriarchal kinship structures on the basis of various features, only sexual dispositions can ground sexual orientations.

Distinctive to the social structural theory of orientation demarcation is the interpretation of the aforementioned social constraints and enablements as metaphysically significant; in particular:

Social Structural Theory of Orientation Demarcation: Orientation-grounding sexual dispositions, in contrast to freestanding sexual dispositions, ground sexual orientations in virtue of being base properties in the following sense: being judged to have orientation-grounding sexual dispositions confers constraints and enablements that amount to being privileged, subordinated, included, excluded, and/or marginalized in relation to heteropatriarchal kinship structures.

In short, orientation-grounding sexual dispositions (in contrast to freestanding sexual dispositions) are taken up in ways that position individuals in relation to heteropatriarchal kinship structures.

4. Conclusion

Dispositions can only ground sexual orientations in relation to heteropatriarchal kinship structures. Sexual orientation, then, ought to be eliminated. The closest worlds without sexual orientation are worlds with alternative kinship structures, in which — ideally — the ethical expression of sex, love, and care is always possible.