Engineering Genders

Pluralism, Trans Identities, and Feminist Philosophy

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Abstract

This thesis is an attempt to provide an account of gender. In particular, it is an attempt to develop an ameliorative approach to gender that satisfies a number of transfeminist political goals. That is, following Sally Haslanger, I ask what do we want gender to be? In order to answer the question, I develop a novel Neurathian methodology for conceptual engineering, and a distinctively 'activist' take on that project. From there I criticise a number of theories of gender and suggest that we should instead adopt a position I call *Ameliorative Semantic Pluralism*. That is, a position that endorses multiple meanings for gender terms. I develop this position in conversation with those traditions that arose from the anti-essentialism debates of the 1990s – family resemblance theories, Butlerian performativity, deflationism, scepticism, and nihilism about gender. I provide novel critiques of each position but take seriously the concerns that each position had. I end the thesis by drawing on Audre Lorde to engineer one of the senses of the term 'agender' that speaks to my phenomenology, before using that account to critique some further recent attempts to theorise nonbinary gender identities.

Acknowledgements

Contents

Introduction

"The quality of light by which we scrutinize our lives has direct bearing upon the product which we live, and upon the changes which we hope to bring about through those lives. It is within this light that we form those ideas by which we pursue our magic and make it realized. This is poetry as illumination, for it is through poetry that we give name to those ideas which are, until the poem, nameless and formless-about to be birthed, but already felt. That distillation of experience from which true poetry springs births thought as dream births concept, as feeling births idea, as knowledge births (precedes) understanding."

- From "Poetry is not a Luxury" Audre Lorde (2017).

This thesis is an attempt to provide an account of gender. In particular, it is an attempt to develop an ameliorative approach to gender that satisfies a number of transfeminist political goals. That is, following Sally Haslanger, I shall ask, what do we want gender to be? I will criticise a number of theories of gender and suggest that we should instead adopt a position I call *Ameliorative Semantic Pluralism*. That is, a position that endorses multiple meanings for gender terms. I develop this position in conversation with those traditions that arose from the anti-essentialism debates of the 1990s – family resemblance theories, Butlerian performativity, deflationism, scepticism, and nihilism about gender. I provide novel critiques of each position but take seriously the concerns that each position had.

It will perhaps be useful to situate this thesis, because, despite it being a work of philosophy, and all that entails, it is nonetheless a work of philosophy that comes from a particular social and intellectual context, that is engaged in a particular political project that is relevant to that context. It is written, not by a dispassionate observer, but by someone for whom such issues form a part of everyday life. I am a white, agender, able-bodied, queer, and working-class philosopher trained in feminist theory and analytic philosophy, working in the United Kingdom. At the time of writing, trans people face renewed attacks here in the UK and across the globe. The hope that for a moment was called the 'trans tipping point' (see Steinmetz 2014) has been largely extinguished, with near daily attacks in the popular press that call to mind the extremes of the homophobic press of the 1980s. Meanwhile, both the UK and Scottish governments are attempting to reform their gender recognition acts – something not unconnected with the upswing in transphobic press coverage – and what might have been an attempt to make trans lives easier has instead lead to

endless consultations and continued fearmongering about trans people. Meanwhile, attempts to prevent children from learning about queer identities in schools have spread, with conservatives of all stripes rallying around 'protecting children' in the way that Section 28 once 'protected' children. I grew up under Section 28 and in its aftermath. I saw first-hand the effects of closing off different ways of living, of stigmatizing sexual and gender identities that were not cisgender and heterosexual. Bullying and internalised hatred are, for queer people of my generation, the norm, and not the exception. Of course, this has spilled over into philosophy, where the exclusion of trans people seems to have become a goal of some philosophers – and, if reports of trans people leaving philosophy are correct, they seem to be succeeding. This thesis, though not a direct response to this context, is nonetheless informed by, and developed in this context.

The thesis is analytic and feminist in method – drawing not only on a tradition coming out of the work of Louise Antony, Charlotte Witt and Ann Garry, but also on a sometimes forgotten political radicalism in analytic philosophy that goes right back to Bertrand Russell and the logical positivists, especially Rudolf Carnap and Otto Neurath.[1] However, unlike others in this tradition, I will foreground both my own and other trans perspectives on these issues, focusing especially on nonbinary perspectives.[2] This work will stand or fail, in my eyes at least, by how well it does justice to the demands of trans people. This thesis, then, is a work of trans philosophy. It begins and ends with unabashed transfeminist[3] goals that are used to inform an ameliorative project that will hopefully provide a useful framework for trans people in thinking about gender and for changing society for the better.

Chapter One sets out the particular methodology I will use in the thesis. Drawing on Haslanger and Carnap, I will use a distinctively Neurathian methodology for conceptual engineering that

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[1] Interestingly (to my mind at least) Neurath talks about trans people at one point, though not in an explicitly political context (see Neurath 1983 34). It is notable how normal Neurath thinks transition related surgery is, though this should not be unsurprising given that his intellectual milieu included Magnus Hirschfeld's sexological clinic (before it was destroyed by the Nazis) and the Wissenschaftlich-humanitäres Komitee, an organisation committed to the recognition and decriminalisation of LGBT people.

[2] Notable exceptions to this elision of trans people include Talia Mae Bettcher, Stephanie Kapusta, Esa Díaz-León, and several postgraduate and early career researchers, not least Robin Dembroff, Matthew Andler, and Katharine Jenkins. If I am permitted a moment of speculation, I think we will, if resistance from within the discipline can be overcome, see a real blooming of what we might call 'analytic trans philosophy' in the near future.

[3] I take the term 'transfeminist' from Emi Koyama, who defines transfeminism as follows: "transfeminism is primarily a movement by and for trans women who view their liberation to be intrinsically linked to the liberation of all women and beyond. It is also open to other queers, intersex people, trans men, non-trans women, non-trans men and others who are sympathetic toward needs of trans women and consider their alliance with trans women to be essential for their own liberation." (Koyama 2003 245). Why transfeminism when I am not a trans woman? Well, there is, so far as I can tell, no specific name for activism on behalf of nonbinary people that would do here, and in any case, I see this project as one that can only succeed if trans women are liberated, and if trans women's needs are foregrounded. Moreover, there is reason to think that Koyama wants transfeminism to foreground other trans people too (Koyama 2003 258) and can therefore serve as a general political movement on behalf of trans people.

emphasises the needs of communities and pragmatic concerns about the intended users of such concepts. I will suggest that such a methodology is attractive to activists in particular, and that by taking what I call a *progressive agnostic* position on conceptual engineering, one can sidestep many of the issues that have been raised for conceptual engineering more broadly. I will suggest that, from a transfeminist perspective, an ameliorative inquiry into gender presents us with five especially salient desiderata or constraints on any putative target concept(s) we put forward: the *feminist praxis*, *social scientific*, *trans identity*, *normativity*, and *inclusivity* constraints.

The essentialism versus anti-essentialism debate in feminist theory has somewhat petered out over the past couple of decades, with those that called themselves anti-essentialists appearing to have won. Certainly most feminists would reject the old essentialist positions out of hand.[4] However, the label 'anti-essentialist' is a broad one that blurs quite important differences *among* the so-called anti-essentialists. As such, I make a distinction between what I call 'structuralist' and what I call 'anti-structuralist' anti-essentialisms. Structuralists, like all anti-essentialists, will deny that all members of the category *woman* share some feature or essence that makes them a woman,[5] but will nonetheless claim that the category has some underlying logical structure. In Chapter Two I will engage with three such theorists – Cressida Heyes, Jacob Hale, and John Corvino. Drawing on Talia Mae Bettcher's work, and taking trans identities seriously, in a way which the literature often fails to do, I will suggest that these accounts face two serious issues – the double-counting and discrete/continuous problems. Moreover, I will suggest that these problems are generalisable for virtually every *positive* theory of gender currently available.

In Chapter Three, I turn to *anti-structuralist anti-essentialists* – those feminists who deny that gender has a logical structure, deny that it is possible to give such a structure, or simply, for political reasons, refuse to give such a structure. I engage with this possibility through the lens of the work of Judith Butler. Giving a reading of Judith Butler that is tractable for the analytic philosopher, I suggest that we can generalise Miranda Fricker and Bernard Williams' notion of proleptic mechanisms beyond the case of blame to make sense of Butler on gender. This leads to a further analytic reading of the critique of Butler found in the work of trans theorists such as Jay Prosser.

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[4] There are exceptions to this – not least Sally Haslanger and Charlotte Witt. However, even these thinkers see themselves as having to argue for the claim that one can be an essentialist without endorsing the problematic conclusions of that view that anti-essentialists pointed out.

[5] This is what makes them anti-essentialists. Note that (pace Charlotte Witt 2011) the essentialism debate in feminist theory has almost entirely focused on a version of kind essentialism that suggests that there is some property that all members of the category woman have. This often causes some confusion amongst those philosophers raised on Aristotle and Kripke. To be an essentialist or anti-essentialist about woman in the sense derived from feminist theory is to say nothing about whether one takes the term 'woman' to rigidly designate across all possible worlds, or whether being a woman is essential to one being the very thing that one is. Unless otherwise specified, any reference to essentialism in what follows is to be read as a reference to the feminist theory sense of essentialism.

Extending Prosser's critique, I suggest that (in their descriptive mode) Butlerian theories of gender face an explanatory gap when it comes to trans phenomenology, but that nonetheless we can draw important political tactics from Butler's work. Turning away from Butler's theory in particular, I engage with anti-structuralism abstractly, in three forms – metaphysical, epistemic, and ameliorative. I will argue that in its metaphysical form, anti-structuralism is false, but that some epistemic and ameliorative versions of the position are correct, even if largely irrelevant for the rest of my project here.

Given that these and other more positive theories of gender fail to satisfy, in the next part of the thesis I begin to look at more sceptical accounts of gender, beginning, in Chapter Four, with something of a halfway house between a metaphysically inflationary account of gender and complete scepticism or abolitionism about gender – deflationary theories of gender. Here I develop the main deflationary account currently available, as given by Mari Mikkola. Rejecting the particular mechanism by which she determines the extensions of gender terms (extensional intuitions) I develop an alternative account based on a deflationary version of self-identification. I explore the logical space for such a new theory of gender, but suggest that despite some initial attractions, such accounts are explanatorily incomplete, or unsatisfactory with respect to the feminist praxis constraint and the needs of trans people. Despite these objections to deflationary self-identification accounts, I will suggest that such accounts do get something right with respect to the normative significance of self-identification.

In Chapter Five, I examine the most extreme response to the gender debates – outright scepticism about gender. I engage with descriptive scepticism about gender via error theory about race (as there are no defenders of error theory about gender in the literature). I argue that error theorists about race fail to rule out constructionism about race, and that when their arguments are transposed to the case of gender, those arguments appear to be even weaker. Establishing the existence, or at least possible existence of gender is important if we want to produce an ameliorative program that makes gender better, but even more politically pressing is the thought that we might want to do away with gender entirely. Here I develop three potential versions of gender abolitionism – Haslangerian structural realism, gender nihilism, and ideal theory abolitionists. I suggest that each position is inadequate for establishing the desirability of abolition, and that we can provide positive arguments to be wary of any abolitionist movement or society.[6]

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[6] The second half of Chapter Five was first published in a slightly modified version as "Against Abolition" in *Feminist Philosophy Quarterly* 5 (3) 2019.

Having engaged with the most widely adopted and most pressing accounts of gender available, and in in each case finding the account wanting, in Chapter Six I turn to providing a positive account of gender: ameliorative semantic pluralism. Beginning with the contextualist account provided by Jennifer Saul and the pluralist account defended by Talia Mae Bettcher, I suggest that apparent tensions between the accounts come down to whether one thinks that gender terms have (or ought to have) a fixed character. Developing a problem given initially by Saul, I suggest however that such accounts are, as yet, unsatisfactory. Purely ameliorative versions of such theories, however, can get around this problem, and, given a particular way of setting contexts (as given by Esa Díaz-León) get around a new version of the problem I give for purely ameliorative versions of pluralism. I then give a number of putative problems for such an account and suggest that each can be solved.

The seventh and final chapter fills out one of the meanings in this broader semantic pluralist picture. I draw on Sara Ahmed's reading of Audre Lorde to provide a method, and then use that method of close autobiographical description to develop a meaning for 'agender' that is grounded in a phenomenology of absence. I then suggest that taking this identity seriously actually causes some worries for a couple of attempts to provide trans inclusive theories of gender as given by Katharine Jenkins and Robin Dembroff. I suggest that the kind of hermeneutic innovation that I have been undertaking is one which may well be very amenable to trans people, and indeed, that it is already taking place.

Chapter One

Flatpack Genders: Conceptual Engineering and Desiderata for a Theory of Gender

1 – Introduction

The project is to produce an ameliorative account of gender – a target concept (or target concepts) of gender. However, what should this account look like? What constraints should we place on our theory? What are the desirable features of such a theory? In this chapter I set out what I mean by *conceptual engineering, ameliorative inquiry, ameliorative projects*, and five constraints that, I suggest, ought to apply to theorising about gender. It is these constraints that I will apply throughout the remainder of the thesis whilst discussing various positions on the nature of gender. The five constraints are as follows: the *Feminist Praxis Constraint*, the *Social Scientific Constraint*, the *Trans Identity Constraint*, the *Inclusivity Constraint*, and the *Normativity Constraint*. These may well not be the only constraints that need to be placed on ameliorative theorising about gender.[7] However, in terms of pertinence for this project, I suggest that we focus on the constraints I set out here. I finally turn to some methodological questions often posed for the conceptual engineer and suggest that they can largely be sidestepped by the activist such as myself who is primarily concerned, not with topic preservation or the nature of concepts, but on changing the world for the better.

2 – Neurathian Conceptual Engineering

What exactly is conceptual engineering? This is a difficult question – not least because most common answers to this question seem to overgeneralise so as to make the concept of conceptual engineering a seemingly useless one that includes virtually all philosophical and social theorising that goes beyond experimental work. However, at a first blush, we might suggest that conceptual engineering is a *normative* practice that asks which concepts we *ought to use*, given our particular goals. We can distinguish it from merely *descriptive* versions of conceptual research, which ask what our concepts *in fact are*.[8] To some readers, this kind of distinction will appear problematic, but let us take this broad distinction as a starting point. To put it roughly, conceptual engineering involves critical reflection on what we want from concepts, and which concepts best achieve those ends we have set out.

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[7] Indeed, I suspect that the general constraints that are put on theorising of all kinds will arise – consistency, simplicity, metaphysical parsimony, whether it is understandable and so on will be relevant. Indeed, in discussing the work of Carnap we will encounter other such constraints. However, in this chapter I seek to point out those constraints that are specifically salient for this kind of project. Whilst it is certainly far from impossible that an ameliorative theory of metaphysics of possible worlds be need be wary of violating the trans identity constraint, for example, that constraint certainly looks a lot more pertinent to an ameliorative theory of the metaphysics of *gender*.

[8] Note that this notion of 'descriptive conceptual research' is broader than Haslanger's notion of 'descriptive inquiry'.

Conceptual engineering has a long history in philosophy (despite sometimes being presented as a novel tradition) with roots in Confucian philosophy (see Bright and Novick 2018).[9] Whilst a detailed history of the methodologies that have become associated with the phrase goes beyond the scope of this thesis, in this section I will take a look at two of the most prominent 'engineers' of the past century – Rudolf Carnap and Sally Haslanger, before developing a Neurathian approach to conceptual engineering based on a remark in Carnap's autobiography. This, I suggest, provides not only a clear and pluralist (about the values that can enter into the project) methodology for conceptual engineering, but also a methodology that activists will find attractive.

2.1 – Carnapian Explication

For Carnap, the project of engineering language was actually twofold. The first aspect was the construction of an international language such as Esperanto, the second the engineering of languages for mathematics and a unified science. It is the latter aspect of the project which will interest us here. For Carnap, the project of providing and exploring exact languages for usage in science and mathematics becomes a project in making precise those vague concepts already being used, in what he calls *explication*. Explication is a version of what we would now call conceptual engineering and is helpfully summarised by Carnap in his *Logical Foundations of Probability*:

> "By the procedure of *explication*, we mean the transformation of an inexact, prescientific concept, the *explicandum*, into a new exact concept, the *explicatum*." (Carnap 1962 3).

For Carnap, a part of the practice of scientific method is the improvement of a vague ordinary concept (or a vague concept already in use in the sciences) which he calls the *explicandum*, with an exact concept that has explicit rules for its usage and fits into a broader scientific picture of the world, which he calls the *explicatum*. The explicatum, for Carnap, must meet four requirements:

1. *Similarity* to the explicandum: "in most cases in which the explicandum has so far been used, the explicatum can be used; however, close similarity is not required, and considerable differences are permitted" (Carnap 1962 7).

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[9] The earliest usage of the phrase 'conceptual engineer' that I can find comes in Blackburn (1999), and Blackburn certainly seems to suggest, even in this very introductory work (indeed it was the first explicitly philosophical text I ever picked up) that most philosophy can be seen as a form of conceptual engineering: "This is what we aim at when we investigate the structures that shape our view of the world. Our concepts or ideas form the mental housing in which we live. We may end up proud of the structures we have built. Or we may believe that they need dismantling and starting afresh." (Blackburn 1999 2). However, the notion that this kind of project is 'engineering' has a longer history, going back to Carnap himself, who compares the problem of choosing a suitable language for physics and mathematics to that of choosing a suitable motor for a freight aeroplane: "in a sense, both are engineering problems" (Carnap 1956 43).

2. *Exactness* of explicatum: "the rule of its use (for instance in the form of a definition), is to be given in an *exact* form, so as to introduce the explicatum into a well-connected system of scientific concepts" (Carnap 1962 7).

3. *Fruitfulness* of explicatum: the explicatum must be "useful for the formulation of many universal statements (empirical laws in the case of a nonlogical concept, logical theorems in the case of a logical concept)" (Carnap 1962 7).

4. *Simplicity* of explicatum: "measured, in the first place, by the simplicity of the form of its definition and, second, by the simplicity of the forms of the laws connecting it with other concepts" (Carnap 1962 7).

What is perhaps striking about these desiderata is that they are entirely concerned with making concepts that are useful to the scientific project – Carnap is unconcerned with producing concepts that, for instance, are useful in promoting justice, at least directly. We might therefore put Carnap's position on conceptual engineering thus: we can let many languages flower, but we judge which ones to use and make a practical decision, adopting those concepts that are most useful to a unified science, based on these solely epistemic grounds.[10]

This is not to say that Carnap was not challenged on this point. In his biography, he writes of a discussion with Otto Neurath:

> "The choice of a language form was a practical decision, [Neurath] argued, just as the choice of a route for a railroad, or that of a constitution for a government. He emphasized that all practical decisions are interconnected and should therefore be made from the point of view of a general goal. The decisive criterion would be how well a certain language form, or a railroad, or a constitution, could be expected to serve the community which intended to use it." (Carnap 1963a 51).

The view of conceptual engineering espoused by Neurath (as presented by Carnap) is therefore somewhat more inclusive: let many languages flower, and adopt different languages to suit the purposes of different communities – where these purposes may be practical (as in the metaphor of the railroad), political (as in the metaphor of the constitution), and may take other forms as well, so long as they are the purposes of the community being served by the language. Thus, whilst it might be useful within the context of a community of mid-twentieth century philosophers to adopt a definition of 'true' in terms of the precise framework set out by Tarski, given their particular purposes, the Neurathian conceptual engineer is also able to say that Tarski's definition of 'true' is

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[10] It has been suggested to me in conversation by Haslanger that Carnap, at times, writes in ways that seem to *imply* that he accepts there may be other purposes for a language than a unified science: see Carnap 1950 31.

not the one that ought to be adopted by, say, a group of primary school teachers who are trying to teach their students not to lie.[11]

2.2 – Haslangerian Ameliorative Inquiry

Neurathian conceptual engineering is not alone in its pluralism about the kinds of purposes we might recognise. Haslanger's *ameliorative* or *analytical* inquiry similarly allows that the particular purposes we have in mind may vary in kind (see also Burgess and Plunkett 2013). Haslanger begins by distinguishing three types of inquiry into our concepts that we might undertake: *conceptual*, *descriptive* and *ameliorative*. Conceptual inquiry is a broadly *a priori* or armchair investigation into the concepts that we think we have. This kind of inquiry elucidates *manifest* concepts, or those concepts that best articulate what we take to be our understanding of the subject in question. Descriptive inquiry, in Haslanger's sense, is a broadly empirical investigation concerned with the phenomena in question. For social concepts such as gender and race, this kind of inquiry generally takes the form of looking at the ways in which these concepts actually get used and what they actually refer to – thus the kind of concepts elucidated by this kind of inquiry are called the *operative* concepts. Haslanger's *analytical* or *ameliorative* inquiry begins with the question: what is the point of having some given concept? It then proceeds by asking which, if any, concept(s) would best achieve that end – the *target* concept(s). For Haslanger, this point in question may be cognitive or epistemic in nature (as was Carnap's priority) but it may well also be practical or political – Haslanger offers four purposes that she takes to be relevant for an ameliorative inquiry into gender and race:

> "(i) The need to identify and explain persistent inequalities between females and
>
> males, and between people of different "colors"; this includes the concern to

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[11] It is an interesting question as to whether Neurath actually endorsed the view attributed to him by Carnap. There is little (in his English writings at least) that I could find by way of explicit discussion of the issue. Certainly, however, there appears to be an emphasis of the needs of communities in much of his writing on the engineering of language:

> "I think, then, that terms such as 'Calvinist attitude' and 'capitalist attitude' are not well selected and defined; but we shall try to find feeling-tone and behaviour terms *which serve our purpose better*" (Neurath 1944 17 my emphasis).

Where 'our purpose' is building a language that meets the needs of a particular community: sociologists. Such a community, according to Neurath, requires a language that is empiricist and allows interpersonal testing, that is exact, and that is rich enough to capture the vast domain that is studied by sociologists:

> "We immediately see the vastness of the field if we analyse, for instance, statements on the migration of social groups. Such a statement may be concerned with the vicissitudes of crops and climates, with alterations in the amount and quality of food produced, and with alterations in certain institutions, such as the correlation in the position and behaviour of priests and chieftains. Moreover, some sociologists will take into account what biologists stated on the correlation between the alteration of hormone equilibrium, etc., in animals and their migration; they may transfer, by analogy, these results to the behaviour of human groups. Thus we have to join meteorological, ethnological, biological, and chemical arguments. *Social scientists, therefore, are interested in a language which enables them to speak of animals, plants, and crystals in the same way, as far as possible, without anticipatively creating distinctions.*" (Neurath 1944 2, my emphasis).

Nonetheless, even if the view of conceptual engineering I put forward in this thesis ends up being the view of Carnap's Neurath rather than the view of Neurath himself, I take it that the view is interesting in and of itself.

identify how social forces, often under the guise of biological forces, work to perpetuate such inequalities.

(ii) The need for a framework that will be sensitive to both the similarities and differences among males and females, and the similarities and differences among individuals in groups demarcated by "color"; this includes the concern to identify the effects of interlocking oppressions, for example, the intersectionality of race, class, and gender.

(iii) The need for an account that will track how gender and race are implicated in a broad range of social phenomena extending beyond those that obviously concern sexual or racial difference, for example, whether art, religion, philosophy, science, or law might be "gendered" and/or "racialized."

(iv) The need for accounts of gender and race that take seriously the agency of women and people of color of both genders, and within which we can develop an understanding of agency that will aid feminist and antiracist efforts to empower critical social agents." (Haslanger 2012 226-7).

All of these may be broadly construed, says Haslanger, as suggesting that our gender and race concepts should be tools in the fight against injustice. Even those conditions that appear merely epistemic in nature, such as (ii) and (iii), are, in the context of a feminist program of social critique, political. After all, acknowledging the differences *among* women, as the anti-essentialist feminists have so forcefully argued, is an important aspect of feminist praxis (see, for example, Spelman 1988 and Heyes 2000). Similarly, tracking how the law, or philosophy, or art is gendered is not idle curiosity for the social critic – rather, it identifies issues and spurs efforts to bring about changes in those domains.

2.3 – A Neurathian Methodology

Drawing on the above, we might suggest a methodology for conceptual engineering that features simply a two-stage process:

Stage One: Identify a concept for engineering T, and set out the purposes P for which one seeks a concept, concepts, or lack thereof.

Stage Two: Determine the best concept(s) to use, or whether to give up on the concept(s) for T given P.

However, such a two-stage process is incomplete. Merely developing the new concept is not enough. Rather, if we are to do justice to the engaged methods of conceptual engineers (both those engaged with scientific practice and those engaged with social critique) we must add a third stage: the concept must be spread around and adopted by the relevant community. For instance, a new concept of *woman* would be useless were Haslanger to develop one in line with her purposes and then simply keep it to herself. Instead the engaged conceptual engineer ought to seek to spread their newly developed concept, sharing it with feminist communities, scientists in the relevant domain, or even the general public. If stages one and two are ameliorative *inquiry,* then let us call this stage three an ameliorative *program*.

> Stage Three: Encourage the adoption of the new concept(s) or the adoption of
> abolition about the concept(s) for T in the relevant communities, given P.

What an ameliorative program looks like will vary from topic to topic, and indeed from community to community. In the case of engineering the concept of truth for the use of logicians and mathematicians, it may well be that the ameliorative program amounts to simply publishing academic papers and books in favour of one's new concept of truth. In the case of gender, however, should one wish to change how an entire society uses the concept *man*, the ameliorative program will likely have to be far more extensive, involving comprehensive overhauls in education, economic institutions and language as a starting point.[12]

One might wonder, however, about the notion of a *relevant community* – why has such an important aspect of ameliorative work only entered into our program at this late stage? Surely it is going to matter to our ameliorative inquiry who we want to use this concept, lest we develop a target concept that is entirely inappropriate for the community who will (hopefully) be using the concept. I think that this is quite right, and we ought to update our methodology in the light of this fact. First however, a distinction between two potentially relevant communities: the community whose purposes are guiding the ameliorative inquiry C_p, and the community of intended users of the concept C_u. Of course, C_p and C_u might be one and the same community, such as the community of scientists, which guided by the epistemic purposes of scientific inquiry develops concepts for use by scientists in scientific practice. However, they might not – one way of thinking about

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[12] As Haslanger puts it, "To notice how existing practices and structures depend on distorted understandings can itself be liberating, in a sense, for we can begin to frame new intentions, explore different notions of agency, and take on new identities. This enhances our autonomy but it doesn't make us free. Full agency requires that we also (collectively) change the unjust practices that structure our lives, and this requires more than thinking differently." (Haslanger Forthcoming 4). The society-wide adoption of significant new understandings of gender and race, for instance, will probably require a large-scale disruption in the structures of that society, changing institutions from legal rights through to interpersonal behaviour and modes of production – not just thinking up some new concepts. Concepts must be put to work.

Haslanger's project of ameliorating gender is that implicitly in her work, C_p is the community of feminists, whilst C_u is the whole of society. We can add this distinction and an emphasis on communities into our methodology:

Stage One: Identify a concept for engineering T, and set out the purposes P for which a community C_p seeks a concept, concepts, or lack thereof.

Stage Two: Determine the best concept or concepts to use, or whether to give up on all the concepts for T given P and the intended community of users of the concept(s) C_u.

Stage Three: Encourage the adoption of the new concept(s) or the adoption of abolition about concepts for T in C_u, given P.[13]

By placing an emphasis on *communities* and allowing for a plurality of kinds of legitimate purpose in this way, I suggest that this methodology, whilst sharing a great deal with the work of Carnap and Haslanger, is in fact a distinctively *Neurathian* conception of conceptual engineering.

3 – Putting this Project to Use

Who are C_p and C_u in what follows?[14] With regards to the evaluation of theories of gender more broadly, I will take the purposes, or desiderata that I will develop in the rest of this chapter to be plausible purposes that those communities who see themselves as anti-racist, anti-capitalist, anti-ableist, anti-transphobia, anti-homophobia feminists might have for gender concepts.[15] Whilst I cannot say authoritatively that all in such a community would accept these as the desiderata, I hope, in what follows, to make the case that those of us in this 'gender justice camp' ought to adopt them. Notably, they are developed by a non-binary trans person, and thus emphasise trans liberation in ways that a narrowly (cis) woman-focused set of purposes might not, though I see

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[13] Note that this methodology allows for both a negative and positive moment in social critique. We are able to ameliorate our concepts to better allow us to critique the current social order, and better represent what we are *really* talking about when we talk about, say, race. Indeed, this seems to be what Haslanger is doing for most of her 2000 paper, aside from some speculative remarks in Section VII thereof. This type of critique might be characterised as negative, as it diagnoses problems with our current social world, and provides better ways of understanding that world. Meanwhile the methodology also allows for a positive moment, in that our critique can alternatively be used to posit new ways of organising ourselves in ways that are more just than those that structure our current society. Importantly, whilst this kind of amelioration could be ideal theory – positing concepts that we would have in an ideal society, it need not be. Indeed, the Neurathian conception of conceptual engineering leads itself to be well suited to situated improvements to concepts based on the current needs of particular communities, which are (generally) removed from the concerns of ideal theory.

[14] I will suggest in Chapter Seven that restricting C_p to individual trans people provides a powerful tool for the liberation of trans people via the development of new gender concepts.

[15] In a somewhat awkward usage of Crenshaw's terminology, they might be termed *intersectional* feminists.

them as fully in line with most feminist goals, and specifically aligned with the transfeminist project – following Koyama (see footnote 3 above).

As a non-binary person, I see my own liberation as fundamentally linked to the liberation of trans women, and I hope that this thesis manages to reflect that fact. In short then, C_p, in my project, are those who are in the gender justice camp, in the sense motioned to above. With regards to C_u, I suggest that we attempt the ambitious – C_u, in my project, will be society at large. If we wish to fundamentally change society for the better with regards to gender, then it looks like (insofar as we think that concept change is a useful means of changing society) we should try to get as many people as possible in our society using the new concept, and (re)organising our institutions around the new gender concepts.[16]

Where better to begin than with stage one? In the rest of this section I will set out what I take to be the desiderata for our target gender concepts and our understanding thereof, which I shall henceforth refer to as a 'theory of gender'.

3.1 – The Feminist Praxis Constraint

I suggest that an ameliorative theory of gender ought to aid, or minimally not obstruct, feminist political movements. Whilst the definition of 'feminism' is notoriously contested, I take it that feminist movements are those movements centrally organised around gender justice, the liberation of women or equality between the genders – which, taken in the abstract, are worthwhile moral and political goals. Thus, in general, I suggest that our ameliorative theorising ought not to undermine the efforts of such movements. Indeed, if possible, it should be a useful resource for feminists seeking to achieve these ends. Why might one be worried that a theory of gender – a metaphysical theory (albeit one about the social world) could undermine feminist praxis? There are a few reasons, but I shall discuss two here: one reason from a worry about essentialism in the metaphysics of gender, and another reason from worries about the anti-essentialist's own position.

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[16] One might suggest that this is not metaphysics – it does not deal with the "fundamental structure" of the world (see Sider 2011), nor is it directly an investigation into what grounds what (see Schaffer 2009). Some feminist metaphysicians have sought to defend the feminist metaphysical project as metaphysics proper (see Barnes 2014, Mikkola 2015, 2017), but I am unconcerned to do so. Indeed, I worry that the very requirement that we justify ourselves to a group of (mostly) men who set boundaries for what counts as *real* metaphysics is profoundly antifeminist. Feminist metaphysicians may, by the lights of the traditional philosopher, not be doing metaphysics, but, as I argue with respect to the topic changing objection below, so what? We're doing something, and, I humbly suggest, it is an important something – something that we, in feminist and trans circles, have called metaphysics for some time. I am interested in the nature of gender, the nature of societies, and the nature of social structures – in this sense I am investigating that which is and might be, using the tools of a feminist analytic philosopher. Throughout I will make arguments to suggest that we can cause and constitute the world to be differently than the way it currently is. I can think of no better term for this than *social metaphysics*.

Suppose that one thought that there was some essential property P_w, that all and only women share, and that likewise there is some property P_m that all and only men share. Suppose now that P_w and P_m are properties that are putatively relevant for organising society, thus:

P_w: Extremely caring.

P_m: Very good at detached reasoning.

Supposing that one thought that these were the properties that all and only women and men had (respectively and exclusively), and that men and women make up the majority of society, then the way one organises the structure of that society, one might think, ought to take into account this fact. Thus, one might think, one ought to structure society in such a way that those who are good at caring for children take care of the children, and those that are good at abstract reasoning take up posts in institutions of higher learning. *Prima facie*, then, women's and men's positions in society are determined – given their essences. This seems like a paradigmatic case of something a feminist ought to reject – a societal structure where women are kept in place purely as primary caregivers.[17] However if the feminist endorses the metaphysical theory of gender that justifies this societal structure, it seems hard to see how they are going to motivate a rejection of that structure. The thought, therefore, is that in trying to develop a target conception of gender, one ought to be concerned to not to endorse a conception that looks like the one above, as it looks like it will obstruct feminist praxis.[18]

For a second reason to be worried that a theory of gender might undermine feminist praxis in some way, suppose that the anti-essentialist is correct, and that there is no essence to the kind *woman*. It might seem, therefore, that *woman* has no, and ought not to have, fixed boundaries – that the extension is indeterminate or unclear.[19] This certainly appears to be Judith Butler's position:

> "On the contrary, if feminism presupposes that "women" designates an undesignatable field of differences, one that cannot be totalized or summarized by a descriptive identity category, then the very term becomes a site of permanent openness and resignifiability. I would argue that the rifts among women over the content of the term ought to be safeguarded and prized, indeed, that this constant rifting ought to be affirmed as the ungrounded ground of feminist theory. To

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[17] After all, there may be a lot of children to look after, so a large number of caregivers may well be required.

[18] This is not to say that there could not be a way of defending this metaphysics whilst rejecting the societal structure it seems to point to. All I want to do in this section is motivate the claim that we should be concerned to take feminist praxis into account in our ameliorative theorizing.

[19] There are epistemic and metaphysical interpretations of this claim, though for our purposes in this chapter this distinction is largely irrelevant (see Mikkola 2007 363). I will return to this issue in Chapter Four.

deconstruct the subject of feminism is not, then, to censure its usage, but, on the contrary, to release the term into a future of multiple significations, to emancipate it from the maternal or racialist ontologies to which it has been restricted, and to give it play as a site where unanticipated meanings might come to bear." (Butler 1992 16).

"Is the construction of the category of women as a coherent and stable subject an unwitting regulation and reification of gender relations? And is not such a reification precisely contrary to feminist aims?" (Butler 1999 7).

One might be happy with such a theory of gender. However, this lack of precise boundaries, one might worry, leads to confusion over the extension of the term 'woman'. It is simply impossible, one might think, given these unclear boundaries, to delimit who is a member of the kind *woman*. Mari Mikkola suggests that this might be thought to lead to an unfortunate political situation:

"Feminism should fight against the oppression members of the category of women face. But if this category cannot be marked off using the concept *woman*, feminism also lacks a clear subject matter; if the extension of 'woman' is unclear, it is also unclear who feminism ought to be mobilised around." (Mikkola 2007 364).

Wendy Brown makes much the same point, using the language of 'postfoundationalism' instead of anti-essentialism in her analysis of the 'foundationalist' (or essentialist) Catherine Mackinnon's work:

"Can a radical postfoundationalist feminist political discourse about women, sexuality, and the law – with its necessarily partial logics and provisional truths, situated knowledges, fluid subjects, and decentered sovereignty – work to claim power, or to contest hegemonic power, to the degree that MacKinnon's discourse does?" (Brown 1995 78-79).

This problem runs deeper than simply a question of organisation, or how to use certain political methods, such as women's spaces (for how is a clear entry policy on such a space to be set in the absence of a determinate boundary to the category *woman*). Indeed, Cressida Heyes has remarked that absent essentialist claims, the entirety of social theory may be undermined. Drawing on Bordo, Spelman and Okin, she argues that taking a strong anti-essentialist position "would be to commit a kind of methodological suicide, since all social theory rests to some degree on generalising

categories and theses" (Heyes 2000 73). Meanwhile, Iris Marion Young suggests that Butlerian worries about the boundaries of gender categories might undermine the feminist project entirely:

> "The naming of women as a specific and distinct social collective, moreover, is a difficult achievement, and one that gives feminism its specificity as a political movement. The possibility of conceptualizing ethnic, religious, cultural, or national groups, for example, rarely comes into question because their social existence itself usually involves some common traditions – language, rituals, songs and stories, or a dwelling place. Women, however, are dispersed among all these groups. The operation of most marriage and kinship forms brings women under the identity of men in each and all of these groups, in the privacy of household and bed. The exclusions, oppressions, and disadvantages that women often suffer can hardly be thought at all without a structural conception of women as a collective social position. The first step in feminist resistance to such oppressions is the affirmation of women as a group, so that women can cease to be divided and believe that their sufferings are natural or merely personal. Denial of the social reality of a social collective *women* reinforces the privilege of those who benefit from keeping women divided... Feminist politics evaporates, that is, without some conception of women as a social collective." (Young 1997 17-18)

Natalie Stoljar remarks, in a similar vein to Young, that absent a group identified as women, feminism "cannot provide a justification for feminist action on behalf of women" (Stoljar 1995 282). For if there is no determinate group, women, for whom feminism is fighting, then what is feminism doing, or even aiming to achieve? Whether or not these worries for various theories of gender are eventually successful, I suggest that they point to a serious issue that any ameliorative theorist working on the metaphysics of gender should address: that the ameliorative project they put forward ought to be compatible with feminist praxis.[20]

Whilst I have only mentioned *feminist* praxis here, given that this is the movement associated with gender-based justice and this is a thesis about gender, I take it that the constraint should also apply with regards to other liberation or social-justice movements.[21] Thus our theory of gender should not obstruct (other) anti-racist, disability, anti-colonial, anti-capitalist and other such movements.

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[20] Of course, one might undertake a misogynist ameliorative project within the metaphysics of gender. However, I take it that the moral and political goals at which this project would be aimed will be rejected by any serious thinker in this area.

[21] I take it that feminism ought to be concerned with racial justice, disability justice, and so on, but I want to leave it open that there are movements that do not call themselves feminist which we ought to be concerned to aid or not obstruct.

This is vitally important especially in the case of feminist anti-racist and feminist anti-, or de-colonial movements, where the concepts of gender employed by Western feminist theorists have consistently been found wanting by black and indigenous activists and thinkers.[22]

Thus I suggest the following constraint:

> *Feminist Praxis Constraint*: Any theory of gender that we construct should aid, or at least minimally *not oppose or obstruct* socio-economic justice movements.

3.2 – The Social Scientific Constraint

Just as the failure to pick out a clear extension for the term 'woman' gives rise to questions surrounding political organising for the anti-essentialist, failing to pick out a clear extension also looks like it is going to give rise to questions surrounding social-scientific practice. Suppose that one wants to study the gendered effects of some phenomena, and thus one requires (as most good social science does) a gendered breakdown of the data provided. Not having a clear extension for gender terms such as 'man' is clearly going to cause issues when trying to produce such data. After all, it may be unclear, for any given data point, whether it ought to be included in one category or another.

Why should feminist metaphysicians be worried about this? Well, for one, if we think of ourselves as providing the concept of gender that ought to be adopted by all of society, we should think of ourselves as providing a concept that is not just usable by ordinary people, but also by social scientists who research those people. Second, social-scientific research can be an extremely useful tool in feminist activism. Discovering, *via social science*, where the rate of women's participation in sports is increasing, and for what reasons, can (amongst other things) aid in increasing women's

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[22] I can imagine those feminists who might suggest that the pesky voices of marginalized women who are black, working class, indigenous and so on, are, in suggesting that the conception of gender presupposed by those feminists is racist, classist and so on, obstructing the feminist movement. After all, aren't such voices 'splitting the movement' by 'playing the identity card' – why should the feminist movement waste time on thinking about its own potential racism when the number of women in FTSE 100 board rooms is vanishingly small (Treanor 2017) and needs increasing? If this feminist is correct on this point, then disabled feminists who cannot bear children challenging able-bodied feminists who conception of womanhood is based around birthing and motherhood count as violating the feminist praxis constraint. Similarly, if the white feminist is correct, then it looks like Audre Lorde's letter to Mary Daly where she writes, accusing Daly of supporting racism and misogynoir in her conception of womanhood, "the assumption that the herstory and the myth of white women is the legitimate and sole herstory and myth of all women to call upon for power and background" (Lorde 1984a 69), is a violation of the feminist praxis constraint. These and similar results look unattractive – I take it that our understanding of gender and our feminist praxis is better for being called out when it is racist or ableist. I suspect, however, that we can simply say to the white feminist here that racist, ableist, classist and so on feminist praxis is simply *bad praxis*. The feminist movement is not obstructed for being called out when it is racist, it is made better – at least when the call-out is heeded. As I shall remark later regarding trans-exclusive feminism, there are some versions of feminism which I regard as irrelevant to the feminist praxis constraint. I suspect that in the same way, we ought to rule out reactionary feminisms which are fundamentally opposed to the liberation of, say, black women.

participation in sports. Discovering, *via social science*, the rate of intimate partner violence against trans people can (amongst other things) be used in attempting to persuade governments to provide services to the victims of such violence. There therefore appear to be good moral and political reasons to be concerned with the successful practice of social science.

It thus looks as if we need a theory of gender that enables, or at least does not obstruct, social-scientific research. If we want to do social-scientific research aimed at highlighting injustices towards women and trans people, our conception of gender had better allow such research to be performed – and performed reliably. Hence:

> *Social Scientific Constraint*: Any theory of gender that we construct must be useful to, or at least minimally *not oppose or obstruct* work in the social sciences.

There are some limits to this constraint. For example, if it turns out that our conception of gender opposes or obstructs *bad* social science, I suggest that we ought to not be particularly concerned. What do I mean by 'bad social science' here? This is not a thesis about the philosophy of social science, and I do not have space to answer this question fully, so I will simply appeal to general concerns regarding the quality of research and best practices – whether ethical or epistemic in nature. So, for example, if our theory of gender (somehow) obstructed the practice of, say, phrenology, I suggest that we should be unconcerned. If, however, our theory of gender (somehow) undermined the good practice of social psychology, we ought to worry that the Social Scientific Constraint had been breached.

3.3 – The Trans Identity Constraint

> "...it is our belief that each individual has the right to define her or his own identities
> and to expect society to respect them. This includes the right to express our gender
> without fear of discrimination or violence." (Koyama 2003 245).

> "No feminism worthy of its name would use the sexist idea "women born women"
> to create the edges of feminist community, to render trans women into "not women,"
> or "not born women," or into men." (Ahmed 2017 14-15).

I begin from the assumption that trans people are *just as* justified as cis people in their gender identifications. I begin from the assumption that those trans people who have a gender are no less paradigmatic cases of the gender that they identify as than a cis person would be. Call this set of beliefs 'the trans premise'. I take the trans premise to be a fundamental principle, a 'hinge proposition' if you will. For the most part, this thesis will be concerned with ameliorative theory, and as such this assumption will take on an ameliorative tone: it ought to be the case, that according

to the concept(s) we develop, trans women are women, demigender people are justified in identifying as partially a member of some gender and so on. Our attempts to provide a target concept or concepts of gender should reflect this demand.

Like Sara Ahmed (see especially Ahmed 2017 269-270n7), I will not engage with arguments to the contrary from so-called trans-exclusionary radical feminists (TERFs). Not only do I take it that the appropriate arguments against such positions have already been made, over and over again (see, for just a small sample of recent refutations of their arguments, Canon 2016, Díaz 2015, Giffney 2005, Koyama 2003, 2006, Moore 2015, McQueen 2016, Riddell 2006 Serano 2016, 2017a, 2017b, 2017c, Stone 2006, Stryker 2006, Spade 2006, Wilchins 2013, 2014) I have no wish to engage with what Ahmed rightly calls this "violent and reductive" tradition.[23]

Nevertheless, I should like to make some comments about the trans premise in the context of an ameliorative investigation into the nature of gender, where we seek to provide an understanding of gender that suits our moral-political aims. One way in which the premise is relevant is the risk of creating an ameliorative conception of gender that would, were it adopted,[24] violate the premise in some way. The conception might violate it by denying that, for example, trans women are women. The conception might violate it by saying that trans women are men. These are examples of *misgendering*: claiming that a trans person who sincerely identifies as a given gender (or identifies as not having a gender) is wrong in their identification, by claiming or implying that they are not a member of the gender that they identify as (or that they have a gender when they identify as not having one). Alternatively, the conception might violate the premise slightly differently, by treating, for example, trans men as *improper*, *lesser versions of*, or *not paradigmatic cases of* men. The conception might violate it by treating genderqueer people's gender identifications as less secure, or less certain than cis people's gender identifications. These are examples of *gender marginalisation*.[25]

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[23] Much like I reject phrenology as a science that is not worth considering with respect to the Social Scientific Constraint, I reject these feminisms as irrelevant to the Feminist Praxis Constraint. Why might one be worried about this? Well, any theory of gender that respects trans people will presumably be opposed by, and seen as an obstruction to, trans-exclusive feminisms, thus, it might be objected, the Trans Identity Constraint is in tension with the Feminist Praxis Constraint. However, I suggest that trans-exclusive feminist movements are simply not worth considering as valuable political movements, and indeed should be opposed and obstructed – just as we oppose and obstruct the practice of phrenology. Thus, that a trans-inclusive theory of gender does undermine such projects ought to be seen as a boon of the theory, not a defect.

[24]'Adoption' here stands in as a loose term for any endorsement and usage of the conception, from an individual thinker endorsing the conception, to a society-wide usage of the conception to organize gender-relations.

[25] Stephanie Kapusta (2016 502) distinguishes misgendering and gender marginalisation but calls them both 'misgendering'. I use different terminology, simply because the term 'misgendering' appears to imply that someone has 'got the gender category wrong' in some way. I take it, however, that in gender marginalisation, the offending party may well get the gender category of the trans person 'right', as it were, but treat them as a lesser, or improper member of that category.

Why, when setting out on our ameliorative inquiry should we adopt 'do not misgender or gender marginalise' as one of our moral-political aims? Stephanie Kapusta (2016) points out three broad categories of harms that arise from misgendering and gender marginalisation: *psychological*, *moral*, and *political* harms. With regards to the psychological harms of misgendering and gender marginalisation, Kapusta raises the "chronic health problems, persistent anxiety, fatigue, stress, hypervigilance, anger, fear, depression, shame, and a sense of loneliness" that arise from the microaggression of being consistently subjected to misgendering and gender marginalisation.[26]

As to the moral harms, Kapusta points out that trans people who suffer misgendering and gender marginalisation suffer hermeneutic injustice:[27]

> "Transgender persons are denied the discursive resources to participate in furthering society's understanding of their own gender and – I would add – of gender more generally. By being persistently classified as a "man" according to particular conceptions and descriptions, a transgender woman is denied participation in shaping those descriptions herself... At the very least, it contributes to robbing transgender women of the power to express their own senses of self, and of the opportunity to develop a language and conceptual resources that articulate those senses of self" (Kapusta 2016 504-505).[28]

Another epistemic injustice that trans people face due to misgendering and gender marginalisation, but that Kapusta does not raise, is *testimonial* injustice (see Fricker 2007). When determining someone's gender, it looks, plausibly, as if the person whose gender is in question should *ceteris paribus* be an authority whose testimony should be accorded a high credibility. However, in cases of misgendering, it seems that a trans woman who asserts "I am a woman" is subject to a credibility deficit. Those misgendering her as a man fail to give her testimony the appropriate (high) credibility it deserves. She is therefore subject to the harms (moral and psychological) of testimonial injustice.

The political harms that Kapusta raises are manifold:

> "If definitions of who a transgender woman is misgender her, so that she is a "man"
> in the eyes of the law and of the state, then she will be subject to additional burdens
> and discrimination to which citizens should not be subject, and she may have limited
> access to goods and services. For example, if a transgender woman cannot legally

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[26] For more on microaggressions, see Sue 2010; and with respect to trans people, see Nadal et al 2010, Nordmarken 2014 and Nordmarken and Kelly 2014.

[27] See Fricker 2007 Chapter 7. See also Collins 2009.

[28] See also Cull Forthcoming and Goetze 2018.

change the gender marker from "male" to "female" on her driver's license or her identity card due to legal definitions or administrative interpretations of those terms, she becomes exposed to possible abuse and discrimination, along with the continual burden of explaining herself to medical insurance representatives, police officers, and sundry officials. She may also face discrimination at work and in finding accommodation." (Kapusta 2016 505).

Not only does the legal and political misgendering of trans people open up the possibility of institutional discrimination, Kapusta rightly notes that it opens also up the possibility of abuse – where those institutions place power over trans people in the hands of those who will use it to commit acts of violence. Given the reliance that many trans people have on medical institutions, not merely for gender-related surgery, but for more general medical issues, medical abuse (as made widely visible by the #transhealthfail campaign) is another major form of institutional violence that trans people are subjected to. This takes many forms, from a simple lack of medical care (Rubin 2015, Winter et al 2017), to more socially complex interactions caused by a lack of understanding or prejudice on the part of doctors and other medical professionals (Rubin 2015, Winter et al 2017). Moreover, trans people also face stigmatisation as a result of the medical establishment itself. For instance, the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) continues to treat gender dysphoria as a mental disorder. As such, trans people are pathologised, reinforcing discriminatory behaviour by associating transness with an already stigmatised population – those suffering from mental illnesses (Winter et al 2017). As Andrea Ritchie notes,

> "In many instances, police violence against women and gender-nonconforming
> people is linked to mental illness, and that mentally ill people are threats who
> must be punished, confined, and "cured."" (Ritchie 2017 140).

The violence of the medical establishment here comes in a form of gender marginalisation – treating trans people's gender identifications as disorders and therefore less authentic or certain than those of cis people. This gender marginalisation, coming from an authoritative, and putatively respectable source then exacerbates police violence against trans people.

The policing of gender norms by the justice system is an additional and obvious example of institutional harms against trans people. Trans people are consistently sent to prisons which do not match their gender identifications. This results in extremely high levels of physical and sexual assault:

"In the past year, nearly one-quarter (23%) were physically assaulted by staff or other inmates, and one in five (20%) were sexually assaulted. Respondents were over five times more likely to be sexually assaulted by facility staff than the U.S. population in jails and prisons, and over nine times more likely to be sexually assaulted by other inmates." (James et al 2016 13).

Meanwhile, drawing on a number of cases of violence by US police forces, Ritchie writes,

"police have consistently targeted women and gender-nonconforming people and used harassment, physical and sexual violence, arrest, lethal force, and denial of protection to produce, maintain, and reify racially constructed gender norms...The lines of gender are drawn most literally between a false gender binary that tolerates no deviation in appearance, behaviour, or expression from characteristics associated with gender assigned at birth, leading to suspicion and presumptions of instability, criminality, fraud, and violence in police interactions with transgender and gender nonconforming people, particularly of color" (Ritchie 2017 127).

Note that, whether in the placement of trans prisoners so as to make them vulnerable to violence in prison, or the enforcement of clothing laws,[29] anti-sex work policies,[30] and bathroom bills,[31] or in invasive "gender checks",[32] harassment, and sexual violence,[33] a precondition for police and justice system violence seems to be that the operative conception of gender is one that does not do justice to trans people's identities.

Moreover a precondition of much violence against trans people (whether committed by police forces or otherwise) is that the perpetrator holds a transphobic conception of gender that fails to

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[29] See Sears 2014.

[30] Not only are a comparatively large proportion of trans people sex workers, police frequently assume that trans people, especially trans women of colour, are sex workers (James et al 2016 12), leading to arrests on the grounds of solicitation for nothing more than existing in public with a visibly trans appearance (see Ritchie 2017 131-3).

[31] The term "bathroom bill" has arisen to describe North Carolina's bill HB2 (and copycat bills in other legislative domains). Such bills legislate that trans people must use the bathroom that 'matches' the gender on their birth certificate. See Domonoske 2016 and Lacour 2016 for more on HB2. Ritchie gives several examples of violence that has occurred as a result of gender policing in bathrooms (Ritchie 2017 134-5).

[32] By "gender checks" here I mean a wide variety of police actions, including the groping of genitalia and breasts in searches, being forced to strip for the police, and being forced to remove items of clothing, such as wigs, bra padding and packers.

[33] "Respondents experienced high levels of mistreatment and harassment by police. In the past year, of respondents who interacted with police or law enforcement officers who thought or knew they were transgender, more than half (58%) experienced some form of mistreatment. This included being verbally harassed, repeatedly referred to as the wrong gender, physically assaulted, or sexually assaulted, including being forced by officers to engage in sexual activity to avoid arrest"(James et al 2016 12).

do justice to trans people's identifications. A 2016 report by The Equalities and Human Rights Commission into the causes and motivations of hate crimes suggested that,

> "A perpetrator of transphobic violence feels threatened by individuals who s/he sees as transgressing gender and sexual norms. The threat is so strong that s/he feels a sense of disgust towards trans people." (Walters et al 2016 49).

In order to see a trans woman as transgressing gender and sexual norms, then *ceteris paribus*, it seems as if one has to see her as either not a woman, or not properly a woman. Operating under a conception of gender that misgenders or gender marginalises trans people situates trans people as improper members of gender categories, or misleading others as to the gender that they are, breaking gender norms. Thus, I suggest, a conception of gender that misgenders or marginalises trans people is often a precondition for seeing them as breaking (gendered) social norms.[34] Social norms, when broken, require policing, thus violence occurs:

> "Although race and disability-related incidents remain the most numerous types of hate crime currently known about, some research suggests that certain groups may be more likely to be disproportionately victimised, based on their total number in society. For instance, Turner et al.'s (2009, p. 1) online survey of 2,669 trans people across Europe found that '79% of respondents had experienced some form of harassment in public ranging from transphobic comments to physical or sexual abuse' (see also Whittle et al., 2007). Similarly, Walters and Paterson recently reported that 85% of trans* respondents (including those who identify as non-binary and gender fluid) reported having been the victim of hate-motivated verbal abuse, while 29% had experienced a physical assault. Some 91.5% of respondents also knew other trans* people in their community who had experienced verbal abuse, while 73% knew of other trans* victims of physical assaults (Walters and Paterson, 2015, p. 6; see also Morton's (2008) survey of transgender people in Scotland which found that 60% of respondents had experienced harassment). When comparing rates of transphobic hate crime with homophobic hate crime, Turner et al. (2009, p. 1) note that their 'data suggests that trans people are three times more likely to experience a transphobic hate incident or hate crime than lesbians and gay men [experience] homophobic hate incidents or crimes'. Moreover, trans* victims of hate crime are likely to experience incidents more frequently. Walters and Paterson found that '54% of trans* people

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[34] In addition to Kapusta's institutional harms, I would like to add that a great deal of interpersonal violence against trans people seems to be motivated by misgendering and gender marginalisation.

reported more than three instances of verbal abuse in the past 3 years and 13.5% reported more than three physical assaults. By comparison, 19.5% and 1.5% of non-trans* [LGB] participants experienced more than three instances of verbal abuse and physical assaults during the same period'." (Walters et al 2016 44-5).

"• Nearly half (46%) of respondents were verbally harassed in the past year because of being transgender.

• Nearly one in ten (9%) respondents were physically attacked in the past year because of being transgender.

• Nearly half (47%) of respondents were sexually assaulted at some point in their lifetime and one in ten (10%) were sexually assaulted in the past year. Respondents who have done sex work (72%), those who have experienced homelessness (65%), and people with disabilities (61%) were more likely to have been sexually assaulted in their lifetime.

• More than half (54%) experienced some form of intimate partner violence, including acts involving coercive control and physical harm.

• Nearly one-quarter (24%) have experienced severe physical violence by an intimate partner, compared to 18% in the U.S. population." (James et al 2016 13).[35,36]

It is not, therefore, an exaggeration to claim, as I do, that a conception of gender that misgenders and gender marginalizes trans people is a part of the cause of much violence against trans people. It provides a motivating factor in interpersonal violence against trans people, and forms a part of the structures that cause institutional harms.[37] We should, therefore, adopt the moral-political aim,

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[35] Clearly, not all of the violence against trans people listed here will have been motivated by the victims' trans status. Nonetheless, much of it was.

[36] Due to the institutional harms mentioned by Kapusta above, this high violence rate is exacerbated by the vulnerable positions that trans people (especially trans women of colour) are placed in – including increased rates of poverty and sex work. A 2015 survey found that 29% of trans people in the United States were living in poverty, and that 12% had worked as sex workers. Of this 12%, 86% reported being harassed, attacked, sexually assaulted, or mistreated by the police (James et al 2016).

[37] Ruth Pearce points out how, in the case of trans healthcare, a failure to have a conception of gender that does justice to trans people results in institutional harms:

> "Many such troubles are not linked to malice on the part of health professionals, but can instead be linked to different **understandings** of what it *means* to be trans and/or gendered. For example, the broad scope of trans possibility as understood by writers such as Whittle and grassroots organisations such as Trans Youth Network contrasted with the more rigid forms of categorisation employed by the health professionals who assessed me for gender dysphoria at the gender clinic. Similarly my understanding of myself as a *woman* contrasted with my former GP's view that I was 'really' a man, as evidenced by his use of male pronouns to refer to me in my medical notes." (Pearce 2018 7).

when performing an ameliorative inquiry, of not producing a theory that misgenders trans people or creates gender marginalization. Thus,

> *Trans Identity Constraint*: Any theory that we construct must do justice to the gender identifications made by trans people: it must not misgender or gender marginalize them.

3.4 – The Normativity Constraint

One might think that gender marginalisation is not merely an issue faced by trans people. We see from the history of feminism that certain conceptions of *woman* have failed to adequately address the lives and concerns of those women who are not dominantly positioned in society. Indeed, such conceptions not only centred white, western, bourgeois, straight, and/or able-bodied women in their analysis of women, such analyses thereby treated non-white, non-western, working class, queer, and/or disabled women as marginal, or derivative cases of the category woman. Such marginalisation is problematic to be sure. To centre, for example, white womenhood, by treating white women as the paradigm cases of *woman* is to give a racist account of *woman*.

The *locus classicus* of this sort of problematic theorising is Betty Friedan's *The Feminine Mystique*, which as bell hooks so powerfully argues, only takes white bourgeois women to matter, and defines womanhood and the (singular) condition of women under patriarchy to be that experienced by white bourgeois woman:

> "Friedan's famous phrase, "the problem that has no name," often quoted to describe the condition of women in this society, actually referred to the plight of a select group of college-educated, middle- and upper-class, married white women-housewives bored with leisure, with the home, with children, with buying products, who wanted more out of life. Friedan concludes her first chapter by stating: "We can no longer ignore that voice within women that says: 'I want something more than my husband and my children and my house.'" That "more" she defined as careers. She did not discuss who would be called in to take care of the children and maintain the home if more women like herself were freed from their house labor and given equal access with white men to the professions. She did not speak of the needs of women without men, without children, without homes. She ignored the existence of all non-white women and poor white women." (hooks 2014 1-2).

One might suggest that this is merely a *descriptive* problem. After all, it looks like a failure of empirical adequacy on the part of Friedan's theory that it fails to account for the specificities of

black and working class women's lives. Hence, one might suggest, this concern ought to have little impact on the ameliorative project we are undertaking in this thesis. However, this is to miss the *political* significance of this kind of marginalisation. This type of marginalisation brings with it a kind of normativity – that there is a type of woman that is implicitly privileged by the analysis, and a type (or many types) of woman that are not, and treated as wanting on the basis that they fail to match up to the privileged type of womanhood.[38] This a source of psychological distress, of course, but also serves to ground social pressures to behave in ways that are stereotypical of the women centred by such an account.

It is, moreover, those women who are already privileged that are generally centred by this kind of analysis. As such, even in purportedly progressive circles, such accounts entrench already existing power relations. As Heyes suggests, the putting forward of an account that centres on one type of woman to the marginalisation of others,

> "operates as an exclusionary tactic, allowing those women with the most power over feminist discourses to construct accepted feminist accounts of women's identity, to mold oppositional feminist identities in their own images... once a norm for femininity that is implicitly white, middle-class, western, and heterosexual is established, women of color, working-class women, world majority women, and queers become the Others of dominant feminist discourses. This strategy keeps dominant group feminists at the centre of speaking and writing, the authoritative voices of the feminist movement, while relegating Other women to the margins, as special interest groups." (Heyes 2000 54).

Not only does such a conception of woman treat relatively powerless women as Other, it (perhaps just as perniciously) serves to disguise the racial, class and other identities of privileged women by treating them as neutral and representative of womanhood. Thus white women are 'just women' whilst black women are both women and black. Such a theory of womenhood thereby perpetuates problems of white ignorance (see Mills 2017), and produces situations like the one described by Heyes:

> When Sunera Thobani, a Canadian "landed immigrant" and woman of color, was elected President of the National Action Committee on the Status of Women, for example, many commentators saw no apparent inconsistency or racism in claiming that while white women could quite adequately represent women of color (and had

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[38] See, for the classic analysis of this issue, Spelman 1988.

supposedly been doing so in this job until Thobani's election), the reverse could not hold. Women of color were too "biased," concerned only with "their own" interests, or not sufficiently knowledgeable about the "majority of Canadian Women"" (Heyes 2000 55).

Part of the issue here is that a particular version of womanhood (Canadian white womanhood) is being treated as the paradigmatic, or the central case of womanhood, and other versions of womanhood are being marginalised. I suggest that worries about moves such as this should constrain our ameliorative theorising – we should not, for instance, take able-bodied women as the central cases of women, and privilege them in our analysis to the marginalisation of disabled women. More generally, an ameliorative analysis of gender ought not to privilege some women over others, nor marginalise some women:

> *Normativity Constraint*: Any theory that we construct must not privilege some women over others or marginalise some women.

3.5 – The Inclusivity Constraint

We saw in the previous subsection the ways in which traditional positions have failed to capture the differences between women, leading to the marginalisation of those women whose difference was ignored. As Audre Lorde writes,

> "Somewhere, on the edge of consciousness, there is what I call a *mythical norm*, which each one of us within our hearts knows "that is not me." In america, this is usually defined as white, thin, male, young, heterosexual, christian, and financially secure. It is with this mythical norm that the trappings of power reside within this society. Those of us who stand outside that power often identify one way in which we are different, and we assume that to be the primary cause of all oppression, forgetting other distortions around difference, some of which we ourselves may be practicing. By and large within the women's movement today, white women focus on their oppression as women and ignore the differences of race, sexual preference, class, and age. There is a pretense to a homogeneity of experience covered by the word *sisterhood* that does not in fact exist." (Lorde 1984b 116).

Lorde argues that indeed, ignoring those differences and their social significance presents "the most significant threat to the mobilization of women's joint power.

In addition to accounting for diversity *within* genders, I suggest that our understanding of gender must be open to the diversity *without*. That is, if we take the trans identity constraint seriously,

whilst acknowledging that, as a matter of sociological fact, new gender identities are being lived all the time, we should build our ameliorative conception of gender such that it is flexible enough to account for the variety or current, past, and future genders. I therefore suggest the following:

> *Inclusivity Constraint*: Any theory of gender that we construct must account for and respect the plurality of genders and the variety of ways in which those genders are lived – and be open to new genders as they arise.

The remainder of this thesis will be a systematic attempt to produce a theory of gender (or perhaps the absence of gender – see Chapter Five) which meets these desiderata. First however, I wish to rule out some methodological worries that one might have about this sort of project.

4 – Amelioration for Activists

Here is the broad idea from above: the activist who is interested in changing society can develop new concepts that are better ways of organising gender according to the purposes of C_p, plausible versions of which I developed (for one project) in the previous section. They can then take those concepts and encourage their adoption by C_u, restructuring our society, or organising spaces, in line with these new concepts. For instance, supposing that the new gender concepts involve not a binary gender system but a ternary gender system, and C_u is the whole of society, one might think that entire swathes of public life would have to be upturned, from toilets and dating practices to sports and marriage law.[39]

The Neurathian methodology actually gives us several nice features for the philosopher-activist. The focus on communities allows us to focus on the demands of a particular community who are oppressed, or who have some special insight into the oppressive nature of society, allowing their purposes for some putative new concept to drive our inquiry. This matches up nicely with most accepted practices in activist thought and spaces. The emphasis on the adoption of the concept by a community of users also attends to the pragmatic concerns faced in activism – something that takes place in an imperfect world and seeks to make an impact on that world. It is not merely enough for the activist to sit in a chair and develop a new idea: they must pursue social change.

Think for instance of the power of self-definition, as elucidated by Patricia Hill Collins. Interested in upsetting the power of the controlling images of black women put forward by white supremacist society, "[black] women crafted identities designed to empower them" (Collins 2009 108). Such conceptual innovation took and takes place in the context of safe spaces where black women were

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[39] I do not suggest that this is either a plausible or even particularly radical target conception of gender. It is merely an illustrative example.

enabled, by the relative absence of their oppressors, to explore and freely develop ideas that could counteract the definition of black woman given by their oppressors. However, the mere development of these ideas was only a part of the story. As Collins puts it,

> "These new meanings offered African-American women potentially powerful tools
> to resist the controlling images of Black womanhood. Far from being a secondary
> concern in bringing about social change, challenging controlling images and
> replacing them with a Black women's standpoint constituted an essential component
> in resisting intersecting oppressions." (Collins 2009 123).[40]

This emphasis on amelioration as a means to social change, I suggest, is not only a viable approach to conceptual engineering, but it is also one that avoids many of the traditional problems faced by conceptual engineers. In the next few sections I will show how activist conceptual engineers can achieve this sidestepping.[41]

4.1 – What Are We Engineering?

Talk of engineering concepts might, understandably, lead one to ask what a concept is. However, for many conceptual engineers, such as Herman Cappelen and Sally Haslanger, such a question is one that they are happy to sidestep. I suggest that this sidestepping manoeuvre is even easier for the activist. There is a rich and interesting debate over the nature of concepts (for three very different positions on the ontology of concepts see Dummett 1993, Fodor 2003, and Peacocke 1992) but a thorough investigation of that literature goes beyond the scope of this paper. Why? Well it looks as if the debate over the nature of concepts is philosophically interesting, but nonetheless largely irrelevant to activism of the sort we're interested in here. After all, what the activist drawing on conceptual engineering is interested in is not whether concepts are Fregean senses or mental representations, rather, what they are interested in is changing our social practices for the better. The change of concepts is just a way to achieve this.

For instance, even if one is a sceptic about concepts (see Machery 2009), so long as one admits that words or sentences have meanings, and that those meanings have social significance, then what one can think of the project conceptual engineering as doing is recommending that we change

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[40] Not all attempts by black women to resist controlling images by developing new meanings for what it is to be a black woman take this community-oriented focus. As Collins notes, there is an individualist strand of black women's' thought that suggests that "no matter how oppressed an individual woman may be, the power to save the self lies within the self" (Collins 2009 130).

[41] To be clear: one could endorse a Neurathian position on conceptual engineering without being an activist of the sort I am talking about here. However, here in this chapter I wish to emphasise how amenable the Neurathian methodology is to those interested in activism, and explore how being an activist impacts doing this sort of conceptual engineering.

the meanings of particular words or sentences. Even if one is sceptical about meanings or the possibility of changing meanings, one can think that conceptual engineers are interested in changing particular linguistic practices for particular purposes. After all, for the politically minded progressive conceptual engineer, what matters, really, is the change in social practices for emancipatory purposes that are causally downstream from the engineering project. Whether what is engineered is concepts in the head, word meanings, linguistic practices, or something else entirely, doesn't matter. On this kind of progressive, yet agnostic view,[42] whatever we are engineering, we only pursue that change insofar as such changes better enable the transformation of society for the better. I suggest that this kind of move, driven by a progressive agnosticism, allows the activist to simply sidestep much of the debate surrounding conceptual engineering.

4.2 – And Now for Something Completely Different: Changing the Subject

Our activist inquiry of this sort into the concept of gender is happily revisionary – if our ameliorative inquiry in the light of well-considered purposes delivers a 'target concept' that diverges from C_u's ordinary concept(s) of gender, then our task is to bring C_u's ordinary concept(s) of gender into line with the target concept. However, some have objected to this kind of radical revision. P.F. Strawson, in responding to Carnap's explication, for instance:

> "...it follows that typical philosophical problems about the concepts used in scientific discourse cannot be solved by laying down the rules of exact and fruitful concepts in science. To do this last is not to solve the typical philosophical problem, but to change the subject." (Strawson 1963 506)

One might think that a revisionary project of this sort is problematic insofar as we ought to be offering a theory of gender, and have instead come back with a theory of something else. No matter how exact and fruitful, or politically or practically useful, one might think that nonetheless, the outcome of an explication or ameliorative inquiry is simply not what we were talking about before. As Cappelen puts it, "Even if the revisions are successful, they do not provide us with a better way to talk about what we were talking about; they simply change the topic" (Cappelen 2018 100).

Responses to this objection vary, from Carnap's initial appeal to *Similarity* and an interesting passage where he compares the explicandum to a pocket knife and the explicatum to a microtome (Carnap 1963b 938-9), to Cappelen's claim that topic is preserved in a good engineering project,

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[42] Progressive, as its focus is on societal change, agnostic, as it does not make any philosophical claims regarding the underlying metaphysics.

even if the extension and intension of the engineered term changes, given that topics are coarser-grained than meanings and that therefore we can be talking about the same thing, even if the meanings of the terms we are using differs (Cappelen 2018 Chapter 10). For the purposes of this paper however, I will not engage with this sort of response. Whilst this is an interesting topic in philosophical methodology, I suggest that for the activist conceptual engineer looking for a set of target concepts for say, gender, the problem is irrelevant. For such theorists and activists, it doesn't matter whether their proposed gender concepts are talking about the same topic as ordinary concepts of gender. Rather, the activist conceptual engineer is interested in developing those concepts that are best for use in (re)structuring society and guiding how we exist in society: if the explicatum here is not talking about the same topic as the explicandum, so what? The concepts that we *should be using* are the ones put forward via ameliorative inquiry, so let's use those, regardless of their relationship to the ordinary concepts.

Take the concept of marriage – suppose that Jan lives in a society where marriage is exclusively thought of and practiced as a particular institutional relationship between one man and one woman. However, Jan insists that the target concept of marriage is one that includes versions of that institutional relationship where it is between two men or two women. Moreover, she suggests that this concept ought to be adopted by her society, and social practices put in place so as to allow the institution of marriage between two men or two women. Someone in that society might suggest that Jan isn't really talking about marriage here – rather she is talking about a new institution. After all it looks like the intension and extension of 'marriage' both differ when used in the sense Jan has in mind and when used in the sense the other members of her society have in mind. Jan might say, with Cappelen or the early Carnap that somehow she is talking about the same kind of thing as everyone else – however, I suggest that if she is an activist, she might alternatively simply say, "*I don't care* if this is the same thing as what we had before: what I am talking about is better, and we should organise society around my version of the concept, regardless of whether I am 'changing the subject' or not."[43]

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[43] This progressive agnosticism allows the activist two ways of sidestepping worries that should concepts have their intension and extension *essentially* then engineering concepts looks to be an impossible task. First, the activist can simply say that even if the essentialist of the above stripe is correct about the nature of concepts, they do not care whether their target concept is the same concept as the one already in use – we ought just to adopt the new concept, regardless of whether it changes the subject. Second, the activist can say that even if the essentialist of the above stripe is correct about the nature of concepts, then it's not concepts we're interested in engineering, but linguistic practices or word meanings. See Richard (Forthcoming) for a discussion of, and non-agnostic response to, this kind of problem.

4.3 – Cappelen Cares

One might, following Cappelen, suggest that those who endorse such a response "are in effect *anti-intellectualist opportunists that contribute to a destruction of real communication"* (Cappelen, 2018 134 his emphasis). Why? He suggests that those who fail to make the case that a revision is topic preserving,

> "undermine rational discourse by encouraging verbal disputes and in so doing undermine continuity of inquiry. They treat speech as medium of manipulation, not as a medium for communication (i.e. as a medium for the exchange of thoughts and ideas)" (Cappelen, 2018 133-4).[44]

However, I think that this is a little quick – after all, those endorsing the "I don't care" response to the topic changing objection needn't be silent with respect to their reasons for endorsing revision to our concepts – they can still attempt to persuade others that their proposed target concept is better than the one currently in use, even if they don't care to argue for topic preservation. In so doing, they actually dissolve verbal disagreements by pointing out where the difference between the ordinary and target concepts lies. As to whether such 'anti-intellectualists' treat speech as a medium of manipulation and not as a medium of communication, I am unsure as to how to make this charge stick. Certainly, those endorsing the "I don't care so long as the social practices change" are suggesting that a change in concepts (and language) is a powerful tool in the manipulation of social practices, but then, virtually everyone in the debate agrees on that point.[45] I suspect that it is only insofar as the conceptual engineer is dishonest about their attempts to change concepts (and language) can we say that they are especially manipulative in a normatively

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[44] Cappelen is not the only one exercised by this sort of inconstancy in linguistic practice. In a different context, but with clear parallels to our current subject, John Locke is similarly distressed in his *Essay Concerning Human Understanding*:
> "If men should do so in their reckonings, I wonder who would have to do with them? One who would speak thus in the affairs and business of the world, and call 8 sometimes seven and sometimes nine, *as best served his advantage*, would presently *have clapped upon him one of the two names men constantly are disgusted with*." (Locke 1961 92 III.X.5 My emphasis).

It is unclear which names are meant by Locke here. Victor Nuovo (in Locke 2012 39n2) suggests 'liar' and 'cheat', but it is unclear where he got these insults from. Certainly, given Locke's reticence to put them in print in his works "([they] deserve a name so abhorr'd, that it finds not room in civil conversation" (Locke 2012 39)) we can only assume that the two names are worse than "Tool", "Pert", "Childish", "Starch'd", "Impertinent", "Incoherent", "Trifling", "Weak", "Flourishing Scribbler", "Dissembler", "Pedantick" (Locke 2012 40-41) and other insults which do appear in Locke's work.

[45] Cappelen suggests that it is impossible to deliberately change language, which is hard to square with his claims that it is possible to be a devious underminer of rational discourse by changing language in this way. Moreover, he fails to give any empirical support for his claim that deliberate change is impossible. For those still in doubt over this matter, one simply has to look at how the politics of reclaiming slurs has become a powerful political organising tool – 'queer' simply does not have the meaning it used to, and that is largely down to committed activists reclaiming that language to describe themselves.

charged sense of the term, but even then I suggest that this does not preclude them from also conceiving of language also as a medium of communication. Language can be used to communicate *and* manipulate – and it would be foolish for us fail to recognise this fact in our attempts to change society for the better, even if we think that openness about our attempts to change that society is an important moral consideration.

4.4 – The Political Efficacy Question

A more pressing worry for the activist that is similar to the topic changing objection, but more pertinent given that it cannot be sidestepped by the activist is as follows: any target concept that radically diverges from ordinary concepts for the subject in question is simply not going to be able to find any purchase in wider society. Thus if one's purpose in introducing a new concept of woman is fighting injustice, a radically divergent concept will simply not be of any use.

I am sympathetic to this worry – but I think that this is less a worry for the methodology writ broad and more a worry that arises in the process of ameliorative inquiry as one decides on the target concept in light of one's purposes. Thus in the case of an ameliorative inquiry into developing a concept of woman that will aid in fighting injustice, where C_u is the whole of society, it may seem that the target concept developed may have to be beholden *in some way* to ordinary concepts, or else it will not aid in fighting injustice as it may turn out that no one will adopt it.[46] However, in the case of an ameliorative inquiry into the concept of say, truth within an artificial language, it may be that no such restriction arises – thus the methodology should be open to such radical divergence from ordinary concepts. In terms of the methodology given above, we might think that this objection is simply one of the parts of properly doing Stage Two: how C_u will engage with the new concept(s) is an important constraint on the concepts that we can put forward as potential target options. Or, one might suggest that it also comes in at Stage One, if it is among the purposes of C_p that C_u adopt the new concept with ease. Indeed, I take it that it is a virtue of the Neurathian account that it allows us to pinpoint exactly at which points this concern enters into our projects of activist conceptual engineering.

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[46] Exactly how beholden is obviously going to be an empirical question about how best to change usage in accordance with the purposes of C_p and the receptiveness of C_u. Speculatively, it may be that in some cases a mere genealogical relationship is enough in some cases – that one concept developed from another – and no extensional or intensional overlap between explicandum and explicatum is needed.

5 – Conclusion

We now have our methodology, and I have advertised its virtues. Next, we turn to various accounts of gender to see how they stack up by the lights of this framework. We begin with family resemblance theories.

How to Criticise Family Resemblance Accounts of Gender

1 – Family Resemblances

I take it that a central desideratum of any successful theory of gender is that it account for the diversity of genders – both that members of a single gender kind can be incredibly diverse, and that there is a diversity of gender kinds. In short, we must meet the inclusivity constraint. This desideratum seems to rule out essentialist models of gender entirely (see, for arguments to this point, Spelman 1988) and has given rise to attempts to build inclusive theories of gender, such as family resemblance and meaning pluralist accounts of gender. The most widely accepted theories of gender currently on the market are of the former kind, drawing on Wittgenstein's work.[47] Responding to the critiques of essentialist theories of gender drawn from the likes of Spelman (1988) and Crenshaw (1991), family resemblance theorists seek to account for the variation *within* the kind woman by treating the concept *woman* in the same way that Wittgenstein treated the concept of a *game*:

> "Consider, for example, the activities that we call "games". I mean board-games, card-games, ball-games, athletic games, and so on. What is common to them all? – Don't say: "They *must* have something in common, or they would not be called 'games'" – but *look and see* whether there is anything in common to all. – For if you look at them, you won't see something that is common to *all*, but similarities, affinities, and a whole series of them at that" (Wittgenstein 2009 §66).

Wittgenstein thought that we could analyse those concepts that seem to lack necessary and sufficient conditions for their application in terms of family resemblances. That is, not in terms of some central feature that all instances of the category share, but in terms of the resemblances between members of the category, which, just like the resemblances between different members of an animal family, are not shared by all those members. Whilst my cousin Ellie and I might share big ears which her mother lacks, she and her mother might share knobbly knees, which I lack. We

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[47] Defenders of family resemblance analyses not discussed in detail here include Victoria Barker (1997), Hilde Lindemann Nelson (2002), José Medina (2003), Ann Garry (2008, 2011) and Marilyn Frye (2011). Other positions within the local logical space include Natalie Stoljar's (1995) resemblance nominalist account, the genealogical approach endorsed by Alison Stone (2004) in her historical overlapping account, and Naomi Zack's (2005) FMP account, which treats woman as a disjunction embedded within a disjunction. Of course, not everyone in the contemporary debate is a resemblance theorist, and other positions have been defended in the recent literature, not least social essentialism (see, e.g. Haslanger 2000), gender as seriality (Young 1997), and the other positions covered in this thesis. Whilst the arguments I present later in this chapter will, I take it, apply to these other positions, I will not focus on them here, as resemblance positions remain the dominant accounts of gender in the literature.

still are all a part of the same family resemblance in this sense, even if I and Ellie's mother share no properties at all. So too for games: Pong, Mountain,[48] and tennis lack a shared feature between all three, yet all count as games.

There are a couple of ways of spelling out the notion of a family resemblance. One might treat the resemblance as a cluster of properties, as C. Jacob Hale and John Corvino have, or one might treat it in terms of a set of overlapping sets, in the manner of Cressida Heyes. Let us begin by looking at each in turn.

<u>1.1 – Cluster Accounts</u>

Cluster accounts of gender hold that genders have (if the account is descriptive in nature) or should have (if the account is ameliorative in nature) some central cluster of properties which define the category. In order to be a member of a given gender, one must have some number of the properties from that gender's attendant cluster, but none of the properties in the cluster are necessary for being a member of the category. The properties in the cluster will vary from theory to theory,[49] as will the number of properties one must have in order to count as a member of the category. Further, some cluster theories, including that put forward by Hale, weight certain properties, claiming that, for example, self-identification with being a woman brings one closer to the threshold for counting as a member of the category woman than, for example, than having long hair. We can take such accounts as having the following form:

> There is a set of ordered pairs S: $\{<p_1,w_1>...<p_n,w_n>\}$ such that all and only $p \in S$ are 'woman properties' or properties that are in the cluster of properties that define the concept woman. Each $p \in S$ has a w-value, or weight, attached to it. X is a woman iff X has (instantiates) some properties such that the sum of all w-values for all properties that X has is greater than T, where T is the threshold value that determines who counts as a woman.[50]

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[48] Mountain is a computer game with (arguably) no players, no winning or losing, no control over the central object within the game and no restarting (save for uninstalling and reinstalling the software). See O'Reilly 2014.

[49] Most will contain some selection of biological, social and psychological features, but this need not be the case.

[50] T may be a determinate value, but in most actually existing theories is usually (at least implied to be) a vague boundary. Note that where T is a determinate value, the cluster theory in question will count as a discrete and not continuous account for the purposes of what follows, and face the problems for discrete accounts. This said, given that most cluster accounts give a vague boundary for T, in what follows I will largely talk of cluster accounts as being continuous accounts. We'll go into what makes an account discrete or continuous, and why this matters, later in this chapter.

Hale's cluster account is an attempt to reconstruct "the dominant culture's concept" of woman (Hale 1996 107). He argues that (what I have called) the set S has thirteen characteristics,[51] which are sorted into groups according to their weight. He regards sex characteristics as the most heavily weighted, including most importantly the absence of a penis, followed by other characteristics such as identifying as a woman and following the gender roles defined by the society in which one lives. Importantly, none of the characteristics are necessary for being a member of the category woman nor is any single characteristic sufficient.

Similarly, Corvino suggests a cluster analysis of gender, arguing that our collective concept of gender is not reducible to any single feature. Rather, to "be a woman or a man is to possess an indeterminate number of a cluster of characteristics none of which is in itself necessary but a substantial portion of which must be present in order for the concept to apply" (Corvino 2000 176). The properties in the clusters associated with each gender include being biologically male or female, having (or wanting to have) a certain kind of bodily structure, presenting oneself as a man or a woman, and having certain sorts of sexual relations and desires.

Despite disagreements about the properties that feature in the set S and the weights attached to each property, I take it that Hale and Corvino's accounts are largely structurally identical. Each posits a cluster of properties and says that one must have some number of those properties in order to count as a member of a given gender. Further, both attempt to give *descriptive* accounts of how gender functions *in* (Anglo-American) *society*. Neither attempts to give an *ameliorative* account of gender, or suggest that the analysis of gender that they offer is one that we politically and/or morally ought to adopt. Rather, they suggest that this is the best way to understand the way in which gender actually works, not the way it ought to work.[52]

1.2 – Overlapping Accounts

Cressida Heyes' account of gender differs somewhat from the cluster accounts analysed above. For one, it is (at least in large part) an ameliorative project. Reluctant to endorse the potentially sceptical conclusions of the anti-essentialist tradition, whilst recognising the importance of the critiques it produced, Heyes seeks to engineer a conception of gender that does justice to a variety of claims to womanhood, without taking on a problematic essentialism. For Heyes, engaging in an explicitly Wittgensteinian discussion,

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[51] Though he notes that his list may not be exhaustive.

[52] This is important, as I will later show that Bettcher's arguments demonstrate the inadequacy of ameliorative, but not descriptive cluster analyses.

"...there need be no definitive set of characteristics that all women share, but rather we can understand ourselves as connected to each other by a network of overlapping similarities, some of which may be biologically real... others of which may be more obviously constructed – like a particular relation to one's mother, ethical attitudes, experiences of subordination and so on. But no *single* characteristic is necessary to make an individual a woman, and none is sufficient" (Heyes 2000 84).

Just like in the cluster accounts above, there is no property that a person must have in order to count as a woman. However, how these properties are related in the definition of 'woman' differs quite significantly:

"'woman' is defined by reference to a finite number of disjunctive sets of sufficient conditions (i.e. x is a woman if and only if x exhibits characteristics {a and b and c} or {d and e and f} or {a and c and f} and so on finitely. The characteristics invoked can be... either biological... or an individual gender presentation... or and intersubjective experience of gender" (Heyes 2000 195).

For Heyes, whether one is a woman depends not on whether one meets some threshold by having some properties from a central cluster, but rather, on whether one has all of the properties of *any* of the disjuncts in the disjunction. That is, meeting any one of the disjuncts is sufficient condition for one to count as a woman, and having all of the properties in one of the disjuncts is necessary for being a woman. The disjuncts will also feature overlapping properties, such that the various sufficient conditions for application of the term 'woman' are linked – thus ensuring that whilst woman is a 'purely disjunctive' category,[53] there remains some connection between all women. I put this idea formally as follows:

Woman is defined by the (finite) set W_{df}:$\{w_1,w_2,w_3...w_n\}$, where $w_1...w_n$ are sets of properties. Further, W satisfies *resemblance*: w_1 shares at least one property with w_2, w_2 shares at least one property with w_3... and w_{n-1} shares at least one property with w_n. X is a woman iff X has all properties of some $w \in W$.

Heyes' conception of gender here is ameliorative in the sense that she thinks that this is the way we ought to think about gender in doing feminist activism. Exactly what sets of properties go into

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[53] See Khalidi 2013 16-17. Khalidi doubts that there are purely disjunctive *kinds*, that is, kinds that can be divided into two disjoint sets with no intersection between their properties, but this doubt is grounded upon background constraints about the projectability of natural kinds. It is, however, open for us to think of woman in this way even if we agree with Khalidi's account of natural kinds – we must simply deny that woman is a natural kind.

the set of sets W, or to use her terminology, where we draw the lines around the category woman, is to be determined in feminist praxis for our particular local ends, but nonetheless, this overlapping structure is the one we should use for the category woman according to Heyes.

2 – Trans Women are Marginalised

Whilst the theories discussed above have at least attempted to account for trans men and trans women, Talia Mae Bettcher has argued that they are inadequate in this respect. Bettcher's main criticism of family resemblance conceptions of gender is thus – family resemblance conceptions of gender kinds contain an implicit hierarchy, whereby trans women are counted as women only marginally. Cis women are counted as paradigm cases of womanhood, whilst trans women are derivative cases of womanhood:

> "With this [family resemblance] type of account in hand, one could show that at least *some* trans women meet enough of the conditions required for the application of the category "woman."   One might point to hormone levels, surgically altered genitalia, and so forth to defend a claim to womanhood. The enforcer [of traditional gender], by contrast, might point to karyotype and birth genitalia in order to defend a verdict of manhood. In such a conflict, the stakes concern which criteria are to weigh more in applying "woman." Notably, however, this strategy does not yield the kind of certainty one wants to validate a trans person's identity claims; at bottom we probably have a factually undecidable question. A trans woman in this case is, far from being a paradigm of womanhood, merely a marginal instance" (Bettcher 2013 237).[54]

Here Bettcher points out that even if trans women are correctly counted as women by the family resemblance theory, their position as women is at the bottom of a normative hierarchy, with cis women counted as paradigm cases of woman, and trans women counted as marginal, derivative cases of woman. That is, they are going to be gender marginalized. Further, given that there are going to be contexts where the features important in determining membership of the category *woman* are weighted such that trans women do not get counted as women, and as such trans women are misgendered by such theories. Therefore, family resemblance theories, according to Bettcher, fail to secure trans women's identities appropriately. This is obviously politically dangerous, given the violence often suffered by trans women because they are seen as improper, or deviant women,

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[54] It looks as if Bettcher is right to think that descriptive cluster accounts ought to be contextualist – the weights of properties in S and perhaps the threshold value T plausibly ought to vary in order to correctly represent the ways in which gender functions differently across situations and cultures.

or not women at all.[55] Even the very existence of a normative hierarchy within the category woman seems to be morally problematic.[56]

Of course, this criticism fails as an argument against descriptive accounts of gender, like those Hale and Corvino actually endorse. Hale and Corvino can simply respond by saying that they are accurately describing the problematic hierarchy that exists within our actually existing gender system. But supposing that one held an ameliorative version of Corvino or Hale's position, Bettcher's argument here would be applicable to one's account: imagine someone with ten of Hale's thirteen characteristics that feature in his cluster that defines the category woman. They would be a more central or paradigmatic case of the category woman than a person who had only three such characteristics – as may well be the case for many trans women. Similarly, whilst Corvino does not list all of the features that he takes to reside in his cluster, if one has less of those features, one is less a member of the category and more open to questioning of one's membership of that category. If Corvino is committed to the genders as categories with continuous rather than discrete membership conditions, and thus that one can be "more-or-less a member of a particular gender" (Corvino 2000 177) then the person committed to endorsing an ameliorative version Corvino's theory of gender for its inclusiveness risks marginalising those for whom a secure gender identity is perhaps most vital – trans women.[57] It would seem then, that ameliorative versions of 'cluster concept' family resemblance theories simply will not do.

However, Bettcher's argument fails to adequately criticise Heyes' position. For Heyes, no set w_n in the set of sets W that defines the concept woman is more central than any other. Nor does it matter that one woman has more features from the cluster of properties than another, as the concept woman is not defined in terms of such a cluster of properties. Rather, one simply counts as a woman if one has all of the properties in some set in the finite disjunct that defines the concept – this is to say that, unlike for Corvino and Hale, according to Heyes genders have discrete membership conditions, not continuous. One either has the property of being a woman or one does not. Further, for Heyes, trans women are just as paradigmatic as any other kind of woman. She writes:

55 For example, the life expectancy of a trans woman in the Americas is between 30 and 35 years (Inter-American Commission on Human Rights 2014 3). Trans women of colour face particularly high rates of violence – see, for an excellent discussion, Pittman 2015.
56 Need the hierarchy be politically and morally problematic? Perhaps not necessarily so, but if the history of the (white) feminist movement in the UK and North America is to teach us anything, it is that treating certain kinds of woman as central and others as marginal leads to exclusionary and politically problematic practices.
57 More on discrete and continuous membership conditions later.

"Thus, on my view, it is perfectly possible to make sense of the fact that two "distantly related" individuals can both be women and share none of the same characteristics except that they are called "women." A male-to-female (MTF) transsexual woman, for example, might have XY chromosomes, experience of being raised as a boy in a white, urban bourgeois nuclear family, and conventionally feminine self-presentation. A butch woman might have XX chromosomes, experience of being raised as a girl by lesbian parents in a small Northern community, and conventionally masculine self-presentation. On my Wittgensteinian-feminist view, it is not "wrong" to call them both "women" even though they do not share any common features potentially definitive of womanhood." (Heyes 2000 84).

Thus whilst Bettcher's argument here demonstrates that ameliorative versions of cluster theories of gender ought to be rejected, given that they place a dangerous contingency on trans women's claims to womanhood and that they implicitly endorse a normative hierarchy among women (with trans women somewhere near the bottom, in all likelihood) her argument fails to show why other family resemblance theories ought to be rejected.

Later in this chapter I will return to this argument, that theories of gender can fail to secure trans women's identities, to show how it can incorporated into an argument that causes insoluble problems for family resemblance theories generally, but for the moment note that the ameliorative family resemblance theorist has an easy response to this argument, by moving to analyses of gender with discrete membership conditions.

3 – A Non-Binary Intervention

There is much to take from Bettcher's work, but perhaps the most important methodological lesson is that theorising gender from trans perspectives can disrupt received ways of thinking about gender.[58] In this section I provide two arguments that point out how failing to account for non-binary gender identities undermines much thinking about gender.

It is not without good motivation that theorising about gender has largely focused on the category woman. Not only is there good historical reason, given Simone de Beauvoir's initial posing of the central question of feminist metaphysics as "What is a woman?" (Beauvoir 1993 13), but there are also good political reasons for focusing on woman, given that many theorists have assumed that

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[58] I take it that this methodological lesson is of a kind with all claims that we should begin our theorising from the perspective of marginalised groups.

we need a theory of woman in order to ground feminist activism that aims at women's liberation or equality.[59] However, there are in fact other genders that need to be accounted for by any sufficient theory of gender. Even if out of pure intellectual curiosity, not only would we like a theory of the metaphysics of women, we should also like our theory of gender to tell us about men, genderfluidity, bigender people, agender people and so on. Certainly, as an agender metaphysician, I would like to have some metaphysical theory of how I fit into the gendered world. Such theories might also be thought to be needed to undergird transfeminist activism; in much the same way that we think that a theory of woman might be necessary for feminist activism. Moreover, as I take Bettcher to have demonstrated, and plan to demonstrate shortly myself, there are good reasons to think that thinking about trans identities disrupts our supposedly neat thinking about gender.[60]

Very well, one might say, we need stories about these other genders, but theorists of gender can account for a variety of gender kinds, even if they fail to explicitly discuss them. Plausibly, if a family resemblance theorist wished to give an account of the concept man, the family resemblance theorist would simply give a family resemblance concept that features a cluster of properties associated with being a man, or a disjunctive set of sets of jointly sufficient conditions that feature properties associated with manhood. Indeed, John Corvino explicitly endorses the former version of this analysis of what being a man consists in. The family resemblance theorist might then say that being bigender consists in having enough properties from both the woman cluster and the man cluster to count as both being a woman and being a man (or having all of the properties in some sufficient condition in the disjunction that defines being a woman and having all of the properties in some sufficient condition in the disjunction that defines being a man).[61] Further, they might analyse being agender as failing to have enough properties from either cluster to meet either threshold (or not meeting any of the sufficient conditions in either of the disjunctions). Other genders could further be analysed by introducing further family resemblances and conditions, perhaps treating genderfluidity as the meeting the threshold of one cluster concept at one time, then failing to meet it at another, thus introducing time indexing to the analysis of each gender.[62] So far, so good.

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[59] See the above discussion of the feminist praxis constraint in the previous chapter.

[60] For a further example in analytic philosophy of the way in which trans perspectives can disrupt our thinking about gendered subjects, see McKinnon (2014).

[61] There are bigender people who do not identify as men and women at the same time, but rather as men and another gender, or two other genders. I pass over this important complication here, though any satisfactory theory will need to account for it.

[62] The introduction of time indexing will, however, cause issues. Suppose that Holly is a trans woman and, as many trans people do, Holly sees herself as always having been a woman, despite having identified as a boy in childhood and having had almost entirely properties associated with the concept man as a child. A time-indexed theory of this kind would treat her as a boy in childhood and as a woman as an adult, *and* perhaps as genderfluid too! This theory

3.1 – The Double-Counting Problem

The trouble begins when we realise that the introduction of this new apparatus, which is necessary for a complete analysis of gender, gives rise to a problem of double-counting. It seems plausible that we could find people who do not identify as bigender, but who meet the conditions for being counted as a member of two or more genders. Take, for example, a trans man, who identifies as a man, lacks a penis, has breasts which he binds, has female gonads, works as a mechanic, enjoys knitting, has romantic relationships with women, and presents himself in a very masculine way. According to Hale's detailed criteria, it seems that our trans man counts as a woman, given the large number of (often heavily weighted) properties that he has that feature in the cluster of properties that Hale uses to define woman.[63] Yet it also appears that our trans man has a large number of properties that would feature in any cluster concept of what it is to be a man – enough, I suggest, to meet the threshold for counting as a man according to the theory. Thus this model treats our trans man as bigender. If this is the case, then it would seem that family resemblance theories are descriptively inaccurate, even as a model of a transphobic society that treats trans men as women, given that such societies do not claim that trans men are bigender. It further fails as an ameliorative account: it does not do justice to the claims of trans people given that it misgenders our trans man. Our trans man does not identify as bigender, nor as a woman – he sees himself as a man, and indeed is one. Any ameliorative account of gender ought to capture this fact. Yet the cluster family resemblance theory categorises him as both a woman and bigender.

One might respond that this is merely a problem for the precise model that Hale suggests and my extension of it, and that given the correct weighting of each feature and the correct threshold value for each gender, such problematic cases of double-counting could be avoided. Here, however, the burden of proof lies upon the family resemblance theorist to provide the details of the model. Not only does the theorist have to provide a sufficiently strict set of conditions so as to rule out double-counting people like our trans man in the above example, they also have to provide conditions that are suitably lax so as to not exclude putative members from categories that they should be members of. Thus suppose Hale made the conditions for inclusion within the category woman stricter in order to avoid misgendering our trans man as a woman. I suggest that however the theory is updated, it will end up excluding and therefore misgendering certain women. This worry is especially pertinent given that it is trans women who were mostly likely marginal members of the

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therefore misgenders Holly – she is not genderfluid, nor was she a boy, but is a woman and was a girl. I do not suggest that this problem is insoluble, but it would seem that the introduction of time to family resemblance analyses needs to be approached with much care.

[63] This very fact, that trans men can be misgendered by one's theory, ought to serve as objection enough to any ameliorative version of the family resemblance theory.

category according to the theory beforehand. I therefore make a gambit: I claim that however the details of the family resemblance are set out, there will either be a problematic case of double-counting, *or* that the restrictions on membership of gender categories will be too strict, thus excluding putative members who should be included.

In Heyesian overlapping accounts, the double-counting problem arises when a person (who does not identify as bigender) has all of the properties in some set that is a sufficient condition for being one gender, but also satisfies all of the properties in some set that is a sufficient condition for being another gender. One cannot attempt to deal with this problem by increasing the size of each of the individual sets that constitute the sufficient conditions for membership, as this would increase the stringency of the membership conditions, which will begin to exclude members who were once unproblematically and correctly gendered by the theory.

3.2 The Discrete/Continuous Problem

The next problem for traditional gender theory that arises when we begin to think critically from a non-binary perspective is the discrete/continuous problem. I take it that the contrast I have been setting up between overlapping and cluster versions of family resemblance theories nicely illustrates this worry. Overlapping accounts of gender suggest that the membership conditions of gender categories are discrete, whilst cluster accounts treat the membership conditions for gender categories as continuous.[64] By discrete, here I mean that the membership conditions of the category are such that one either is or is not a member. Discrete categories offer no chance to be 'somewhat' or 'partially' members of a category, no possibility of being 'more a member' of the category than some other member. One simply is or is not a member. Continuous categories, by contrast, have membership conditions that allow for members who are 'partially' or 'somewhat' members, who are less a member of the category than central, or paradigm members. These options are seemingly mutually exclusive. That is, any given category must have either discrete or continuous membership conditions.

Discrete membership conditions not only misgender, but also simply fail to capture certain non-binary genders. Take, for example, demigender people. Demigirls, demiboys, and people with other demi- identities identify only partially as a given gender or genders. Often this is accompanied by not fully identifying as being, say, a man, and instead rather a feeling of association with or affinity

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[64] As mentioned in a footnote above, it is possible to construct a discrete cluster account, but I pass over this possibility for illustrative purposes. A discrete cluster account will still face all of the problems faced by all discrete accounts.

for, being a man.[65] As Barker and Richards put it, demigender people "are to some extent, but not completely, one gender" (Barker and Richards 2015 166). According to analyses that treat gender as a discrete property one is either a woman or one is not a woman. As such, a demigirl will be misgendered, treated as either completely a woman, or not a woman at all. Indeed, it is impossible to make sense of being demigender at all in terms of a discrete gender category – the apparatus that one has at one's disposal simply rules out the possibility of a partial identification. Discrete analyses of gender categories thus simply fail to do justice to demigendered people's claims, and violate the trans identity constraint by misgendering them.

Further, certain genderfluid people will be similarly mistreated by discrete analyses. Gender fluidity takes many forms, and some people experience their gender as a 'flipping' between two binary states in ways that a discrete analysis can handle. In cases where one fully identifies as a man and fully identifies as a woman at different times, flipping between the two, the discrete analysis can, given an appropriate analysis of time indexing,[66] capture the case without misgendering the person in question. However, this is not the only way in which genderfluid people's identities work. For many genderfluid people, their experience of gender approaches that of demigender people – a partial identification with certain genders at particular times, or a slide between identities. Discrete analyses of the membership conditions of gender categories simply cannot account for this type of genderfluid identity.

Of course, an obvious response to this problem is to drop discrete analyses. Given that discrete and continuous analyses are mutually exclusive, this means endorsing continuous membership conditions for gender categories. Yet remember that earlier in this paper we saw that Bettcher demonstrated that accounts that featured continuous membership conditions, such as cluster accounts of gender, placed a dangerous contingency on the claims of trans women (and I might add, the claims of trans men). We want trans men and trans women to be central or paradigmatic members of the categories men and women – yet cluster accounts, and indeed other accounts that feature continuous membership conditions, run the risk of treating them as marginal members.[67]

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[65] The broad category demigender, along with the concepts of demiboy, demigirl, deminonbinary and so on are recent hermeneutical innovations that have come from groups within trans communities in order to better describe their experience. I will appeal to this type of innovation later in this paper. Importantly, whilst demi-identities sometimes involve the gender that one was assigned at birth, they need not. One might be a demiboy who was assigned male at birth, or a demiboy who was assigned female.

[66] See footnote 62 above, along with further remarks in Chapter Four.

[67] One might suggest that this problem can be avoided by setting trans men and trans women as some of the paradigmatic, or central cases of men and women in our theory – following Natalie Stojar's (1995) version of the resemblance theory. However, I suggest that even if one uses paradigm cases in this way, one is always going to marginalise some other women or men as marginal members of the category. After all, the paradigm cases precisely set central features, the less of which one has the less central a member of the category one is. As such, even if this

Further, continuous accounts, in offering so many features by which one could count as a member of a gender, misgender agender people. Take my own case: if a cluster account includes the plausible features 'has the ability to grow thick facial hair,' 'often wears masculine clothing,' 'has male gonads,' 'plays traditionally masculine sports,' 'is often perceived as a man' then it looks like I am going to be wrongly characterised as at least a demiboy, if not entirely a man.[68]

This argument is especially interesting, given that it points to a tension *between the claims of different trans people*. Earlier in the paper we saw that accounts of gender that treated the category as continuous faced problems as they seemed to make the claims of trans women to womanhood and the claims of trans men to manhood contingent. Yet here we see accounts that treat gender as a discrete category facing problems given that they fail to do justice to demigender and genderfluid individuals' genders. Given the seeming mutual exclusivity of discrete and continuous membership conditions, the claims of binary trans people (trans men and trans women) who are not demi, then seem to be in almost direct conflict with the claims of certain non-binary trans people (demigender people and some genderfluid people). Given the discrete/continuous problem, and the desire to do justice to *all* trans peoples' claims about their gender, we might think that any attempt to come up with definitions for gender terms that rely on a single meaning for any given gender (no matter how inclusive one attempts to make that definition) will fail.

3.2.1 – A Note on the Nature of this Problem

Is the discrete/continuous problem an expression of what Julia Serano has called the "two different (and largely incompatible) views of gender" (Serano 2016 109) that hold sway in the trans community? The first, mostly held by binary trans people, says that gender identity is a function of one's (usually assumed to be biological) subconscious sex identity (for a nuanced version of this thesis, see Serano 2016), whilst the second, mostly held by non-binary people and associated with queer theory holds that sex and gender are entirely socially constructed (see, for example, Bornstein 1994 and Butler 1999).[69] Perhaps, but note some ways in which the discrete/continuous problem does not map onto that conflict: first, one could hold a view of gender as a function of subconscious sex that allowed for partial identifications, and thereby adopt a view of genders as

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Stoljarian move enables the resemblance theorist to meet the trans identity constraint, the account will still violate the normativity constraint, marginalising those women who are furthest from the exemplars of the category woman.

[68] How do demi trans men (trans men who are demiboys) and demi trans women fit into all of this? Well it looks as if continuous analyses may actually serve them reasonably well with regards to extensional questions – on the best versions of such accounts they will count as marginal or borderline members of the category in question (though politically this may be problematic). However, they seem to be structurally excluded by continuous accounts in the same way that all demi people are. Thanks to Justus-Lou Witte for pushing me on this question.

[69] I do not have space here to do justice to this complex and nuanced debate.

having continuous membership conditions – indeed I suspect that this is the view of gender accepted by many demigender people. Second, one could adopt a constructionist view of gender that had discrete membership conditions – take, for example, Haslanger's (2000) view of gender as oppression on the basis of perceived sex.[70] Third, note the odd position of agender people with respect to this debate. Agender people are non-binary, but nonetheless seem to be better served by discrete, rather than continuous analyses – thus the lines of the conflict between discrete versus continuous analyses of the membership conditions of gender terms, and the lines of conflict between Bornstein style constructionism about gender versus psychological essentialism about gender are not the same. We appear then to have an additional tension within the trans community, which has not yet been recognized.

Moreover, I think that this problem is generalisable. That is, it is not just a problem for family resemblance accounts. *Any* account that gives us membership conditions for gender category membership, or application conditions for gender terms, is going to have to give either continuous or discrete conditions. It will thus fail by the lights of our desiderata that we set out in Chapter One, misgendering some trans people, or gender marginalising other trans people. My solution to this problem, which will be developed much later in the thesis, will be to adopt an account that offers *both* discrete and continuous conditions – ameliorative semantic pluralism. For now, however, let us turn to an anti-essentialist who rejects giving a logical structure for gender, and escapes such a problem by simply refusing to give membership conditions for genders or application conditions for gender terms: Judith Butler.

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[70] This said, as a trans person it is hard to see the appeal of this position: see Jenkins (2016a).

The ameliorative considerations detailed in the previous chapter make it seem as if any theory of gender that is put forward is going to fail by the lights of the trans identity constraint. In this chapter, I begin to look at what might be thought to be the easy way out of problems like the *discrete/continuous* and *double-counting* problems – one or another form of scepticism about gender categories. I begin with the most moderate form of scepticism about gender categories, anti-structuralism, which denies that there is, or should be, a logical structure to gender categories. I introduce anti-structuralism via a reading Judith Butler's theory of gender. Whilst I do not take this to be an authoritative reading of Butler, I do see it as a useful translation project, setting out Butler's view of gender in analytic terminology, using an analytic approach to social ontology to explain the various constructive mechanisms at work in Butler's theory. I then develop criticisms from trans experience to undermine the position. This discussion will itself have several other upshots, including useful political considerations for an ameliorative theory of gender independent of anti-structuralism and a novel generalised form of a particular social constructive mechanism. Finally, abstracting away from Butler's particular account, I break down anti-structuralism into various positions within the local logical space. I will suggest that we only have warrant for restricted epistemic and ameliorative versions of the anti-structuralist thesis.

1 – Judith Butler's Account of Gender, Sex, and Desire

In the next few sections, I will explain what Judith Butler means when she says that gender is a metaleptic feature of social reality, constructed by the regulative schemas of the heterosexual matrix. Gender and sex are often thought to be causes of certain effects in our social world, whether that is distributions of violence or the organisation of desire, but according to Butler, this actually has things the wrong way around – gender and sex are an effect of our social organisation.

Drawing on analyses of psychoanalytic theory and structuralism, but reticent to adopt the reifying and idealising approach taken in such theorising, Butler suggests that the dominant social world is organised (in part) around a heterosexual matrix. This matrix is a normative feature of the social world that demands 'coherence' in the identities of individuals – "the respective internal coherence of sex, gender, and desire" (Butler 1999 33). This normative structure of society demands that people with 'male sex characteristics' are men and that they desire women, demands that people

with 'female sex characteristics' are women and that they desire men.[71] This normative structure, if it is even recognised as in need of justification, is justified by society as being natural – it is just the way things are: people with penises *just are* men, and men *just are* disposed to be attracted to women. Thus society at large, and indeed many theorists before Butler, would argue that gendered society, the heterosexual matrix, is an effect of natural aspects of sex and sexual orientation.

Of course, Butler rejects this justification outright. She argues that it falsely presupposes the existence of access to a prediscursive body and desires,[72] which we simply do not have access to. In order to justifiably give this kind of explanation of the existence of the norms of coherence, we would need to be able to step outside of the realm of language and discourse – something that simply cannot be done. Instead, she suggests that we flip the explanation. Rather than there being some aspect of biological reality that simply *is* sex, which causes gender identification and socialisation, and rather than there *being* primitive neurophysical dispositions to desire that motivate sexual desires, in fact, sex, desire, and gender are constructed by the heterosexual matrix. This is to say that the heterosexual matrix is the cause of sex, gender and desire, not an effect. [73] Despite appearances, there is nothing natural about sex, gender, or desire.

1.1 – Initiation into Sex and Gender: Exercitives and Proleptic Mechanisms

How does this work? How can a set of norms, like the heterosexual matrix, possibly construct gender, sex, or desire, especially in such a way as to make them appear natural? Butler suggests that it is achieved via a number of mechanisms including prolepsis, performativity and speech acts. Take sex: Butler's analysis of sex is that the heterosexual matrix demands a clear division into two distinct and discrete categories, male and female. Thus in order to conform to this norm, the obstetrician (or indeed another with the appropriate authority) makes the new-born a member of one sex or another. This is generally achieved via speech act, in the traditional Austinian sense: the

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[71] Sex characteristics are assumed to be natural, fixed, and binary according to the heterosexual matrix. According to society, one either has a penis, testes, and XY chromosomes or a vagina, ovaries, and XX chromosomes. Further, they are assumed to be natural features of the body that are easily categorised and unchanging. As we shall see, Butler, in her deconstruction of the heterosexual matrix, will undermine these assumptions.

[72] That is, any access to a body or desires outside of the constructing frames of language.

[73] Butler is right to think of this process as a metalepsis, in the sense that *it is commonly thought that* gender is the cause of our social organisation, when in fact it is an effect, thus meeting Spivak's definition of metalepsis as "the substitution of an effect for a cause" (Spivak 1987 204). However, I suggest that gender is not *only* an effect – it is *also* a cause of certain aspects of the social world. This is not to disagree with Butler on the ontological status of gender as a social construct, but rather, to suggest that there are looping effects at work in the construction of gender (see Hacking 1995, 1999). That is, whilst gender may be constructed by our social organisation, gender, as it is lived and applied to people whom form a part of that social organisation, also has causal effects on that social organisation. Indeed, I suspect that a looping effect is the only way to understand how such a complex normative feature of the social order could come into existence. The heterosexual matrix is constituted by social norms, and these social norms are nothing over and above the actions of individuals (and the institutions and environments constructed by those individuals) and the behaviour of those individuals itself then governed by that matrix.

utterance "It's a boy!" and the writing of an 'M' on the birth certificate are illocutionary acts – exercitives – giving the child in question a sex.[74] Just as the judge who utters, "I find you guilty of murder" in an appropriate context makes the accused a convict, so too, the doctor who utters, "It's a girl" in an appropriate context makes the new-born a member of the female sex.[75] Importantly, for Butler, sex is not the cause of the doctor's utterance, but an effect. It is not a prediscursive reality represented through speech, but rather a social construct constituted by illocutionary acts.

Such utterances also have perlocutionary effects[76] that go beyond the construction of sex. The doctor's utterance and writing does many things, not least beginning "that long string of interpellations by which the girl is transitively girled" (Butler 1997 49).[77] This is to say that the doctor's utterances indicate that this child is to be interpreted as, and subject to, the norms of a given gender – in this case woman, the speech act having the perlocutionary effect of committing the child to this particular role within gendered society. This is to say that, henceforth, the child will be treated as a girl/woman and subject to the norms appropriate to that gender. The child is then raised in the context of a set of norms (call this a *regulatory frame*) as given by the heterosexual matrix, many of which are appropriate for her assigned gender. Being subject to these norms of girl and womanhood, threatened with punishment for deviation, and performing the stylised rituals required by those norms, makes the individual a woman according to Butler. The consistent performance of such rituals also gives the (false) impression of an authentic, inner gender identity as a woman arising from a natural and biological sex. We will return to this mechanism of social construction, performativity, shortly.

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[74] These are not the only two possible speech acts that can perform the role of sexing illocutionary act, but are merely illustrative examples. We might think that the pronouncement of an ultrasound professional can perform the same role. Sometimes, as in the case of intersex children who are subjected to genital surgery, the act of sexing is a long process of genital reconstruction and medical approval of 'appropriate' genitalia.

[75] Is the child sexed when the doctor first announces 'girl', or when the 'F' is written on the birth certificate? Butler is ambiguous on this point. However, I suggest a simple answer is that it is just whichever exercitive comes first. Neither is individually necessary, but each is generally sufficient for making the child a member of a given sex.

[76] J.L. Austin distinguishes between locutionary, illocutionary and perlocutionary speech acts. Roughly put, a locutionary act is the act of saying some utterance. An illocutionary act is the act of saying something with some force (be that assertoric, interrogative or otherwise in nature). A perlocutionary act is the act of saying something with effects or consequences, be that persuading, eliciting, constructing or otherwise (note that a single utterance could be all three of these acts, locutionary, illocutionary and perlocutionary at once). By perlocutionary effects, I just mean these consequences of perlocutionary acts (Austin 1965).

[77] The use of 'transitively girled' may be misleading here – think of it as meaning 'made and maintained as a member of the category girl through time'. 'Interpellations' may be thought of in terms of prolepsis – as we shall see, proleptic mechanisms require that someone or some group be treated as having some feature. 'Interpellations' are those actions and social formations that treat individuals and groups in this way and in so doing, make them have that feature. The term originates with Louis Althusser, who focuses on the ways in which ideology 'hails' people, treating them as subjects and thus making them subjects: see Althusser 1971.

At first sight, it may be difficult to see how a child could initially form a gender identity just because they are subject to a certain number of norms. I suggest that we can understand Butler's explanation of the initial induction of the child into the gender category *woman* in terms of a proleptic mechanism. Proleptic mechanisms were introduced by Bernard Williams to describe a certain function of blame – that it can be a force of social construction (Williams 1995). Proleptic *blame*, according to Williams, occurs when a blamer admonishes another agent for some φ, where the offending agent did not have an internal reason to not φ.[78] This might seem pointless or harsh, given Williams' account of motivation, but Williams argues that, given that the offending agent has "the ethically important disposition that consists in a desire to be respected by people whom, in turn, one respects" then blame can cause the offending agent to have the reason that they did not have before (Williams 1995 41). The clearest example of this is in the moral education of children. Take, for instance, the child who does not share their toy with a friend, as they fail to recognise that sharing is a good thing to do. The child's parent may then admonish the child, saying that they should have shared the toy, despite the child not recognising any reason to share. The child, wishing to have the admiration of the parent, thus comes to recognise reasons to share. As Miranda Fricker describes it, in slightly more neutral terms:

> "Exploiting the envisaged proleptic mechanism involves treating the blamed party *as if* they recognised the motivating reason when in fact they didn't (or at least they failed to give it appropriate deliberative priority). Treating them in this as-if manner stands to gain some psychological traction in the as yet recalcitrant wrongdoer, *provided that they possess a more general motive to be the sort of person that you respect...* What the proleptic possibility effectively reveals (but which Williams does not bring out, for his interests lie elsewhere) is that when blame functions proleptically, as we can now see only Communicative Blame is able, it exhibits a *social constructive power* by which the object of any such communication has pressure exerted on her to move towards shared reasons. The blamer cares about gaining the acknowledgement she feels was withheld from her; while the blamed party (if the blame communicated is to achieve its illocutionary point) cares in some more general way about the esteem of the blamer, with the result that the accusation of fault might be sufficient to bring a change of reasons" (Fricker 2016 176)

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[78] An internal reason is, roughly, a reason that one has and recognizes given one's 'subjective motivational set' – one's beliefs, desires, goals, values and so on.

Whilst discussion of proleptic mechanisms has, in analytic philosophy at least, focused entirely on blame (see, in addition to the above, Sobel 2007 and Badgley 2017) I suggest that a more metaphysically neutral characterisation of these 'treating as-if' mechanisms is possible, that allows that other speech acts, and indeed, non-speech acts, might also have this sort of social-constructive power:

> *Proleptic Mechanism*: The causal social construction of a feature of an individual or group via treating that individual or group as if they already have that feature.[79]

This construal of prolepsis eliminates any reference to reasons and blame, but note that it can still capture the proleptic function of certain kinds of blame. How does this help us to understand the Butlerian account of induction into gender categories? Well, we can simply specify that in being consistently subjected to a set of norms that are the norms *for women*, an individual is treated *as if they are a woman*. As Butler puts it, "the subjects regulated by such structures are, by virtue of being subjected to them, formed, defined, and reproduced in accordance with the requirements of those structures" (Butler 1999 3). We can thus interpret Butler as saying that there is a proleptic mechanism that slowly sediments into a belief that one truly is a woman. One really begins to "feel like a natural woman" (Franklin 1967) when one is treated as if one is. Crucially, however, note that this is simply an effect of the norms to which one is subject.

1.2 – Performativity

Whilst prolepsis might explain why an agent would see themselves as a member of a given gender, and motivate them to follow the very norms that caused the prolepsis, Butler further suggests that gender is *performative*:

> "Gender ought not to be construed as a stable identity or locus of agency from which various acts follow: rather, gender is an identity tenuously constituted in time, instituted in an exterior space through a *stylized repetition of acts*. The effect of gender is produced through the stylization of the body and, hence, must be understood as the mundane way in which bodily gestures, movements, and styles of various kinds constitute the illusion of an abiding gendered self" (1999 191).

Thus for Butler, genders are *constitutively* constructed via repeated performances that follow the norms of particular genders. Call what is performed 'scripts'. The scripts prescribe and proscribe

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[79] I do not explore the possibility of group construction via prolepsis in any detail here, but supposing that one takes group agency seriously, I do not see there being any obstacle to the causal construction of features of groups taking place via prolepsis. One might think that this is one of the mechanisms that undergirds labelling effects on human kinds, for instance. This is explored in Cull and Mehdi Unpublished.

a variety of actions and ways of acting that are particular to genders, demanding that almost all, if not all behaviours exhibited by the individual conform to the style or styles allowed for that gender. The repeated and stylised performances do not merely serve to construct the gender of the individual either – such performances also serve to reinforce and underscore the normative structure that demands such performances in the first place. Indeed, the repetition gives such norms the appearance of naturalness: that this is how women, for example, are supposed to be and have always been. We might put this kind of social construction, *performativity*, as it constructs individuals as woman, and the kind *woman* as follows:

1. There is a rigid regulatory frame F in some context C that determines a large set of culturally and behaviourally rich scripts S, a subset of which S_w prescribe the behaviours that a woman ought (and ought not) to perform.[80]

2. Some set of individuals W live in C.

3. The members of W consistently, though not perfectly, act in such a way as to follow or come close to following the scripts in S_w.

4. The members of W are, both individually and as a collective, constitutively constructed as women by the actions in 3.

5. The behaviour in 3 is *naturalized*: rather than the effect of culturally enforced norms, the script is treated as the expression of authentic or natural behaviour for members of a kind, *woman*.

The behaviours prescribed by S_w cannot be followed to the letter for a number of reasons. First, there are prescribed behaviours that are almost impossible to realise.[81] Second, there are norms that are in tension, such that following one makes it incredibly difficult to follow another.[82] Third, there are norms that are in outright conflict, or even contradiction.[83] It is in these spaces, Butler

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[80] We will later complicate the condition that there is a single set S_w that prescribes behaviours for all women, though I use this essentialist formulation of Butler's position for dialectical purposes – it is simply much easier to explain this way!

[81] An obvious example of this from the set S_w set out by hegemonic white Western culture is that of beauty norms. According to such norms, a woman should be exceedingly thin, fit and tall, and must have a large bust and buttocks. This is not a completely impossible norm with which to comply, but it is certainly an exceedingly difficult one for the vast majority.

[82] Take the norm for bourgeois women that they should seek to be career-driven and seek to take a leading role in the workforce along with the norm that women should be at home caring for their children (this is, apparently, 'having it all'). Whilst these two norms are not obviously directly in conflict *a priori*, the ways in which the workforce has and continues to be organised means that following one makes it harder to follow the other.

[83] One might think that, more than being in tension, the norms surrounding, say, the virgin/whore dichotomy are in direct conflict, such that it is both demanded of women that they be abstinent and demanded of women that they are not abstinent – contradictory social norms. Of course, endorsing the claim that there are contradictory social norms looks a little like it might require one to endorse dialetheism (at least with respect to the social world), which is a somewhat controversial position. I argue for it in Bolton and Cull (Forthcoming). Whilst I will not defend that position

thinks, that subversion of gender is possible. If one can undermine the apparent naturalness of gender, or demonstrate its obvious constructedness, then there is the potential for social and political change. More on this later.

There are several further questions we can ask about S_w. For example, what determines the norms that enter into the set S_w? For Butler, following Foucault in offering a *genealogy* of gender, I suspect that the answer will be that historical contingency determines the scripts that women ought to follow. Particular histories and accidents will have various impacts on how a member of a given gender ought to comport themselves, appear, and act more generally. As Foucault writes, the genealogist follows "the accidents, the minor deviations-or conversely, the complete reversals-the errors, the false appraisals, and the faulty calculations that gave birth to those things that continue to exist and have value for us" (Foucault 2010 81). Take, as an example, the widely held assumption both in the United States and elsewhere, that pink is a girls' colour and thus that it is permissible for women to wear it, whilst men and boys ought to avoid wearing that colour. However, prior to the late 19th century, there was little distinction made between the colours of children's clothing along gender lines in the USA. During the interwar period, pink was often the recommended colour for dressing boys, as it was seen as a stronger colour. Meanwhile, blue, as an apparently delicate and dainty colour, was recommended for girls (Paoletti 2012 85-90). The 1950s finally saw the emergence of pink for girls and blue for boys – but not due to any deep conceptual connection, but a wide variety of events, cultural shifts and market forces (Paoletti 2012 92-3). Indeed, the contingency of this set of norms of dress is further demonstrated by the way it fell out of fashion in the 1970s, replaced by a trend for unisex dress. Paoletti argues that it is capitalist marketing that has led to the re-adoption of pink and blue as gendered opposites, with the contingencies of market forces and advertising success reinforcing a clear binary. Thus whilst the USA currently finds itself in a situation whereby it is impermissible to dress young boys in pink clothing, that norm is a contingent feature of the social world, caused by a number of social and material factors.

One feature of the heterosexual matrix that constrains the norms that can be a part of S_w is the requirement that gender, sex and desire are appropriately aligned. Take the above example of contemporary concerns regarding the colour of children's clothing. Pink, forbidden for boys by norms regarding gender-appropriate clothing is, when worn by boys, a symbol not merely of femininity, but also of queer desire. Indeed, the wearing of pink by straight men is often policed by other straight men, often through the pejorative usage of the terms like 'gay' or 'queer'. Even

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here, I will say that endorsing the claim that these kinds of norms are *contradictory* does give us a nice explanation of why they seem to alienate and cause distress to those subject to their authority – one is being asked to actualise a contradiction, to both φ and ¬φ at the same time.

children's sexuality is often supposed to be threatened the colour of the clothing they are dressed in. It is commonly expressed that dressing one's boy in pink (and indeed letting him engage in any number of 'girly' activities) will "turn him gay".[84] Meanwhile, sex and gender, are so commonly conflated in non-academic discourse as to almost guarantee appropriate coherence. Take, for example, the recent trend for 'gender reveal parties'. Butler's analysis here would be that after the sex of the foetus is constructed via exercitive speech act by the ultrasound professional and passed onto a third party, the parents then 'reveal' (Butler would say, perform a ritual that helps to construct) that sex and accompanying gender identification to themselves and others. The precise ways in which the ritual takes place varies – the parents might open a box filled with coloured balloons, cut into a cake that has a coloured sponge, or even shoot a box causing an explosion and the release of coloured smoke, but a common element is that pink signifies girl, blue signifies boy.[85] Thus the requirement of coherence demands a clear binary between those norms in S_w, that present a regulative ideal of straight cis womanhood, and those norms in what we might call S_m, that present a regulative ideal of straight cis manhood, even when the particular norms that feature in that binary are the result of historical contingency.

Of course, a single set S_w oversimplifies matters quite completely. Various identities and material situations, not least race, ability, class, age and so on will mean that different women face different norms. Moreover, even given a fixed identity, the norms that would be applicable to an individual will change or be replaced. Thus we might think that a regulatory frame specifies not merely a pair of sets S_w and S_m, but rather, at some time t, specifies a series of sets $S_{w1}...S_{wn}$ each of which is the

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[84] This obviously ridiculous stance has not gone without support in academia. Jo B. Paoletti remarks that many Freudians, including G. Stanley Hall argued that male homosexuality results from identification with the mother, and that appropriate separation (and thus 'proper' development) can be achieved by teaching the child a clear distinction between the genders. One way of achieving this was to enforce a clear dichotomy between boys' and girls' clothing (Paoletti 2012 77-78). It is worth noting, however, that Freud himself did not share this 'American' interpretation of Freudianism, which claimed that homosexuality was a disease in need of a cure, (see Abelove 1993) even if the later Freud shared the claims regarding its etiology (Bayer 1981 24). Writing to a woman concerned about her son's homosexuality and seeking a cure, Freud remarks:

> "Homosexuality is assuredly no advantage, but it is nothing to be ashamed of, no vice, no degradation, it cannot be classified as an illness; we consider it to be a variation of the sexual function produced by a certain arrest of sexual development… By asking me if I can help, you mean, I suppose, if I can abolish homosexuality and make normal heterosexuality take its place. The answer is, in a general way, we cannot promise to achieve it" (Freud, quoted in Bayer 1981 27).

Indeed, Freud stresses that humans have a primitive, underlying instinctual bisexuality. All children, according to the early Freud, experience a homosexual phase, and some aspects of that phase remain in the unconscious of all adults (Bayer 1981 22-3). Thus, homosexuality, far from being distinct from 'normal sexuality', is rather a natural part of human psychosexual experience for Freud.

[85] Whilst this is largely a practice stemming from the United States, analogues can be found elsewhere, and the practice is beginning to spread to the United Kingdom (see Gieseler 2018). Take, for example, the birth of the current Prince of Cambridge, whose sex was revealed to the public upon his birth via fountains in Trafalgar Square being illuminated with blue light, whilst the birth of the current Princess of Cambridge was marked with the same fountains being lit pink.

appropriate set of norms for women for a particular context and identities, positioned opposite a similar series of sets $S_{m1}...S_{mn}$. As time moves forward, the sets $S_{w1}...S_{wn}$ and $S_{m1}...S_{mn}$ change, in response to a changing cultural and material landscape.

In short then, according to Butler, gender, along with sex and sexual orientation, is constructed. Illocutionary acts, proleptic mechanisms and performativity work in various ways to make gender, sex and desire appear natural, when in fact they are merely social: constructed by illocutionary acts, proleptic mechanisms, and performativity. These 'identities' are just "produced effects of a law imposed by culture" (Butler 1999 86). Here, the analytic philosopher may find it useful to think of Butler's position in terms of Haslanger's tripartite distinction of manifest, operative and target concepts, along with the associated conceptual, descriptive and ameliorative inquiry. For Butler, the *manifest* concepts involved in gender, sex, and desire are those that surround the idea that sex is a natural feature of the body, and that it naturally causes gender roles and so on. According to Butler, however, our manifest conception of gender is mistaken. What is really occurring, the *operative* 'concept', is a number of social constructive mechanisms that give rise to an illusion of naturalness as detailed above.[86] The obvious next question to ask, then, is what Butler has to say regarding *ameliorative* issues.

1.3 – Butler's Positive Program

Butler's positive, or ameliorative program differs from many of the theorists we have considered this far. Instead of proposing some target concept, she endorses an anti-structuralism about gender categories, along with an injunction to disrupt and overthrow gender regulations wherever they may be found. We shall come to the anti-structuralist aspect of her theorising later, but for now let us turn to her disruptive tactics.

Butler has suggested that gender is constituted through norms. These norms obviously proscribe certain behaviours and prescribe others. It is, in part, Butler thinks, the proscription, which provides resources for the undermining of the norms. How does this work? Well, ironically, the very need to proscribe, for example, homosexuality, implicitly suggests that being a homosexual is a possible identity – for why else would it be forbidden? In this sense, just as the norms construct heterosexual identities, so too they construct homosexual identities. Butler writes, "it would appear that the law produces *both* sanctioned heterosexuality and transgressive homosexuality" (Butler

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[86] Despite it being useful to draw on Haslanger's distinctions, we ought to be a little careful, as we are not merely talking about concepts here: Butler is not simply saying that our operative *concepts* of gender, sex, and desire involve prolepsis, performativity and so on. Rather, she is also making a broader metaphysical claim about the way that the social world *in fact is* constructed using these mechanisms.

1999 100).[87] Similarly, the norms also construct identities that mismatch the other aspects sex, gender, and desire – such as the idea that one's assigned sex is at odds with one's gender identity.

This opens up one possibility of resisting the norms set by the heterosexual matrix that we might call *refusal*. By living as a member of a group that is proscribed by the norms and openly flouting those norms, refusing the identities prescribed by the heterosexual matrix, we serve as living examples of the possibility of living lives that are not those prescribed by the heterosexual matrix. Living such a life may well be difficult, given that there are punitive aspects of society that enforce the heterosexual matrix at every level of the social world, from microaggressions and slurs to state-sanctioned violence and justice systems that deliberately function to repress transgressive identities. However, this form of resistance provides the possibility of presenting the transgressive identity as *just as legitimate* as the sanctioned identity. We might think that the clearest example of this kind of activism comes from the gay rights movement, who have campaigned relatively successfully for integration into the hegemonic political order, in part by emphasising the extent to which lesbians and gay men are *just like* the parts of society that are legitimated by the heterosexual matrix. Just as straight people want to get married, or join the military, the gay rights movement has argued that lesbians and gay men want access to *proper* marriage and the freedom to serve openly in the military.

This form of activism has been critiqued widely, not least by Butler herself, who questions the prioritizing of issues such as same-sex marriage and military service by gay and lesbian people in the context of a continuing HIV/AIDS crisis, and the murder of queer and trans youth (Butler 2004). More generally, however, this tactic as a general approach has been criticised as merely attempting to buy into an oppressive regime, and in so doing, reinforcing the power of that regime, perhaps even extending its reach. Butler writes that "the petition to enter into the institution of marriage (or the military) extends the power of the very institution and, in extending that power, exacerbates the distinction between those forms of intimate alliance that are legitimated by the state and those that are not" (Butler 2000 175).

I suggest that this criticism is too strong. The resistance to norms by living a life that breaks those norms does not necessarily imply that one wishes for assimilation into an oppressive heterosexual

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[87] Butler's theory leaves several questions unanswered. Given that we have a nice story about the internalisation of norms and the repeated stylised performance of scripts set by the norms, we have a handle on the ways that 'sanctioned' identities are constructed. But by what mechanism(s) are the 'transgressive' identities constructed? Further, what is it that makes someone a candidate for construction into a transgressive over a sanctioned identity? Whilst others might appeal to a biological given (in its crudest form as an appeal to a 'gay gene' in the case of sexuality) Butler's radical constructionism rules this out entirely. I should note that some, including Ásta (2018 59), have denied that Butler is a radical linguistic constructionist. However, I struggle to make sense of Butler's position if this is the case. We'll return to this issue shortly.

matrix that is slightly more inclusive of different identities and ways of living. In refusing to comply with the norms of the heterosexual matrix, one need not then insist that one is still *just like* those who do in fact comply with the norms. Indeed, I suspect that queer critiques of the politics of equality, like that given by Butler above, have misled us as to the value of the tactic of simple deviance from, or refusal of, norms. Deviance itself does not entail a wish for assimilation into a hegemonic order.[88] Rather, it can serve as a call to end that oppressive hegemonic order, or serve as a personal rejection of that order. It is another step from these moves to a demand that the hegemonic order respond to them by making the heterosexual matrix slightly less stringent. It may be helpful to think of refusal as a spectrum, ranging from narrow scope refusals to broad scope refusals. *Narrow scope refusals* are refusals that, whilst asserting the possibility of living as member of a group that is prohibited by the heterosexual matrix, nonetheless maintain support for the hegemonic structure of society. We might think that mainstream LG activism has largely taken this form and are worthy targets of the queer critique. Meanwhile, *broad scope refusals* demand revolutionary change in the values, and the economic and social structures of society. Such broad scope refusals have been the domain of a number of queer movements. When the narrow scope refusal would demand full citizenship for LGBT people, the broad scope refusal demands the end of citizenship as a part of a program to fight racism and xenophobia that particularly hurts migrant queers of colour.

Thus, I suggest that the criticism that Butler forwards regarding refusal is limited only to those forms of refusal near the narrow end of the narrow-broad scope spectrum. This allows us to endorse (broad scope) refusal as a tactic that can be a truly powerful force for political change. Lives that would be difficult or even impossible to live given the restrictive function of the heterosexual matrix, can be made liveable, easier, by the rejection of part of or indeed the entirety of the heterosexual matrix. Moreover, more than simply making one's own life less painful, one can provide support for those others who would like to perform the same refusal. As Butler herself has remarked recently, "gender assignment is a "construction" and yet many genderqueer and trans people refuse those assignments in part or in full. That refusal opens the way for a more radical form of self-determination, one that happens in solidarity with others who are undergoing a similar struggle" (Butler, quoted in Williams 2017). In the final two chapters of this thesis, I will suggest

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[88] This is not to deny that there are LGBT people who have actively sought out assimilation into the hegemonic order. We might suggest (perhaps a little too charitably) that the mainstream gay and lesbian movement has undertaken a political program of assimilation merely on pragmatic grounds, endorsing a discourse of inclusion into the hegemonic order as simply the most effective way to gain ground for gay and lesbian people in the short term. However, there are of course LGBT people who oppose any sort of revolutionary politic full stop, endorsing assimilation not as pragmatic interim tactic, but as the outer limit of LGBT activism.

that this form of self-determination, along with *hermeneutic innovation*, provides a powerful tactic for making lives liveable.[89]

Butler mainly endorses another political tactic, based on a politics of parody, which we might call *subversion*. According to Butler, that gender relies on scripts that must be repeatedly performed in order to continually construct gender means that if one can disrupt those scripts, one can disrupt the heterosexual matrix. What does this disruption look like? For one, we might look to any activities that undermine the supposed 'naturalness' of gender by deliberately calling attention to its constructedness. Undermining the supposed naturalness of gender undermines those narratives that suggest that the behaviour demanded by scripts in the heterosexual matrix is *just how things are, have been and ought to be*. No longer can it be argued that women are *just naturally* supposed to be less interested in STEM subjects, if it is revealed that gender is a wholly constructed phenomenon.[90] Activities that Butler thinks might achieve this include the parody of male and female identities found in drag performances, which subversively follow certain scripts set out by the heterosexual matrix:

> "As much as drag creates a unified picture of "woman" (what its critics often oppose), it also reveals the distinctness of those aspects of gendered experience which are falsely naturalized as a unity through the regulatory fiction of heterosexual coherence. In *imitating gender, drag implicitly reveals the imitative structure of gender itself – as well as its contingency*. Indeed, part of the pleasure, the giddiness, of the performance is in the recognition of a radical contingency in the relation between sex and gender in the face of cultural configurations of causal unities that are regularly assumed to be natural and necessary" (Butler 1999 187).

Drag, according to Butler, subverts the coherence of gendered expression, activities, identity and sex demanded by the heterosexual matrix. It asks us to laugh at a pastiche of what is taken for granted as the ideals of femininity and masculinity, and reminds us that the norms of gender themselves are so stringent as to be all but impossible to follow. It thus shows us that even the

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[89] Interestingly for my own project, Butler herself sometimes seems to endorse a form of ameliorative gender pluralism, writing that "a radical proliferation of gender can work *to displace* the very gender norms that enable the repetition itself" (Butler 1999 203).

[90] Need one endorse Butler's social ontology (or something relatively similar in nature) in order to accept this tactic as a viable means of undermining gendered norms in society? Not necessarily, but minimally, one must accept that there exists a powerful societal influence to the claim that gender is natural, from which many claims about how members of particular genders must behave, and one must also think that this claim of naturalness is false and can be undermined. This minimal set of claims is widely endorsed by feminists and is often discussed as 'the debunking project' (see Ásta 2018, Carlson 2010, Cull Unpublished, Díaz-León 2015, Hacking 1999, Haslanger 2012, and Mallon 2016).

identities that are supposedly legitimated by the heterosexual matrix are constructed and ultimately out of reach for even the straightest, most stereotypically masculine or feminine cis person. Parody, laughter, then, is a powerful tactic for Butler in uncovering the constructedness of gender, and removing the force that the norms instituted by the heterosexual matrix currently have. Absent the normative force that it once had, Butler claims that the heterosexual matrix can be undermined.

What is the relationship between subversion and refusal? It looks like some acts of subversion are acts of refusal. Drag, the paradigmatic case of subversion also requires (aside from in the case of faux queens and faux kings) an open and straightforward refusal of a number of norms regarding gender expression. The drag queen is (at least, in many cases) a man dressed, not in a masculine manner, but rather in an exaggerated feminine outfit and makeup. However, the faux queen (at least, in many cases) draws attention to the constructedness of gender, by wearing the exaggerated feminine costume also worn by the drag queen, not refusing the norms attached to being a woman. Thus, we might think that (at least in some cases) the faux queen performs subversion without performing refusal. Another example of subversion without refusal might be Butler's arguments in *Gender Trouble*.[91] In writing and publishing a book aimed at convincing her audience that gender and sex are constructed, it seems as if Butler is precisely drawing attention to the constructedness of gender in the hope of undermining its naturalness. Meanwhile, it certainly seems as if we can have refusal without subversion. Take the most obvious example, 'born this way' activism, which actively seeks to entrench the supposed naturalness of gender, sex and desire. One might refuse the norm that men ought to be attracted to women, but that refusal, if accompanied by the claim that 'men being attracted to men is natural too' is certainly not a subversion, as defined above.

2 – Prosser's Critiques

There is much to like about Butler's theory. It avoids the worries raised by anti-essentialist critiques of gender, and opens up avenues for political action against a gender and sexual order by showing that what was supposedly natural, inevitable, was always already constructed and contingent. Moreover, Butler's work has proven useful to many members of the trans community, providing a theoretical basis for much of queer theory. However, whilst many trans people have found her work inspiring or useful, it has not gone without criticism. Many transsexual people have worried about Butler's methodology,[92] her denial of authentic gender identity, and her failure to adequately account for the phenomenology of gender.

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[91] This is not to deny that Butler herself performs refusal in a number of ways, nor to deny her lesbian identity. I merely wish to focus on her act of writing of a book.

[92] These worries are most forcefully put forward in Namaste (2000), though I will not explore them at length here.

2.1 – Materiality

Jay Prosser, in *Second Skins*, begins from transsexual autobiography and analyses the phenomenology of being transsexual, with a view to undermining the assumed neat fit between trans people and queer theory. According to Prosser, queer theory, as exemplified in the work of Judith Butler and Eve Kosofsky Sedgwick, treats the transgender subject as a neat trope that upsets the supposedly natural binaries of heterosexual society, and exemplifies radical political action by subverting those binaries. Transsexuality, then, according to Prosser, is assumed to be a happy fit with queer theory, but in fact the opposite is the case:[93]

> "There is much about transsexuality that is irreconcilable to queer [here signifying Butler's theory of gender]: the specificity of transsexual experience; the importance of flesh to self; the difference between sex and gender identity; the desire to pass as "real-ly-gendered" in the world without trouble; perhaps above all... a particular experience of the body that can't simply transcend (or transubstantiate) the literal" (Prosser 1998 59).

I take it that there are several aspects of Prosser's critique here, one centred around the importance of the body and the change of that body to transsexual people. How does this aspect of the critique purport to function? Prosser suggests that Butler takes the body to be a performative construct, and therefore immaterial. This causes problems given that Prosser defines transsexuality in material terms, as a nostalgic desire for a physical body that never existed, but should have (Prosser 1998 84). If a body is immaterial, asks Prosser, where does that leave the transsexual woman who desires a (for example) surgical change? To desire a physical, material body, we might think, is ultimately a foolish, misguided enterprise, were the body not material. As Prosser puts it, "if the body were but a costume, consider: why the life quest to alter its contours?" (Prosser 1998 67). Thus, if Prosser is right, the demands of transsexual people are irrational on Butler's account – a transphobic claim that we should not lightly endorse.

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[93] The reader might ask about the sudden use of 'transsexual', when throughout the thesis I have been using 'transgender'. Underlying this choice is partly a historical debate within the trans community, between those broadly sympathetic to queer theory and those broadly concerned to stress the importance of bodily transition. Today, whilst this debate has not entirely disappeared, and with the usual disclaimers about the contestation of such terms and a reticence to apply them to any individual who does not embrace them, we might think that *transsexual* might be best construed as a category that includes all trans men and women who have undergone, or wish to undergo, surgical procedures and hormonal treatments in order to combat gender dysphoria, whilst *transgender* might be best construed as a broader umbrella category, including both transsexual individuals and other trans people. Thus whilst throughout I have been talking about the broad category, here, in order to follow Prosser, I turn to transsexual experience.

Butler tries to come to terms with this aspect of Prosser's critique in *Bodies that Matter*. It is unclear exactly what her response is there. At first it appears to be a simple affirmation of the materiality of the body – with the additional claim that materiality itself is an effect of power and therefore constructed (Butler 1993 2). This is a rather radical constructivist position, amounting to a global constructivism, denying that there is a prediscursive material world. This move allows that one can rationally desire a material change to a material body, whilst also maintaining a commitment to the performative construction of the body. Later however, Butler suggests that materiality is not "simply and only a linguistic effect" (Butler 1993 30). Exactly what Butler means here, I struggle to follow.

One way we might respond to this problem, departing from Butler's thought, is to suggest that the *gendered* body is performative, and whilst the gendered body has "no ontological status apart from the various acts which constitute its reality" (Butler 1999 185), this does not imply that the body itself is constructed, nor that the body itself is immaterial. Rather, the gender (and sex) of the body is what is constructed, and the "fixity of the body, its contours, its movements, will be fully material" (Butler 1993 2).[94] Moreover, the ways in which the body is constructed as gendered are obviously material and in many cases painful practices. The rituals of feminine beauty construct the 'natural woman' – yet this is obviously a set of practices that manipulate, emphasise and obscure a material aspect of reality, with real affective results for those undergoing and partaking in those procedures, and wearing those clothes. In any case, whether we endorse Butler's radical constructivist response, or the moderate constructivist position just developed, we have a response to this aspect of Prosser's critique. Butler, and we in this departure from her thought, does not suggest that the body is unimportant – nor that some practice of manipulating one's flesh, or the absence of such a practice, could not provide relief or suffering. The manipulation of one's body can therefore be a perfectly rational choice.[95]

However, regardless of whether one thinks that this is an adequate response to Prosser's initial argument, I suggest that this entire debate is misguided, as it applies an ameliorative constraint to a descriptive aspect of Butler's theory. Butler's theory of gender often straddles the line between descriptive (broadly construed to include any aspect of the theory that talks about the way the

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[94] This is not to say that the construction of the body as gendered might not also have a causal constructive force on the movements a body is capable of (see e.g. Young 1980) and the shape the body takes – think of the way being forced to wear high heels to work every day changes the shape of a woman's leg musculature. Rather, I am here merely putting forward the suggestion that the body is not constituted, or brought into existence by such practices.

[95] Whatever Butler's eventual position in *Bodies that Matter*, she explicitly rejects reject the position I present in this paragraph, which presumes some unconstructed material body, as limiting a radical global constructivism (Butler 1993 4-12). Having no prior commitments to such a position, I feel unswayed by such arguments. I leave aside discussion of the plausibility of global constructivism here, as it goes beyond the scope of this thesis.

world *is*) and ameliorative in aim (that aspect of the theory that talks about the way the world *ought to be*). However, we can nonetheless distinguish clearly descriptive aspects, which derive from descriptive and conceptual inquiry, such as the *operative* metaphysics of gender as performative construct, and those aspects of her theorising that deal with illusory *manifest* conceptions of gender as natural, from the *ameliorative* political program(s) suggested by Butler, such as using parody to undermine the supposed naturalness of gender. Prosser's argument is that the (social) metaphysics *described* by Butler has morally problematic implications – that transsexual people's desires for bodily modification are irrational, and that therefore transsexual people are irrational. However, criticising Butler for the transphobic implications of what she takes to be the nature of social reality is misguided – it is not as if she is endorsing the current makeup of social reality as providing the target state of an ameliorative program. Criticising a descriptive aspect of a theory requires showing that the theory is descriptively or explanatorily inaccurate. One cannot undermine a descriptive theory by showing that the world described by the theory is morally problematic. The world may just in fact be morally problematic. We will return to the question of whether Butler's descriptive work is satisfactory shortly when we turn to the phenomenological side of Prosser's critique.

2.2 – Destabilisation

Another aspect of Prosser's critique is a worry that insofar as Butler's theory, and queer theory more generally destabilise identity categories, reducing them to the adherence to or deviation from sets of malleable social norms, the position of transsexual men and women, who seek to be treated as (and indeed see themselves as) authentic and secure (in the sense of not contingent or marginal) members of the categories men and women becomes rather tenuous. We cannot escape this criticism simply by arguing that this as an ameliorative critique of a descriptive aspect of Butler's theory, as Butler *encourages* such destabilisation of categories as a part of her political program, via subversion and parody. Butler, Prosser claims, is denying transsexual people the possibility of passing as "real-ly gendered" without trouble.

An initial response to this problem is to dismiss it on the grounds that, were Butler right, *all* people's genders become tenuous, contingent constructions. Further, the political program Butler endorses is precisely aimed at undermining the perceived naturalness of straight cis identities. This destabilisation is therefore not a problem specifically for transsexual folks, because all ought to recognise that no gender is natural, and that they are rather mere performative constructions. However, this response alone will fail to adequately address the concerns of theorists like Prosser, who will point out that the position of transsexuals in society is a precarious one. The *presumed* naturalness of cisgender identities means that cisgender people are not reliant on arguments for

the naturalness of their gender identities in order to legitimise their lives in the eyes of society. Transsexual people *need*, so this argument goes, 'born this way' and other naturalising arguments in order to have their gender identities respected by society. Such arguments are undermined by the political program set forth by Butler.

What we can say, however, is that a society that demands legitimisation through arguments based on the naturalness of one's identity is itself an unjust society. We should not need to endorse the idea that one was born some way, or otherwise naturally a member of a given category in order to access surgery or not be misgendered. These provisions should just simply be made on the basis of the moral status of trans people as *people*. As Butler puts it,

> "we may not need the language of innateness or genetics to understand that we are all ethically bound to recognize another person's declared or enacted sense of sex and/or gender. We do not have to agree upon the "origins" of that sense of self to agree that it is ethically obligatory to support and recognize sexed and gendered modes of being that are crucial to a person's well-being." (Butler, quoted in Williams 2017).

Whilst 'born this way' and equivalent arguments from the naturalness of gender might be pragmatically useful, they represent necessary evils in societies that mistakenly take gender to be natural. Whilst positions that undermine the naturalness of gender, such as Butler's, undermine useful arguments based on that naturalness, they also undermine the very conditions that made those arguments necessary in the first place. Butler is opposed to the very societies that require the appearance of naturalness. What this comes down to, then, is a question of political tactics. The Prosserian relies on a set of arguments that use several of the problematic assumptions of society as it stands, whilst the Butlerian rejects even endorsing those assumptions, even for pragmatic purposes.

Whether or not the Butlerian tactics are more or less successful in enacting change in the social world than the Prosserian's is a question I do not have the space or the means to answer here. The Butlerian seems to have a larger task on their hands, requiring a rejection of many of society's assumed requirements for legitimate identity. Nonetheless, I should not like to rule out the possibility of such a program's success *a priori*. Indeed, were we to think that such a change were impossible, this would be a profoundly pessimistic position on the possibility of radical social change. I am therefore somewhat sceptical that we can take this aspect of Prosser's critique to undermine Butler's story.

<u>2.3 – Phenomenology</u>

Perhaps the most critical aspect of Prosser's critique, however, comes in its final clause – Butler's theory, according to Prosser, is simply descriptively inaccurate. It cannot account for "a particular experience of the body" particular to transsexual people (Prosser 1998 59). This criticism, that Butlerian theories of gender cannot capture the phenomenology of trans experience, is mirrored elsewhere. Critiquing the discursive approach taken by Foucault and Hausman (which Butler similarly endorses), Henry Rubin writes, "[the discursive approach] demands abandoning the phenomenology of embodied experience, invalidating the categories through which the subject makes sense of its own experience" (Rubin 1998 265).

The particular kinds of experience that these authors are concerned with is, in part, a distinctively transsexual one. Rubin argues that a part of the transsexual experience is a sense of an internal essence, which determines the gender that a person really is. Similarly, Prosser suggests an internal 'sense' of one's gender, that is at odds with one's body that "transsexuals continue to deploy the image of wrong embodiment because being trapped in the wrong body is simply what transsexuality feels like" (Prosser 1998 69). Meanwhile, Julia Serano, drawing from her own personal phenomenology, points to a 'subconscious sex', which constitutes the intrinsic gender that one feels oneself to be and is in dissonance with one's body (Serano 2016 78). Following Serano, let us call the two features of transsexual phenomenology raised by these authors 'subconscious sex' and 'gender dissonance' respectively: [96]

> *Subconscious Sex*: The internal sense of how one's body should be, *qua* gender and sex.

> *Gender Dissonance*: The feeling of a mismatch between one's subconscious sex and one's actual body.[97]

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[96] Given that Serano argues that everyone has a subconscious sex, why should we treat it as a distinctively transsexual phenomenon? Note that for cissexual (non-transsexual) people, it rarely enters into their phenomenology, as such individuals never experience gender dissonance:
> "Many cissexual people seem to have a hard time accepting the idea that they too have a subconscious sex – a deep-rooted understanding of what sex their bodies should be. I suppose that when a person feels right in the sex they were born into, they are never forced to locate or question their subconscious sex, to differentiate it from their physical sex. In other words, their subconscious sex exists, but it is hidden from view. They have a blind spot" (Serano 2016 87).

Given that subconscious sex, according to Serano, does not enter into non-transsexual phenomenology (at least for the most part) we should be happy to treat *the phenomenology of* subconscious sex as a distinctively transsexual experience.

[97] The theorising of subconscious sex and gender dissonance varies slightly between Rubin, Prosser and Serano. Rubin relies on Satrean phenomenology, whilst Prosser relies on a theory based on bodily agnosia and nostalgia for something that never was, and Serano opts for a more biologistic approach. Nonetheless, all agree that these features of transsexual phenomenology need explaining. One thing to note here is the productivity of close description of

Why might we think that Butler's theory is unable to capture these phenomenological aspects of transsexuality? Prosser's argument here is a little unclear, and Rubin does not attend to the details of Butler's position. However, drawing on the spirit of their positions, we simply suggest that Butler's descriptive theory, which conceives of sex and gender as constructed through speech acts, performativity and prolepsis, does not have the resources to explain and account for the rich internal phenomenology associated with subconscious sex and gender dissonance. After all, it does not seem as if any speech act is going to be able to construct a subconscious sex identification, exercitive or otherwise. So too, one struggles to see how the repeated stylised performances that constitute gender through performativity could account for subconscious sex. Further, the argument might go, proleptic mechanisms aren't going to be able to deliver a subconscious sex identity. Given that Butler's descriptive picture cannot account for subconscious sex, it simply is not going to be able to give us gender dissonance either, as gender dissonance relies on subconscious sex. Further, we might add, Butler herself openly distances herself from any endorsement of an authentic, inner subconscious sex. She famously writes that there "is no gender identity behind the expressions of gender; that identity is performatively constituted by the very "expressions" that are said to be its results" (Butler 1999 34). She further uses a methodology that "refuses to search for the origins of gender, the inner truth of female desire, a genuine or authentic sexual identity that repression has kept from view" (Butler 1999 xxxi). Butler's theory, then, does not and cannot account for distinctive features of transsexual phenomenology and is therefore descriptively inadequate.

One might respond that proleptic mechanisms could institute a subconscious sex identity. After all, we might think that the internalisation of norms resulting from being treated as subject to those norms could result in an inner sense of one's sex and gender identity, albeit one that is socially constructed. Indeed, we saw that proleptic mechanisms could precisely create the illusion of a natural gender identity. However, whilst this might work as an account of cissexual subconscious sex identities, with respect to *transsexual* subconscious sex identities, it seems hard to see how exactly the proleptic mechanism is going to work. Take a person assigned female at birth, but whom will later in life come out as a transsexual man. Under most circumstances in our current society, the norms that he will be treated as subject to whilst growing up will be the norms associated with girls and women. Thus, if it functions at all, prior to coming out, the proleptic mechanism at work here would function to instil a female gender identity in our young transsexual man. Not being treated as a man, no proleptic mechanism can be invoked to explain why our

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one's experience – which has produced new concepts (in this case, subconscious sex and gender dissonance). We shall return to this insight in the last chapter of the thesis.

transsexual man would have the phenomenology associated with a male subconscious sex, or indeed gender dissonance.

Might performativity provide the necessary resources? One could plausibly suggest that the process of naturalization, creating the illusion of an internal gendered nature, might be enough to ground a phenomenological experience of subconscious sex or gender dissonance. However, in the case of transsexual people, the experience of a subconscious sex and gender dissonance generally *precedes* a decision to begin living openly as a member of a gender that one was not assigned at birth and the process of transition. Indeed, it often motivates that transition. But note that the only way in which performativity could plausibly construct an illusion of an internal gendered core is via the individual consistently, though not perfectly, acting in such a way as to follow or come close to following the scripts in $S_{w1}...S_{wn}$ (or $S_m...S_{mn}$, if one is a man). Prior to beginning to live openly as a member of a gender that one was not assigned at birth, one is not performing many acts that could be construed as coming close to following those scripts. Thus an explanation of transsexual phenomenology in terms of performativity simply will not do.[98]

It seems, therefore, that Butler's theory is descriptively unsatisfying. It cannot explain why transsexual people experience their subconscious sex, nor why they feel gender dissonance. In the case of cissexual people, Butler can, if required, appeal to an error theory: prolepsis and performativity sediment to create the illusion of an internal sense of one's gender. However, in transsexual people, even that error theory is unavailable, for the reasons sketched above – the mechanisms of prolepsis and performativity would simply, if they were to work at all, predict that transsexual men form and experience a subconscious female sex identity, transsexual women form and experience a subconscious male identity. As such, they would not experience gender dissonance prior to transition according to this theory. Yet this is precisely not what is experienced by transsexual men and women.

Unable to explain certain features of transsexual phenomenology, Butler's position is at best descriptively incomplete as a theory, and at worst, terribly misguided. Given that Butler's radical constructionist position limits the range of plausible additions to the theory, which might increase its explanatory power, we might think that, even if we can gain useful insights about particular constructive mechanisms (such as exercitive speech acts, prolepsis and performativity) and political tactics (such as refusal and subversion), the broader picture will not do.

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[98] Note that even allowing for Butler's mechanisms to fail to generate identifications on occasion will not explain transsexual phenomenology, even if this might be used to explain agender phenomenology! See Chapter Seven for more on agender phenomenology.

3 – Anti-Structuralism

We saw earlier that an attempt to model the gender category *woman* using a single set of norms S_w was insufficient, given that the norms that are applicable to women are going to vary depending on the context and intersecting identities of the woman in question. Better, I suggested, to use a series of sets $S_{w1}...S_{wn}$. Can we say anything systematic about how the sets $S_{w1}...S_{wn}$ are linked? What unites them as the regulatory schemas that construct subjects *as women*? What makes $S_{w1}...S_{wn}$ the 'woman norms' and $S_{m1}...S_{mn}$ the 'man norms'? One cannot, on pain of circularity, simply say that $S_{w1}...S_{wn}$ are just those norms that are those norms that apply to women, given that (at least for Butler) the norms themselves define who is and is not a woman. Butler's response to this problem is to suggest that whilst we can, following Foucault, offer a genealogy of the category, we cannot say anything systematic about the structure of the category of woman. Thus, we cannot say anything systematic about how $S_{w1}...S_{wn}$ are linked, or what unifies them as the norms that construct subjects *as women*, rather than as men. Whilst Corvino and Hale think that the category woman has a cluster structure, and Heyes thinks that the category woman has an overlapping family resemblance structure, Butler would deny that we can say that gender categories have such a unifying logical structure. Moreover, says Butler, we *should* not:

> "Is the construction of the category of women as a coherent and stable subject an unwitting regulation and reification of gender relations? And is not such a reification precisely contrary to feminist aims?" (Butler 1999 7).

How should we make sense of these claims? I suggest that there are at least three interpretations of this, the *anti-structuralist* position:

> *Metaphysical Anti-Structuralism* (MAS): The category *woman* does not have a unifying structure.

> *Epistemic Anti-Structuralism* (EAS): We do not have epistemic access to unifying structure of the category *woman* (if it has one).

> *Ameliorative Anti-Structuralism* (AAS): In putting forward a target concept or concepts for the category *woman,* we ought not to stipulate or give a unifying structure for that category.

In the following subsections, I consider each reading in turn.

3.1 – Anti-Structuralism – Metaphysical

All of MAS, EAS and AAS can be given a synchronic or diachronic spin. That is, the category *woman* might have a unifying structure (say, a family resemblance structure) at a given time, but that given radical change in the social world, the category might not have a stable structure over time. If this were the case, then we ought to reject synchronic MAS, and endorse diachronic MAS. Charles Taylor appears to endorse something like this with regards to many features of the social world:

> "The success of prediction in the natural sciences is bound up with the fact that all
> states of the system, past and future, can be described in the same range of concepts,
> as values, say, of the same variables... This conceptual unity is vitiated in the sciences
> of man by the fact of conceptual innovation which in turn alters human reality."
> (Taylor 1971 49).[99]

Thus whilst a given category might be structured over a short period of time as human conceptual apparatus remains relatively stable, given conceptual change (and hence, for Taylor, change in social reality), giving a unified structure across for a social category across a large time period looks impossible.

However, this kind of diachronic conceptual instability, which Ron Mallon has called 'Taylor Instability' (Mallon 2016 165), is not enough to ground diachronic MAS. Suppose that one were to undertake a descriptive inquiry into the race concept *black*. Supposing the falsity of synchronic MAS for the moment, we might think that we can offer several unifying structures, each for differing time periods, each of which accurately captures the structure of *black* at a given time. If this is possible, then we can offer a nice unifying picture of the concept *black* through time by offering a structure that unites the various structures we have at different times. Here is a toy model that relies on a disjunctive structure:

> X is 'black' iff it is between t_1 and t_2 and X has at least one ancestor of African
> ancestry,[100] or it is between t_2 and t_3 and X is a member of a culture that is related

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[99] Whilst this may look like an endorsement of diachronic *EAS*, not MAS, it is in fact an endorsement of both. Note that for Taylor, social reality is mutually dependent with the conceptual apparatus used in the accurate description of a society:

> "…what this points up is the artificiality of the distinction between social reality and the language of
> description of that social reality. The language is constitutive of the reality, is essential to its being
> the kind of reality it is. To separate the two and distinguish them as we quite rightly distinguish the
> heavens from our theories about them is forever to miss the point." (Taylor 1971 24).

[100] For more on the so-called 'one drop rule' see Jordan (2014).

to one of the cultures of Africa,[101] or it is between t_3 and t_4 and X is treated as a subperson for lacking a set of features associated with Whiteness.[102]

Of course, this is merely a toy model, and does not capture the actual variety of conceptions of race, and variance in adoption of those conceptions. However, I take it that this is can simply be overcome by increasing the complexity and number of disjuncts in the definition. Thus, supposing the falsity of synchronic MAS (which I will turn to now), diachronic MAS looks implausible.[103]

Diachronic MAS, then, looks to be a non-starter, unless synchronic MAS is on the cards. Omi and Winant argue for both synchronic and diachronic MAS about race in their magisterial *Racial Formation in the United States*. They understand "race as an unstable and "decentered" complex of social meanings constantly being transformed by political struggle" (Omi and Winant 2015 110). Pointing to *conflicts* between a variety of biologistic, social constructionist, and phenotypic accounts of racial categories, they contend that race is "arbitrary" (Omi and Winant 2015 111), "nebulous", "indeterminate", "flexible" and "susceptible to strategic manipulation" (Omi and Winant 2015 112).

However, again, I suggest that even if we think that this is the correct characterisation of racial categories, this is not enough to ground MAS. The very fact that there are multiple and conflicting conceptions of a given social category does not entail that that category fails to have a unifying structure. Again, we can simply specify a disjunctive structure for the category.

3.2 – Anti-Structuralism – Epistemic

EAS, however, appears to be a more promising prospect. Note that in discussing MAS, I only offered a toy model of the category 'black' – I did not, and the defender of EAS would say *could not*, offer anything more than an approximation of the underlying structure of the category. How might one argue for such a position? Mallon suggests that we turn to Taylor Instability. The argument would run something like this:

A1. Gender is a part of the social world.
A2. The social world is partly constituted by our concepts and conceptions.
A3. Therefore, the social world changes when our relevant concepts and conceptions change.

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[101] See Omi and Winant on Ethnicity Theory (2015, 21-51).
[102] See Charles Mills' *The Racial Contract* (1997).
[103] Might one defend MAS by denying the reality of disjunctive properties, *a la* Armstrong (Armstrong 1978, see also Audi 2013)? Perhaps, but note that Armstrong's position is far from uncontroversial (see Antony 2003), and the defender of MAS also needs to reject the possibility of gender kinds having an underlying resemblance structure.

A4. Our concepts and conceptions are changing constantly.

A5. Therefore, the social world is changing constantly.

A6. Therefore, we will never be able to offer a satisfactory model of the social world at the current time, even if we can model the past.

A7. Therefore, we will never be able to model gender as it is at the current time.

A couple of notes about this argument: first, it is clearly limited in scope – as it says that we ought to endorse EAS only concerning the present and recent past. Sufficiently detailed investigation could, I suggest, perfectly well reveal the unifying structure of a gender category, at least as it was in the past, even if such an inquiry takes time to complete. Second, one might object that, whilst the social world as a whole changes as our concepts and conceptions change, genders may remain relatively stable. That said, I am sceptical of the claim that this objection is premised upon, given the centrality of gender to the social world, and the way it is interconnected with all aspects of social life.[104] Even if one accepts that claim, however, a stronger version of the argument can be produced that makes reference to the very act of trying to produce a model of gender that undermines EAS:

B1. Gender categories are partly constituted by our concepts and conceptions.

B2. Therefore, gender categories change when our relevant concepts and conceptions change.

B3. Due to looping effects, the act of theorising about gender changes our relevant concepts and conceptions.

B4. Therefore, we will never be able to offer a satisfactory model of a given gender category at the current time.

Mallon's response to these arguments is to suggest that A4 and B3 are somewhat misleading. He argues that whilst there is conceptual change, and that looping effects do occur, there are stabilising mechanisms that slow the rate of change, such that knowledge of the current social world is possible. Mallon offers four reasons to think that there are such mechanisms:

Intentional Action: Game theory demonstrates that intentional mechanisms can give rise to stable regularities, such as Nash Equilibria. Thus if categories could emerge that result in Nash equilibria, such that no actor could deviate from the use

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[104] See Witt 2011 Chapter 4. Note that one need not accept that gender is *the* mega social role in order to accept that it shapes and is shaped by all aspects of the social world.

of those categories without being worse off, "then stable regularities could result from the rational, intentional choices of the persons involved" (Mallon 2016 176).

Response: There are several reasons to be sceptical. First, Mallon does not give an example of what a Nash Equilibrium state might look like in this context. Second, even if rational choice on the part of persons involved *can* lead to such equilibria, there is no guarantee that actual humans will be rational (in the sense of maximising outcomes). Third, rationality, in the case of human categories, might actually demand opposition to category stability, even if it leaves the individual at a given time worse off. An individual resisting the treatment of black people as subpersons (see Mills 1997) might result in that individual being killed by racist police forces – but nonetheless, it may well be what is rational from the long-term perspective of the well-being of black people.

Environmental Construction: The categories of social reality guide changes to the environment in which humans find themselves. This structuring of the environment is long lasting, and itself feeds back into the categories that form the social world. Thus "we find cities marked by sometimes very sharp residential segregation by race, segregation that also tracks other socio-economic variables like wealth, income and education levels... to the extent that a category is so sustained, we ought to expect it to be stabilized by its connections with the material environment over long periods of time" (Mallon 2016 176).

Response: I suspect that this is largely correct – conceptual change will be constrained by material and environmental conditions. However, note the limited scope of such constraint – not only does environmental construction only partially construct social categories, the material and environmental conditions are themselves highly volatile, and the conditions are themselves going to vary greatly geographically.

Broad Evolutionary Consideration: Why does the system of social roles (a social order) exist at all? Mallon asserts that these social orders "exist at a time because they represent the ongoing effort by groups of humans to adapt themselves to the natural and human environments around them. Given this functional role, the need for some social ordering with at least spatio-temporally local stability becomes compelling." (Mallon 2016 177-8).

Response: Note again the limited scope of this stability – even if this argument is successful, it will not establish the stability of the unifying structure of a social category like *woman* that has members in a number of spatio-temporal locations. Furthermore, even if Mallon is correct that that social orders, "represent the ongoing effort by groups of humans to adapt themselves to the natural and human environments around them" (Mallon 2016 177-8), the adaptation of the social order to deal with these environments *itself instantiates a new human environment*, thus being an example of looping effects. Thus, this consideration actually supports the instability, rather than the stability of human categories.

Tribal Instincts for Social Roles: Mallon draws an implicit moral from the evolutionary psychology literature (though he has no direct citation in evidence of this claim): humans "have an other-things-equal disposition to acquire and conform to local norms, perhaps enacting local, culturally given social roles...conforming to a role arrangement will in many case be more locally worthwhile than opting out of a social arrangement all together. This has perhaps been *more* true throughout human evolutionary history than today; it is easy to imagine that ancestral human societies took a dim view of nonconformists. It follows from this line of thinking that those who were better able to reap the advantages of group life would have been favoured by natural selection, and that these selection pressures may have shaped human psychology in important ways." (Mallon 2016 178-9).

Response: I suggest that these evolutionary claims are little more than speculation. Whilst it may be easy to imagine early human societies as taking a dim view of nonconformism, I suggest that this ease is a function of the pervasiveness of the image of the brutish caveman in the cultural imaginary, rather than any reflection of reality. This said, that there are normative forces within society (not least, Butler would say, the heterosexual matrix) that function to discipline individuals into becoming members of certain categories is quite uncontroversial – one need not do speculative evolutionary psychology in order to reach this conclusion, rather, one should just look at the disciplinary practices that operate within one's own society. Suppose, then, that one buys into the notion of the heterosexual matrix – is this enough to stabilise the unifying structure of gender categories? Butler clearly thinks that, whilst it may place some constraints on the norms that can form a part of $S_{w1}...S_{wn}$, it does not stabilise the gender category such that we can say anything about the unifying structure of the category as a whole.

It would seem, then, that we only have reason to think that environmental construction and conservative normative constraints, such as the heterosexual matrix, offer any kind of successful stabilising mechanisms on the pace of change of the structure of social categories. Even then, their influence is limited in scope: environmental construction only partially constructs human categories, and the environment itself is changeable,[105] meanwhile, conservative normative constraints, even as they add some stability to human categories, themselves create space for deviancy and change as Butler quite rightly notes. Therefore we ought to take A4 and B3 seriously as implying significant rates of change in categories, obstructing knowledge of those categories, and therefore of those categories' structures. EAS, therefore, at least about the present and recent past, looks plausible.

Should endorsing this temporally restricted form of EAS (call it *present EAS*, or *PEAS*) give us cause for concern? One might think that this violates the social scientific constraint set out in Chapter One: Any theory of gender that we construct must be useful to, or at least minimally *not oppose or obstruct* work in the social sciences. A theory of gender that endorses PEAS, the argument might run, will obstruct work in the social sciences, as its defenders will oppose research into the current social order, as such theorists will argue that knowledge of the current structure of gender is impossible. However, this argument attributes to the defenders of PEAS theories of gender certain actions, which need not be endorsed or undertaken by those theorists. One might, for instance, endorse PEAS about gender, but stay silent in the face of those who would attempt to research the actual social world. Moreover, PEAS is correct independent of the theory of gender one endorses, thus it is not the theory of gender that violates the social scientific constraint – it is rather a feature of the world that obstructs social scientific research!

Where there appears to be a conflict between the Social Scientific Constraint and PEAS is in the question of prediction and domain specification. Suppose that one thinks that PEAS holds, but that one wants to predict whether women's participation in contact sports will increase or decrease over the coming year. Given that one does not have epistemic access to the structure of the gender category, one will not be able to determine the extension of that category. If one cannot determine the extension of the category *woman* then one cannot determine whose participation to count in assessing the rate of *women's* participation in sport.[106] Given that one cannot know the current extension of the gender category, it seems hard to see how one might begin to offer a prediction

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[105] In part as a response to human action – the anthropocene being perhaps the most dramatic example, but note also the influence of the built environment on human social categories.

[106] In the next chapter we will see a way of specifying an extension for the category *woman* independent of knowledge of the structure of the category – thus I suggest that EAS is not entirely incompatible with the social scientific constraint in this regard.

of the change of rate of participation on the part of the members of that category.[107] This said, in the next chapter we will encounter what I call *the epistemic upshot*, which can simply be endorsed to avoid this problem altogether, by giving us excellent grounds for beliefs about the extensions of gender categories.

3.3 – Anti-Structuralism – Ameliorative

AAS appears to be what Butler is talking about when she calls for a "radical proliferation of gender" (Butler 1999 203) that does not foreclose divergent ways of living gender. It also appears when she asks whether "the construction of the category of women as a coherent and stable subject an unwitting regulation and reification of gender relations? And is not such a reification precisely contrary to feminist aims?" (Butler 1999 7). Why might one endorse AAS?

We might take heed from Butler's warnings here. First, that by setting out a category with a clear set of boundaries, or an underlying logical structure, we may foreclose the possibilities of living gender in ways that we simply have not foreseen or accounted for. Second, that a stable logical structure for a gender category might reify gender and undermine feminist politics.

The first of these concerns is broadly similar to some of the concerns that motivated anti-essentialism more generally. However, note that there are examples of structuralist anti-essentialists who deliberately leave their target concept of *woman* open-ended, even if it has an underlying structure. Take Heyes' family resemblance analysis of *woman* discussed in the previous chapter – for Heyes, despite it having an underlying logical structure, the concept of *woman* is nonetheless open to new ways of living womanhood, given that the set W is indefinite in size and may include and exclude new elements $w_1...w_n$ as time moves on. Further, it seems hard to see how the *structure itself*, when described so inclusively as Heyes' structure is, is going to foreclose the possibility of living gender in ways that we have not foreseen.

Nonetheless, the defender of AAS can suggest here that because the new ways of living gender that we are worried about here *are precisely* unforeseen, and unaccounted for, we cannot say whether the proposed structure would foreclose those possibilities. Indeed, they might add, it is precisely the logical structure of Heyes' account, involving discrete membership conditions, which foreclosed the possibility of accounting for demigender identities. As open ended as Heyes' account was, it could not account for a new way of living gender that was to arise in the years after the account was developed. Specifying a logical structure for our target concept, then, is

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[107] This said, some have suggested that the social sciences are not in the business of prediction, (see Taylor 1971) and as such, that this objection misses the target. However, I take it that even if one is sceptical about the predictive power of the social sciences, concerns regarding the failure to pick out a domain remain valid.

undesirable, given that we do not wish to rule out in advance different and radically new ways of living gender.

The second of these concerns, that specifying in advance a structure for the category woman *reifies* gender and therefore undermines feminist politics is a little less convincing. The argument might run something like this:

R1. Feminist politics requires that we undermine the supposed 'naturalness' of gender categories.

R2. Positing an underlying structure to gender categories reifies those categories.

R3. Reification makes that which is constructed or illusory appear natural.

R4. Therefore, positing an underlying structure to gender categories makes those categories appear natural.

R5. Therefore, positing an underlying structure to gender categories is contrary to feminist politics.

R1 relies on the acceptance of the (widely endorsed) claims discussed above regarding Butler's positive program: that gender is constructed, that it is thought to be natural and that the current gender system can and ought to be undermined by revealing its constructedness. R2 is grounded in the idea that any underlying structure for a gender category emphasises that categories' permanence, and therefore its naturalness. R3 is simply what reification does.

However, this argument simply will not work, as R2, at least in the context of a defence of AAS, is false. AAS is a claim about the *target* concept(s) that we ought to adopt with respect to gender categories in the context of ameliorative inquiry. It seems hard to see how any aspect of an obviously constructed target concept could ever reify gender, at least insofar as the target concept is not one of the operative or manifest concepts currently in use. Ameliorative inquiry is, at least in our current political circumstances, an inquiry that aims to upend our current gender concepts, thus the newly proposed gender concepts (with their associated structures) simply cannot reify the current gender categories.[108]

This denial of R2 is only applicable to certain ameliorative projects, however. Indeed, if we think that R2 is true for either the descriptive or manifest concepts at issue, this gives us a somewhat astonishing conclusion. Suppose for a moment, that a given ameliorative project, aimed at making some target concept C the operative and manifest concept of some society S, was successful. If C

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[108] Note that this is only true for positive critique (see Chapter One). R1-R5 should, however, give pause to those engaging in negative critique, such as Haslanger (especially in her early work such as Haslanger 2000).

is the manifest and operative concept of S, then advocating for the continued use of C with its attendant logical structures in S looks like it is going to reify that category, as that advocacy seeks, not to overthrow S's manifest and operative concepts of gender, but to reinforce them. This gives us the surprising conclusion that any successful ameliorative program that makes its target concept widely accepted ought no longer to endorse that concept as a target concept for its ameliorative project.[109]

4 – Concluding Remarks

What ought we to draw from the above consideration of Judith Butler's thought, along with anti-structuralism in more general terms? Descriptively, Butler's theory fails to capture the phenomenology of transsexual life and embodiment. However, as a positive program, Butler's work provides us with three important features for incorporation into an ameliorative political program. Two of these are political tactics, *refusal* and *subversion*, which, I suggest, can be separated from her particular description of the social ontology of gender, and provide ways of undermining entrenched gender systems, whatever their underlying metaphysics. The third is *AAS*, which I suggested as a methodological constraint upon ameliorative theorising. An objection arises here: how can we do ameliorative inquiry without providing a logical structure for gender categories? Surely, in putting forward a target concept, one, at least implicitly, stipulates the underlying structure that one thinks that the gender category ought to have? By way of an answer to this puzzle, examples of such theorising will be outlined in what follows. For the moment, I turn to an account that avoids this and other problems by deflating gender.

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[109] How ought one to act were one placed in this particular situation? I suggest that there are, broadly speaking, two options. One might give up the ameliorative program, perhaps on the grounds that the gender concepts in S are those best suited to feminist political aims, and that therefore one's work is done (in a sense this may be seen as a rejection of R1 in this particular context). Or, one might think that this was just the next step in a continued disruption of gender categories – adopting a new target concept and starting up the ameliorative program once more.

Chapter Four

Deflationary Theories of Gender: Extensional Intuitions and Self-Identification

1 – Introduction

Mari Mikkola's recent (2016) book *The Wrong of Injustice* puts forward a deflationary conception of gender. In this chapter I give reasons to be sceptical about both Mikkola's proposal and any future deflationary projects. After arguing against Mikkola's account I develop a taxonomy of potential deflationary accounts based on what I take to be the most promising criterion for determining the extension of gender terms available to the deflationist – self-identification. I then argue that even these, purportedly the most promising deflationary accounts, are untenable as accounts of gender. However, I suggest that despite the failure of such accounts, we can draw a useful lesson from discussing them: *The Epistemic Upshot*, a claim about the reasons provided by self-identifications. I end with some arguments against semantic quietism about gender, and conclude that therefore we have even more reason to reject Mikkola's account and that even the epistemic version of self-identification deflationism that escaped my earlier metaphysical arguments will not do as an account of gender.

2 – Semantic Deflationism about Gender

Dissatisfied with the entire project of giving a rich, or thick, semantic account of gender terms, and sceptical about the political value of such a project, Mikkola seeks to dissolve the issue by offering a deflationary account of gender. Mikkola helpfully points out a distinction between on the one hand knowing "what it is to be a woman", or a gender term's content, and on the other knowing when to apply the term woman, or a gender term's deployment. It is quite possible, she remarks, for us to successfully be able to apply the term 'woman' and use it to correctly pick out a certain category of individuals, an extension, without us being able to give an account of the content, or intension of the term (Mikkola 2016 106).[110] As she writes:

> "With respect to 'woman', it seems intuitively easy to apply the term, but hard to account
> for its application (or to state some conditions for being a woman). Reflecting on this
> common phenomenon in language use suggests that intuitions about gender terminology
> have two distinct, although not un-related, functions: they guide gender terms'

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[110] At least, given the truth of semantic externalism. Take the term 'water'. It is possible to use the term 'water' to correctly pick out the extension of the term without knowing that the reference of the term is determined by the intension "liquid largely comprised of molecules of H_2O".

deployment and provide insight into gender concepts' content. I will call these "extensional" and "semantic" functions, respectively." (Mikkola 2016 106).

Mikkola's rejection of the project of giving a thick semantics for gender terms leads to a quietism about the semantics of gender.[111] Nonetheless, despite Mikkola's deflationary position, she still thinks that gender terms can be the subject of philosophical scrutiny and be used in feminist political activism:

> "Very roughly: although I agree with other feminist philosophers that ordinary language users' semantic intuitions [that is, intuitions about the content of] woman are unhelpful, I hold that their extensional intuitions [that is, intuitions about the deployment of woman] are not so unhelpful. And this enables feminists to pick out women's type and refer to women." (Mikkola 2016 106).

Thus for Mikkola, all we need are the intuitions[112] of ordinary people about who is and is not a member of the category woman in order to do feminist politics. Using these extensional intuitions, we can make substantive claims about, for example, the proportion of intimate partner violence directed at women. According to Mikkola, we do not need a substantive notion of what it is to be a woman or man. Indeed, any inquiry into the content of gender terms is a waste of time – as shown by the failure of the past 70 years of feminist theory on the topic, which Mikkola thinks has simply failed in the task of producing a rich conception of the intension of gender terms. Instead, we ought to get on with feminist activism based on this deflationary conception of gender.

Note that Mikkola's position is not the only one available in the local logical space. For Mikkola, extensional intuitions perform an epistemic role, allowing us access to the extension of the term 'woman' and other gender terms. However, we might think that a stronger claim is available: that extensional intuitions make it such that the extension of gender terms includes the individuals they pick out as members and excludes those who do not. It seems hard to make this latter claim plausible – that my disposition to categorise someone as a man makes them a man. However, when I discuss different versions of deflationary theory later in this paper, I take it that this non-epistemic, constitutive interpretation will gain a little plausibility. Relatedly, we might distinguish quietism and minimalism. Mikkola defends quietism about the semantic content of gender terms:

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[111] A note on terminology: here I treat 'deflationism' as an umbrella category including both quietism and minimalism. I use the term 'quietism' to refer to those theories that remain silent on the semantic content or intension of gender terms, and I use the term 'minimalist' here to denote any theory of gender that claims that the content of a gender term is simply the extension of that term.

[112] Mikkola's usage of 'intuition' is somewhat idiosyncratic, given that she adopts the perceptualist account of philosophical intuitions, whereby intuitions are "immediate gut feelings" (Mikkola 2016 107) that some abstract matter is some way. Thus they are predoxastic, and lead to doxastic judgments about abstract matters.

that our extensional intuitions give us access to the extension of gender terms, but that we must remain silent about the content of gender terms. However, one might instead be a minimalist about gender terms and claim that the content of gender terms just is the extensions given by extensional intuitions. I will return to these distinctions later, discussing self-identification versions of deflationary theories of gender.

3 – The Use of Extensional Intuitions Fails to Pick Out a Stable Group

Mikkola's attempt to give a "minimal conception" (Mikkola 2016 107) of gender purely in terms of extensional intuitions faces at least two problems.[113] First, whilst it is true that people find it very easy to ascribe gender to many people, there are many people who others find it difficult to gender, who confound extensional intuitions. Openly queer people, trans people, intersex people, the elderly, babies and others often confound the ease that is often felt in judging the genders of others.[114] If these people cannot be categorised correctly upon being encountered, or indeed cannot be categorised at all, then using extensional intuitions to determine the extensions of gender categories simply will not do. Second, there is often conflict between people over the categorisation of a given individual. There are, for example, members of society, feminists and social scientists included, whose extensional intuitions about the category woman exclude butch women, and there are members of society whose extensional intuitions place butch women within the category woman. It seems then, that a stable conception of woman for usage in political organising or social science cannot be grounded in extensional intuitions, given this variation.

Mikkola suggests that the first problem – people who confound our extensional intuitions – can be solved by resorting to political considerations. Whether or not to count a given person as a member of a given category should, for Mikkola, be grounded in what is demanded by the progressive political project (Mikkola 2016 113-4). Thus, we have a two stage system for determining who should be a member of a gender term's extension: first we consult our extensional intuitions, and ask whether a gender can be ascribed in virtue of those considerations. Second, if the extensional intuitions do not yield a category, we consult political considerations to ask, in virtue of those considerations, which gender this individual should be ascribed. However,

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[113] In this section I just deal with problems for Mikkola's extension-determining mechanism. In Section 7 I turn to criticisms of the other aspect of Mikkola's account – semantic quietism – developed using a more plausible extension-determining mechanism.

[114] Interestingly, Mikkola suggests that it is only some trans and intersex people who confound our extensional intuitions. However, I suspect, as motioned to above, that the category is much larger than she indicates. Given that Mikkola thinks that it is "indicative features" such as "dress codes, roles, social position, hairstyles, makeup, particular behavioral patterns, and self-ascription" that cause us to have our extensional intuitions, there are going to be cases where these features that are epistemically accessible to the agent will fail to give rise to a definite extensional intuition (Mikkola 2016 110). Take, for instance, the stone butch lesbian; the beardless and seemingly androgynous elderly figure; or the baby in their nappy, without the obligatory pink or blue outfit forced over their heads.

take the following example – a trans man who is out to no one, has not begun transitioning, and presents to all those around him as a woman. Here Mikkola's two stage program would never get past stage one – those around our trans man categorise him as a woman[115] as they have extensional intuitions that dispose them to categorise our closeted trans man as a woman. As such, he is a woman, at least according to this version of Mikkola's account. But this seems like the wrong result for anyone concerned, as both Mikkola and I are, with avoiding misgendering trans people.[116] Rather, I suggest, we ought to ascribe the gender in accordance with political considerations first – and only afterwards (if at all) concern ourselves with extensional intuitions. Indeed, it rather seems like the best way of determining our trans man's gender is not by consulting our extensional intuitions, but rather, by consulting him as to how he wishes to identify. If it is the case that we ought to consult our political considerations as to how people ought to be categorised before our extensional intuitions, and our political considerations include features such as consulting people as to which, if any gender category they identify with, and categorising them on the basis of that consultation, I struggle to see the work that the extensional intuition is doing for us. Indeed, we might think that it drops out of the equation entirely as irrelevant.[117]

The second problem, of disagreement between extensional intuitions, is that there are going to be cases of disagreement that cause awkward political consequences, such as failing to fix a group as the subject of feminist political praxis and misgendering trans people. Suppose one has two groups of feminists, both of whom wish to study intimate partner violence against women. The first group of feminists have extensional intuitions that exclude trans women from the extension of the term 'woman', whilst the second have extensional intuitions that include trans women in the extension of 'woman'. Each does research on what they take to be the relevant individuals and each gets different results. Here it seems that Mikkola cannot say that the first group is wrong to misgender trans women, given that they follow her claim that they ought to use their extensional intuitions to pick out the members of the category women. Further, Mikkola has not given us a criterion to

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[115] Whilst he would categorise himself as a man. We will address the problem of disagreement shortly.

[116] As she rightly puts it, "theory of gender that point-blank excludes trans* women from women's social kind is simply unacceptable" (Mikkola 2016 113).

[117] We might suggest that instead of a two-stage process, Mikkola ought to say that political considerations and extensional intuitions taken together ought to determine the extension of gender categories. However, I am puzzled as to how this is to take place. After all, how do we compare or weigh the moral demand that we ought not misgender trans people against a predoxastic "gut feeling" (Mikkola 2016 107)? These look to be so different as to be incomparable. Even if one were able to somehow make an extensional intuition enter into the sphere of rational deliberation it would seem that the weight that we ought to assign the extensional intuition in deliberation is vanishingly small in deliberation when compared to our moral and political concerns. That we should not misgender people, to take a key moral-political concern, ought to outweigh gut feelings, especially given the often extreme harms of misgendering (see Kapusta 2016).

say which group of researchers has picked out the correct group of women on behalf of whom's claims feminist activism is to take place.

Mikkola's response to this problem is to say that not all extensional intuitions are equal:

> "...although I think that ordinary language use matters, this does not mean that only the language use of some "average individual" (who is probably a white, middle-class, heterosexual, cis man) matters. There are many different groups of ordinary speakers, and sometimes we have good political and practical reasons to privilege the language use of some groups over others. Take just a banal case: if we wish to know about the ordinary usage of snow-related terminology, we should not look at ordinary language use of speakers who have no conception of snow. Rather, it would seem more appropriate to consult Finns, Greenlanders, Alaskans, and other northern peoples. This echoes Talia Mae Bettcher's (2013) view that in order to analyze gender concepts, we should not take the dominant cis conceptions as our starting point, but rather privilege resistant trans* conceptions. Subsequently, taking ordinary language use seriously does not entail that all ordinary use should be taken equally seriously. At times, there are good pragmatic grounds to privilege some use over others." (Mikkola 2016 121).

Thus for Mikkola, we should,[118] take the extensional intuitions of trans people as giving us the right categorisation of people into the extensions of gender terms.

However, there are two problems for this response. First, variety within trans communities leads to a divergent set of extensional intuitions, and second, the very act of nonconsensually determining someone's gender for them is gender is often an act of violence, and that as such, any ameliorative project should not take ascription, when it determines the gender that one is, as a desirable aspect of gender.

Much writing within the philosophical tradition has, at least implicitly, suggested that we can speak of a trans community or a trans conception of gender. And as I will try to show shortly, Mikkola's

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[118] It seems hard to see exactly what justifies privileging trans people's extensional intuitions for Mikkola. Bettcher's claim is that we ought to privilege trans resistant conceptions of gender on political grounds, but Mikkola seems to waver between epistemic grounds (as per the analogy to Northern peoples) and pragmatic grounds for privileging trans intuitions. If it is the latter, I am stumped as to the nature of those grounds. If it is the former, then Mikkola faces the task of justifying the claim that trans people have better extensional intuitions (according to what epistemic standard?) than cis people for the deployment of gender terms. Whilst it might be true that trans people are less likely to misgender other trans people than cis people, this is not a straightforwardly epistemic criterion. Indeed, it is perhaps better described as a moral-political criterion. I suspect, therefore, that the best version of Mikkola's position adopts Bettcher's grounds for the privileging of trans extensional intuitions – a political ground. At this point I struggle to see why we need extensional intuitions at all. As per the first problem for Mikkola's account, we might ask, if the extensions are to be determined on political grounds, why not let political considerations guide the extensions of gender terms, rather than going through the extensional intuitions of some group chosen for political reasons?

position relies on a singular trans conception of gender, or trans way of thinking about gender that guides our extensional intuitions. Yet to speak of a singular trans conception of gender is to entirely overlook the conflicts between trans people over the nature of gender along with differing cultural and geographical conceptions of gender.

Take, for instance, the debate between so-called 'transmedicalists' and those who they dismissively regard as 'transtrenders'. 'Transmedicalism' is a broad church, from those who think that the desire for genital surgery is definitive of being trans to those who simply see operations and hormonal treatments as an important aspect of the identities of trans men and trans women. For the purposes of my argument here, let us take the extreme position – that the desire for genital surgery is definitive of trans identities. Such a position is obviously going to (problematically) rule out a variety of trans men and trans women who do not seek out genital surgery, along with a variety of nonbinary identities where such surgery is undesired. Indeed, such transmedicalists invented a pejorative to refer to such nonbinary people: 'transtrenders'.[119] Let us suppose we take an extreme transmedicalist's extensional intuitions and compare them to the extensional intuitions of a nontransmedicalist trans person. There are quite clearly going to be conflicts over the categorisation of individuals – and indeed conflicts over the number of categories that are relevant.[120] On what grounds do we say whose extensional intuitions are to be preferred?

I suspect that the only plausible answer to this question is to claim that the intuitions that are to be preferred are determined on political grounds. The people whose intuitions pick out the right people according to moral and political considerations ought to be the ones to determine the extension of our gender terms. Yet if this is the case, I fail to see exactly what extensional intuitions are doing for us, when we could just characterise genders in terms of those political considerations. Given that we have political commitments to the inclusion of certain groups of people within certain gender categories, which need to be met by the extensional intuitions of whoever we choose to fulfil the extension-determining role, I ask why we need to take the detour through extensional intuitions, when we could simply use the political commitments? What are the intuitions adding?

One might suppose, by way of response to this argument, that one could further narrow down the group that provides the privileged intuitions, thus avoiding problems of disagreement entirely. However, it seems that even if we were to pick one person, who for whatever reason, whether

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[119] I do not have space to fully develop this conflict, sometimes described as the debate between 'truscum' and 'tucute' trans people, the former term often used in a pejorative manner. However, Jones (2017) and Reed (2018) are two excellent sources for the uninitiated.

[120] As Riki Wilchins put it, "You lock up three trans people in a room and they'll come out with five opinions among them" (Wilchins 2013 15).

epistemic, political or pragmatic, was our extension determiner, there is no guarantee that this person is going to give a consistent extensional determination across time,[121] nor that they will not fail to give a judgement in particular case, nor that they will do justice to trans people's claims to their gender identities by putting them in the category that each identifies with.

This kind of extensional determination, whereby a category is forced upon one by another may indeed be thought to be a form of violence. This is clear in cases of trans people – the violence of misgendering is played out in psychological harms and material violence when the trans person tries to live in ways that do not match that category. The distribution of this extension-determining task to an individual only makes more obvious a structural violence that always already occurs tacitly within our society – the application of genders to people without their input or agency in the matter. To think of this in Butler's terms, we have simply replaced systems of heterosexism that ensure the restrictive coherency and universality of binary gender categories with an individual, who determines the extension of those categories. No matter how progressive the individual, their intuitions still give absolute conditions for gender categories and carry the possibility of the same violence.[122]

4 – A Kinder Deflation

There is a perhaps all too obvious way to determine the extension of gender terms that I have thus far failed to mention, and which the philosophical literature more broadly has largely ignored.[123] In my discussion of the violence of gender category determination by others, I noted that for trans people (as well as others) there is a violence in being placed into an identity category that one did not choose for oneself, or at least have some agency in being a part of. Perhaps then, we ought to simply ask people which, if any, gender category they are a member of, and then let that determine the extension of gender terms. Note that (as yet) I am not defending a robust notion of gender self-identification here. Instead, I wish to discuss a deflationary position (following Mikkola) that is grounded in self-identifications. All that is required for a deflationary position of this kind is a set of sincere answers to the question "What gender(s), if any, are you a member of and to what

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[121] I am thankful to James Lewis for this point

[122] My argument here does not depend on all gender ascriptions entailing violence. Sometimes the external determination of a gender category neatly lines up with the way in which an individual views themselves and the way that they fit (or do not fit) into a gendered society – and the ascription of a gender category in this way can be welcomed as helping to make sense of that individual's experience. However, even in such cases, we might think it would be better that an individual embraces being a part of that category, rather than that category being placed upon them without their input.

[123] Though this is slowly changing – in addition to the works mentioned below, see Jenkins (2018).

extent?"[124] These answers then determine the extension of our gender terms. We can distinguish between four types of 'self-identification deflation' theory:

	Quietism	Minimalism
Epistemic Interpretation	EQ: People's self-identifications give us epistemic access to the extension of gender terms. The content of gender terms is unknown to the theory or deliberately left unsaid by the theory.	EM: People's self-identifications give us epistemic access to the extension of gender terms. The content of gender terms is just the extension of those terms.
Constitutive/ Metaphysical Interpretation	MQ: People's self-identifications make it such that they are members of the gender category they identify as: they make themselves part of a gender term's extension. The content of gender terms is unknown to the theory or deliberately left unsaid by the theory.	MM: People's self-identifications make it such that they are members of the gender category they identify as: they make themselves part of a gender term's extension. The content of gender terms is just the extension of those terms. Thus what it is to be a woman is to simply self-identify as a woman.

Whatever version of the self-identification deflationary theory we accept, we arrive at some nice conclusions. These conceptions of gender allow us to make reference to women as a group for the purposes of feminist projects, and also (unlike Mikkola's version of semantic quietism) match up nicely with social scientific practice – asking what gender someone identifies as, rather than assuming or ascribing a research participant's gender is considered best practice in the social sciences.[125] This is a nice conclusion, given that it allows us to draw on social scientific data as a part of feminist projects. Thus whilst the Butlerian might struggle to make sense of the claim that

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[124] Note that this does not commit me to the notion of an 'authentically' gendered self from which one's gender issues – avoiding Butler and Foucault's worries about such a subject (see Butler 1999). All that is required to understand the notion of self-identification I am talking about here is expressions of what one takes to be true beliefs about one's gender.

[125] See The GenIUSS Group (2014). Whilst the question that is recommended by The GenIUSS Group does not match mine exactly (theirs offers a list of choices of gender, plus an 'other' option, alongside a question about sex assigned at birth) I suggest that this does not preclude my use of an open ended question. See also Bauer et al (2017).

'a greater proportion of women than men watch pornography' given that for the Butlerian the categories are structureless with unclear boundaries, the deflationist of this stripe can simply, via survey, determine the extension of the categories women and men, and thus compare data on the various categories.

These positions also match up nicely with much accepted practice in feminist spaces.[126] People's testimony regarding their gender identity is, for the most part, taken at face value as giving overwhelming reason to believe that someone is a member of one or another gender(s).[127] Many, if not most feminist organising groups are careful to clarify that when they create, for example, women-only spaces, it is self-definition that matters to whether one is allowed in the space, not the gender that is ascribed by others or society at large.

For the most part self-identification deflationist conceptions avoid worries about the account itself causing exclusion and misgendering by simply asking people how they would like to be identified. If a trans man replies sincerely to the question 'What gender(s), if any, are you a member of and to what extent?' then they will be gendered correctly by the theory, given that their answer will determine or reveal (in part) the extensions of various gender terms, placing themselves in the extension of man, and outside of the extension of other gender terms. Thus self-identification deflationary theories respect the first person authority of self-identification in ways demanded by trans theorists (see Bettcher 2009).

5 – Worries for Self-Identification Deflationisms

5.1 – Coercive Societies

An immediate worry about such positions is of coercive societies that force one to identify as a gender, or force one to be closeted about the gender one would like to identify as. Such coercive forces clearly exist: Beemyn and Rankin's 2011 study found that trans people who were out to their colleagues were much more likely to face discrimination in the workplace (Beemyn and Rankin 2011 104-5). More than half of those studied "intentionally concealed their gender identity to avoid intimidation" (Beemyn and Rankin 2011 100). Coming out to partners is additionally difficult: among trans men, trans women and genderqueer people, when they came out to their

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[126] Note that MM is not quite equivalent to conceptions of gender identities as the internal feeling of being one or more genders, which then get expressed in self-identification (see Serano 2016). MM rather states that it is the sincere act of self-identifying as a gender, or that one would sincerely self-identify as a member of a gender, which constitutes one being a member of that gender, however that speech act or disposition to perform that speech act was caused or came about.

[127] See, for one such example, Katherine Jenkins's discussion of organising a Reclaim the Night march (Jenkins 2016a 420).

partners "almost all of their partners reacted harshly to the admission" (Beemyn and Rankin 2011 69). Meanwhile, the coercive force that is implied by the threat of being thrown out of one's family home if one comes out to one's parents remains a well-known fact of life among young trans people. The pressure to remain closeted that is imposed by a restrictive society is therefore an obstacle to any theory that relies on expressions of self-identification. This said, the requirement that any self-identification needs to be sincere gets around some of these problems: if one states that one is a woman, but does not sincerely believe (or whatever mental state is involved) that one is a woman, then this won't count for determining the extension of the term 'woman'.

However we are still going to run into problems with a lack of self-identifications. Given that we exist in a society that coerces many people into not offering sincere gender self-identifications, gender terms' extensions are going to be wrong in many cases. Suppose that one, having been assigned female at birth, expresses the claim "I am a girl" at t_1, but at a later time t_2 comes to believe (or whatever mental state(s) is involved) that one is a boy. Because one is frightened of being thrown out of home, however, one does not express this. Only at a much later time t_3 does one actually say "I am a man". As put so far, it looks as if MQ and MM will get the extensions of the terms 'woman' and 'man' wrong between times t_2 and t_3.[128] MQ and MM may therefore have to rely on a dispositional account of self-identifications: what answer would sincerely be given to the question "What gender(s), if any, are you a member of and to what extent?" However, questions will inevitably arise about the way we understand 'would' in the above criterion. Under what conditions would an answer be acceptable? A first pass at such a clarification might run as follows: what answer would sincerely be given to the question "What gender(s), if any, are you a member of and to what extent?" if one were free from coercion with regards to one's gender. Yet, of course, the very possibility of freedom from coercion with regards to one's gender seems almost contradictory. If we have learned anything from the past 70 years of theorising about gender, it is that genders themselves place restrictions upon what individuals can do and be. Indeed, for many theorists, that regulative matrix constitutes aspects of gender in important ways.[129]

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[128] Note that this won't be the case for EQ and EM – for EQ and EM, self-identifications only give a form of epistemic access to the extension of gender terms. Thus we can say that in our example, the extensions of 'woman' and 'man' changed at some time around t_2, but that those around the person in our example will only have epistemic access to that change at time t_3.

[129] This claim unites most feminists, including such normally opposed theorists as Judith Butler and Catherine Mackinnon. Mikkola is a notable exception to this claim. As we shall see in the next chapter, Mikkola rather thinks that regulatory practices are contingently attached to genders (Mikkola 2016). There is therefore at least the possibility of genders and identifying as a member of a gender free from coercion on Mikkola's account. However, a society where such coercion no longer exists is radically foreign to our current society. Thus, even if Mikkola is right, we face epistemic issues. For example, how would any actual person know what gender they would identify as in this possible post-revolutionary society? Given such knowledge is inaccessible, this looks a poor conception of gender for our political purposes.

Perhaps a defender of MQ or MM is therefore better off retreating to beliefs about one's gender. That is, they might say, that one's gender is determined by one's sincere beliefs about the nature of one's gender identity. Thus sincerely believing that the answer to "What gender(s), if any, are you a member of and to what extent?" is that one is a woman is to be a member of the extension of the term 'woman', for the MQ or MM theorist on this reading.

5.2 – Being Confused and Getting it Wrong

It seems a plausible condition of any theory of gender that it allows for a person to not know or be confused about their gender. It is, for example, a common phenomenon to find individuals struggling with their identity, unsure which, if any, gender they are or ought to be. Prima facie, such a condition is not met by self-identification deflation positions, given that the question that grounds the accounts appears to demand a definite answer. However, self-identification deflation accounts can simply allow "I don't know" or "I'm confused" as answers. Certainly this resolves this problem for the epistemic interpretations (EQ and EM) of self-identification deflation. This also seems to work as a response for metaphysical interpretations: one's position within or without the gender categories is left undetermined by the self-identification – and that's just fine.

However, Jennifer Saul has pointed out that we also want an account that allows for cases of people being *wrong* about their gender identity. Saul raises two cases where such conditions are important: people who will later realise that they are trans:

> "Many trans women take themselves to have been women even before they realized that they were. A self-identification view of womanhood has difficulty accommodating this." (Saul 2012 206).

And what I shall call 'Saul hoaxes':

> "We could imagine a case in which a person is maliciously deceived into believing that he is a woman, when he is not. (A hoax is perpetrated on a man previously totally comfortable identifying a man: all sorts of documents and clues are left around his house that convince him that he has had false beliefs about himself all his life. Or perhaps an unscrupulous therapist wrongly convinces a credulous male patient that the reason for his unhappiness is that he is really a woman.) Such a person would come to accept the sentence "I am a woman," but we would want to be able to say that he is wrong to do so." (Saul 2012 207).

During such periods, I think we would right say that one's answer to the question "What gender(s), if any, are you a member of and to what extent?" would simply be wrong.

The defender of EQ and EM can deal with such problems by simply allowing for the defeasibility of the reason given by answers to "What gender(s), if any, are you a member of and to what extent?" That is, people's self-identifications allow us a generally reliable way of finding out who is a member of which gender. However, there are cases where this reason can be defeated or undercut as a reason to believe that one is a member of a given gender. For example, in cases where one has been tricked, say via Saul hoax, one can find that the reasons for believing that one is a member of the category in question were bad, and that they ought to be rejected. Meanwhile, in the case of the trans woman who thinks that she was wrong to identify as a boy whilst growing up, because she always was a girl really, we have a nice analysis: we can say that the self-identification that was, or that would have been, offered in childhood is undercut or excluded as a reason to believe that our trans woman is a man, by her more recent testimony.

MQ and MM, however, face a deeper problem from Saul's challenges here, given that they claim that self-identifications (or beliefs thereof) literally make it the case that a person becomes a member of a category. If it is the case that, during a Saul hoax, Timothy sincerely believed and asserted that he was a woman, then according to MQ and MM, Timothy was a woman. The defender of MQ or MM might bite the bullet here and suggest that Timothy actually was a woman during that period. However, this is not a desirable conclusion: by stipulation, Timothy was a man tricked into thinking that he was a woman. Similarly, MQ and MM also run into analogous problems with those trans people who say that they were wrong to identify as a certain gender as a child. They no longer identify with that gender and think that they were simply mistaken during that childhood. We might think of a trans woman, for whom what had been interpreted (both by her and those around her) as a sense of unease with certain boyish activities in childhood, but nothing more, later becomes seen as a sign of a dissonance between what she takes to be her actual gender as a girl during her childhood and the gender she and those around her mistakenly thought she was in childhood. She believed she was a boy when she was a child, thus MQ and MM have it that she was a boy in childhood. However, I take it that this is the wrong result: if we are serious about taking trans people's claims about their gender as being correct, we want a theory of gender that predicts that she was not a boy when she was a child, because she was wrong to believe that she was a boy.[130] MQ and MM theorists might suggest that we can respond to this problem by stipulating that it is only the answer that would be given now to the question "What gender(s), if any, at time t were you a member of and to what extent?" is that which determines the category

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[130] I take it that this is the case regardless of one's stance on 'born this way' gender essentialism – so long as one wants to take seriously the claims of trans people about their genders, in cases such as this, MQ and MM will give us the wrong extensions.

one is a member of. Thus the trans woman who thinks that she was wrong to identify as a boy when she was a child, and currently says that she was a girl as a child and is now a woman is in fact correct, because her current self-identification (of her current and past selves) makes it such that she is and indeed was a member of the category woman. This is a nice conclusion to be able to draw. Similarly, we might think that Timothy, post-Saul hoax, can make himself such that he always was a man.

This response runs into some issues, however. For one it looks as if we have some extremely odd metaphysics at play. Whilst making oneself a member of a category at t_1 at some much later time t_2 is not quite backwards causation, we might think that there is some form of 'backwards constitution' occurring according to this story. Take our trans woman, who during her childhood identified as a boy. Thus, according to MQ and MM, during their childhood, she was a boy. Later, however, she identifies as a woman, and says that she was a woman and not a man all along – even during her childhood. Thus, according to MQ and MM she was a girl and not a boy. MQ and MM therefore imply a contradiction, that is, that during her childhood she was both a boy and not a boy. Of course, if one accepts backwards constitution, one can escape this problem, by claiming that (given only the answer that would be given now to the gender question counts in determining one's category membership) our trans woman is, in a sense, now no longer a boy during her childhood.

'Backwards constitution' in the social realm, is perhaps less implausible than one might imagine. Barlassina and Del Prete defend something like this claim in their paper "The Puzzle of the Changing Past". They raise the case of Lance Armstrong, who in 2000 won the Tour de France, but who, in 2012 had all of his wins stripped from him by the awarding institution, the UCI. According to Barlassina and Del Prete, if one utters "Lance Armstrong won the 2000 Tour de France" in 2002, one has uttered a true sentence, but if one utters "Lance Armstrong won the 2000 Tour de France" in 2014, one has uttered a falsehood. Given that the truth or falsity of each sentence turns on the facts of the matter, it looks like the properties of the year 2000 have changed, from being a year in which Lance Armstrong won the Tour de France, to a year in which he did not (Barlassina and Del Prete 2015 61). For Barlassina and Del Prete, then, it is possible for institutions to change the past, where they are the relevant authority with the power to make the social world a certain way. Similarly, we might think, individuals are (or at least ought to be) the people with the power over the social facts of their gender identification. It may then perhaps be plausible for a person to change the facts of the past such that they really were a girl as a child, despite not realising that they were a girl at the time.

Nonetheless, even if one accepts this odd, but perhaps plausible social ontology, a further worry comes from current children who will, in the future, grow up to no longer identify as the gender that they currently identify as, and people who are currently in a Saul hoax. We want to say that these people are in fact put in the wrong category by their current self-identifications, but MQ and MM theorists have no resources to say as such.

The defender of MQ or MM might try to avoid these problems by making the only relevant answer to the extension-determining question "What gender(s), if any, at time t were you a member of and to what extent?" the one which would be offered at the end of a person's life. Yet this runs into a variety of problems, not least Saul hoaxes run at the end of individuals' lives, and questions of justifying why we ought to take the very end of a person's life as giving the authoritative position on the gender(s) that a person was during their life. Andrea Iacona (2016) suggests that we adopt this kind of 'atemporalist' position, at least for institutional facts, whereby the absolutely final judgement of some institution is that which determines the relevant social facts. Thus in the case of Lance Armstrong, it is not the most recent judgment of the UCI that determines whether the statement "Lance Armstrong won the Tour de France in 2000" is true or not (which is the temporalist position that Barlassina and Del Prete seem to endorse) but rather the last judgment that the UCI ever pass on the issue which determines the facts of the matter.

In the case of gender, in addition to problems with justifying the focus on the end of a person's life, the atemporalist position has some unwanted consequences. It means that (at least until the relevant institution is dissolved) we are generally not justified in believing or asserting sentences about institutional facts, given that their truth or falsity may still be up for grabs, unless we were reasonably sure that the institution will not change their position. Given that the UCI might one day (with or without justification) reinstate Lance Armstrong as winner of the 2000 Tour de France, one cannot currently justifiably assert that Lance Armstrong did not win the 2000 Tour de France. Applied to the case of gender, it implies that one cannot justifiably assert that one is a member of a given gender until the end of (or at least the last cogent moment in) one's life, given that there is always the possibility that we might eventually recognise ourselves to have been some other gender all along. This is an undoubtedly unwelcome conclusion for any theory of gender that is useful for social science and achieving our moral and political goals.

5.3 – The Triviality Dispute

Whilst getting things wrong appears to be a real obstacle for metaphysical versions of self-identification deflationism, there is a deeper issue that affects these theories. Saul puts it thus:

"Trans women take their claims of womanhood to be substantive, rather than merely claims about what sentences they're disposed to accept. They think that when they begin to self-identify as women this is made true by their womanhood, rather than the other way around." (Saul 2012 206).

Whilst Talia Mae Bettcher expresses it thus:

"First, there is a theoretical problem. If believing one is a woman replaces genital status as sole determinant of membership, there are difficulties concerning what it is to believe one is a woman. Is it to believe that one possesses the special feature making one a woman? If so, to believe one is a woman is to believe one believes one is a woman. And now we seem to have some problem of circularity or regress. In practice this means that the criterion is virtually unintelligible." (Bettcher 2009 109)

One way of reading the above is something like this: the mere sincere expression of identification is not enough to make one a member of a given gender. Something is needed to make one a member of that gender, which then (in some way, ceteris paribus) provokes one to self-identify as a member of that gender. Having the criterion simply as self-identification (here identified with sincere answers to the question "What gender(s), if any, are you a member of and to what extent?") simply misses the point and trivialises gender.

Another way of putting this point is in terms of explanation. Deflationary self-identification positions claim that what explains one being a man is that one expresses (or would express) that one is a man. Yet this seems to get things the wrong way round: what we want to say is that being a man explains why one expresses (or would express) that one is a man. Thus deflationary self-identification theories simply get the explanation of gender the wrong way round.

This argument obviously poses problems for MM and MQ theories. Having one's self-identification make it such that one falls into or outside the extension of gender categories trivialises gender and gets the explanation the wrong way round. However, one could see a defender of MM or MQ suggesting that this begs the question. Their position, they might say, is the right one, and thus the explanation is the right way round – you should give us some reason to think that being a member of a given gender explains why we express or would express the claim that one is a member of that gender.

Thankfully, we can offer such reasons. First, we can point to the trivialisation version of the argument – we think that there is more to gender than simply saying that one is a member of a given gender category. Second, we can point to virtually any other phenomena. That Simon's

Japanese peace lily is a plant is (at least a major aspect of) the explanation of why we call it a plant – it is not a plant because we call it one.

"Ah," says the defender or MM or MQ, "but gender isn't like 'plant', which is a (putative) natural kind term. It is a set of social kinds or categories, which depend heavily on our linguistic conventions. Indeed, it is completely determined by our expressions of identification." The defender might then point to Sarah, the captain of their local sports club, who (they might claim) is captain solely in virtue of being treated as captain by the members of the club. Yet note that such examples are not strictly analogous to the metaphysical version of self-identification deflationism about gender. Socially constructed features of individuals generally depend on substantive features of the social world (like collective intention, in the case of Sarah above) and merely actual (or possible!) identifications don't appear to be enough to anchor social facts. So we might think that there are respectable metaphysics of gender available that involve self-identification, but that deflationist accounts of gender that attribute metaphysical powers to self-identification alone are unacceptable. In light of these considerations, I suggest that we ought to reject both metaphysical interpretations of deflationary self-identification theory, MM and MQ.

5.3.1 Sidenote: A Defensible Metaphysics of self-identification

I should like to stress that the arguments I have made here do not undermine all self-identification theories of gender. I should like to leave it open that we might have a non-deflationary self-identification theory. For an example of a metaphysically plausible version of self-identification, take the following example: Suppose that an isolated community,[131] concerned to take into account the varied needs of trans people in their midst, collectively decides that the current ways in which gender is organised between them is a system that is no longer acceptable. The community thus collectively decides to re-place their current conceptions and uses of gender with a conception based on respecting gender self-identifications. They collectively will to treat anyone who self-identifies as a given gender as a member of that gender category and successfully form the appropriate social facts concerning the gender identities of the members of the community (see Gilbert 1989).[132] Thus within that community and its gender system, what makes someone a man is identifying as a man. This collective willing thus provides what Brian Epstein has called the

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[131] By 'isolated community' here, I have in mind nothing more extravagant than a group of individuals from the UK sailing to an uninhabited island off the coast of Scotland and cutting off all contact with the outside world. I take it that such a group will inherit the concepts and language of the UK, but will, in virtue of their isolation, be able to develop their social organisation, concepts and so on in ways that diverge from the social structure of the mainland.

[132] I am unconcerned with defending the particular social ontology given by Margaret Gilbert here – one is free to insert the social fact forming mechanism that one prefers. I use this example merely to demonstrate the case using a plausible metaphysics of the social world.

"anchor" of the social facts about gender in that community, whilst self-identification provides the "grounds" (see Epstein 2015, Chapter 6).

What is important here (with regards to the social ontology, at least, and certainly not morally or politically) is that the fact that self-identification grounds the genders of members of this hypothetical community is completely arbitrary.[133] The community could just as well have collectively willed to treat anyone who prefers to write left-handed as men, right-handed as women, ambidextrous as nonbinary. In such a case, handedness would ground the gender facts. The metaphysical heavy lifting here is being done by the collective willing of the community, not the acts of self-identification. As such, we have a metaphysics of gender, compatible with a plausible social ontology (as given by Margaret Gilbert) that involves self-identification, but that does not give any supernatural powers to self-identification. Nor does it fall victim to Saul and Bettcher's worry that self-identification theories get the explanation the wrong way round – as the explanation is simply one that describes the actions of this community and how their collective willings generate social facts.

How far might this example be extended? Does this example match up to any real communities? I think that, interestingly, something like the metaphysics in the example above has been developing in certain feminist communities, where self-identification is taken as the determining factor in gender category membership. Whilst obviously such communities lack the isolation that made the above example so clear cut, we might think that, at least in spaces where such ideologies are entrenched, self-identification might just ground (though not anchor) gender.

6 – Against EM and For the Epistemic Upshot

Given that EM and EQ positions do not attribute any metaphysical powers to self-identifications, they are untroubled by the objections raised in 5.1-5.3 of this chapter. Epistemic versions of self-identification deflationism simply state that, however the extension and intension of a gender term are determined, self-identifications simply give us very good (though not indefeasible) reason to believe that one is or is not a member of the extension of that term. Further, as no explanatory power (with regards to making someone a member of a gender) is attributed to self-identification, EQ and EM simply avoid the worry that they get the explanation of why someone is a member of a given gender the wrong way round.

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[133] At least with regards to the metaphysics at play here. It is certainly not an arbitrary choice on the part of the community.

We might worry that EQ and EM still have work to do – whilst there is not a problem with the direction of their explanations, there is still an explanatory gap. What is it that makes a person a member of the extensions of some gender term(s) and not others? EQ simply refuses this question. However the extension is determined, the quietist, keen to remain silent on the content of gender terms, will simply refuse to give an answer.[134] EM, however, treating the extension as the content, owes us some explanation – if the minimalist is right that the extension just is the content or intension of a gender term, what is it that grounds someone being a member of a given gender? It seems hard to see what a minimalist answer to this question could look like, without involving some additional machinery that determines the extension of gender terms. As such, EM alone is unsatisfactory as a theory of gender. Any additions to EM that might fill this gap must be judged on their own terms, and, I suspect, will make the position no longer a minimalist one in any meaningful sense.

This said, I think that we can accept the fundamental claim of epistemic versions of self-identification deflation theories of gender:

> The Epistemic Upshot: Actual and sincere self-identifications give us extremely good (though defeasible) reason to believe that a given person is or is not a member of a given gender category.

The upshot matches up well with feminist practice, grants the first-person authority over one's identity demanded by trans people, and allows for social science based around gender categories. I suggest that something along these lines must be adopted. Of course, this is an incomplete story. Given that the epistemic claim above is purely about reasons for believing propositions about the extensions of gender terms, then unless one is a semantic quietist about gender, one needs an additional story about the intension, or content of gender terms. If we were to have such a story, we could happily respond to the triviality dispute, in both its original and explanatory forms.

One might suggest that the upshot is little over and above a default position on the acceptance of testimony. Following Jonathan Adler (2012) we might suggest that testimony is subject to the following normative requirement:

> "If the speaker S asserts that p to the hearer H, then, under normal conditions, it is correct for H to accept (believe) S's assertion, unless H has special reasons to object." (Adler 2012).

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[134] We will return to the question of whether this quietist position is viable shortly.

As such, it might seem that singling out gender self-identifications for a special upshot is unnecessary. However, I suggest that there are two reasons to think that gender self-identification in testimony is deserving of special treatment here.

First, to use Adler's language, the number of 'special reasons' that can undercut the correctness of accepting the testimony of someone self-identifying as a member of a given gender are, on my account, far more limited than those that can undercut testimony in general. For instance, I suggest that only special cases such as that of a Saul Hoax, or later self-identifications by the same person can perform this task.[135] For an example of the higher standard needed for undercutting self-identifications, suppose that myself and my interlocutor are epistemic peers, and I believe P, and my interlocutor asserts "not-P". Whilst there is be a debate as to whether or not I should reduce my credence in P (see Christensen 2009), it certainly seems as if I should not simply accept not-P. However, in the case of someone asserting a gender self-identification, simple disagreement cannot provide a reason to not accept that person's assertion. The belief that someone is a man should be rejected and replaced with the belief that they are not a man, when that person asserts that they are not a man – contrary to the general example.

One might, *pace* Bettcher (2009), suggest that epistemic peerhood is impossible in the case of self-identifications, as the asserter is an expert on their own attitudinal states in a way that their interlocutor could never be. Whilst this would certainly undermine the contrast I was attempting to make here, accepting that people are experts when it comes to self-identifications seems to suggest that it is worth singling out self-identifications as providing a particularly difficult to undercut reason to believe in the way I have.

Second, whilst Adler's default rule might be thought to be widely accepted for most testimony, it certainly seems as if, at least in society at large, the rule is not applied to trans people's testimony regarding their gender identities.[136] This, I suggest, is good reason for singling out the epistemic upshot for special treatment. As Bettcher points out, trans people are widely stereotyped as deceivers, hiding their 'real sex'. The thought that trans people are either deceiving others, or ourselves, is both pernicious and widespread, and despite greater mainstream acceptance, one only has to be an out trans person with an online presence to know that the public at large still sees trans women as 'men in dresses', trans men as 'women pretending to be men' and nonbinary people as 'special snowflakes who can't face reality'. This widespread rejection of trans people's

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[135] I want to leave it open that there may be others, but I wish to emphasise that there will be few such cases.
[136] If it is applied, it is applied with the caveat that one of the special reasons to object to some testimony is that the testimony is a trans person identifying as a member of a gender to which they were not assigned at birth (something my singling out of such identifications for special treatment is specifically designed to oppose).

testimony about their gender alone seems to me to be good reason to emphasise the epistemic upshot over and above any general rule for testimony, in an attempt to rectify what I take to be a form of testimonial injustice (see Fricker 2007).

7 – Semantic Quietism Considered

We have now rejected a number of deflationary theories of gender. We found Mikkola's theory inadequate on the grounds that its extension determining mechanism was flawed, and then set out to replace it with a mechanism based on self-identifications. Unfortunately, MQ and MM seemed implausible, and EM seemed to be lacking, even if the epistemic upshot could be salvaged. This leaves us with only a single version of deflationism about gender – EQ. I will now seek to undermine EQ's semantic quietism.[137]

How plausible is semantic quietism? I feel profoundly dissatisfied with it as an account of gender, and I suggest that many others will feel likewise. However, perhaps this sense of dissatisfaction can be explained away, as simply a function of philosophical curiosity and the cultural expectation within this area of philosophy that we should be able to come up with a 'theory of gender'. Analogously within the philosophy of truth, a feeling that there is more to truth than semantic ascent and descent is not enough to demonstrate the failure of disquotationalism. This said, there are good reasons for disquiet about quietism.

7.1 – Giving Up Isn't So Easy

Note that the only plausible version of this semantic quietism that we found was EQ, and that all EQ gives us is (very strong) reasons to believe that an individual who identifies as a member of a given gender is a member of that gender. Not only is this a profoundly unsatisfying as an account of gender (no matter how useful for activism and social science) it is simply not an account of gender at all. It is rather an account of the kind of epistemic access we have to the extensions of gender terms. This may well be important, but it will thus not do as a theory of gender. Perhaps we should be okay with this and, like Mikkola, use the extensions of gender terms picked out by our reference determiner (whether self-identification, extensional intuitions or something else) for "politically relevant social explanations" (Mikkola 2016 107) and accept that this is all we should need from gender as feminists. However, to the person interested in learning about gender categories and how they function, such a response is beside the point. Indeed, for many of those who sit on the margins of gender, it is simply impossible to "give up the quest" (Mikkola 2016

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[137] Whilst these criticisms are directed at the version of semantic quietism I have called EQ, given that I take EQ to be its most plausible form, I take it that these criticisms will apply generally to all forms of semantic quietism about gender terms, including Mikkola's account.

124). It may well be the case that for many purposes (though perhaps not all – see below) the extensions of gender terms are all that we need for praxis. But for the purpose of inquiry, or the desire to know more about the nature of our social world, reasons to believe that certain people are members of the extensions of certain categories simply will not do. If we have the aim of understanding our social world(s), the metaphysician cannot simply give up the task by endorsing EQ. After all, so many key questions are left unanswered by EQ: What are gender categories? What grounds (or indeed anchors) the membership of those categories? The reasons to believe that one is a member of the category are defeasible: what grounds that defeat? All of these and other questions are left unanswered by a quietist position of this stripe, and anyone interested in understanding our social world must feel the pull of such questions. This pull is felt especially in those who find themselves on the margins of gender. For nonbinary trans people such as myself, the questions take on a deeply personal quality: What are these gender categories that I fall between/outside of/moving between? Why am I (not) a member of this/that/any category? Could my self-identification be defeated in some way? Not only are these profound *philosophical* questions regarding a person's place in the world, these questions take on an urgency in the face of a transphobic society that oppresses and marginalises trans people because of their relationship to gender. For Mikkola, the question of whether to stop seeking a theory of gender is one that can be answered in pragmatic terms -

> "My point is strategic: the issue of which social conditions ground the existence of women and men is so intractable as to be unhelpful. If gender really is so complex that feminists cannot agree on the social conditions that underpin it, the most useful move is to give up the quest" (Mikkola 2016 124).

However, for people such as myself, these questions do not go away because we say that it is unhelpful to think about them. Such a strategic, or pragmatic move is not a move that is possible to accept.[138]

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[138] I am also unconvinced that the pragmatic justification for giving up the quest is right either. What are the strategic or pragmatic gains of giving up? Is it that we can set aside metaphysics and do feminist praxis? If this is supposed to be the strategic benefit, I suggest that it is specious. It is not as if feminist praxis gets put on hold whilst the metaphysicians do their work attempting to give a theory of gender. A division of labour is possible – not only is there room for feminists who are not interested in social metaphysics to do praxis, I suggest that the social metaphysician is quite capable of doing activism in addition to thinking about the metaphysics of gender. Of course, as I shall argue below, there may be good reason to think that the metaphysics of gender may affect the way we choose to do praxis, but we do not simply stop doing feminist activism because we haven't yet found our best theory of gender.

7.2 – Why Does Defeat Occur?

Further, consider the following question: Under which circumstances is self-identification as a member of a given category undercut as a reason to believe that one is a member of that category?[139] I have suggested that it is in very few cases that undercutting occurs – but in those cases, it still looks like we need an explanation, and that explanation will likely require us to know something about the metaphysics of gender and the meaning of gender terms.

It looks as if, for example, that *ceteris paribus*, later self-identifications undercut the reasons given by earlier self-identifications. It would seem odd, given practice in contemporary trans-inclusive spaces, and indeed highly problematic, were one to suggest that we should continue to think that someone is a woman because he once said "I am a woman", despite that person now saying "I am a man". If we take trans people's claims about their genders seriously, then should he say "And I always was a man", it would seem that reason given by the earlier identification as a woman is undercut even as a reason to believe that he was a woman at the time of the original identification. What is it about these latter identifications that undercuts the reasons provided by earlier identifications? There may be an explanation of this fact that merely references the pragmatics of testimony – but it strikes me as more likely that the explanation will come from the semantics of gender terms – the very content of which the semantic quietist wants to stay silent about. Again, I suggest that any plausible explanation of these phenomena looks as if it will rely on a robust intension of gender terms.

Moreover, this looks like an incredibly politically charged question, with consequences for how a transfeminist movement is organised. If, as feminists (and transfeminists in particular) we cannot tell a story about why certain gender self-identifications provide reasons and others don't, we look like we leave ourselves vulnerable to those who would seek to delegitimise and marginalise trans people. Further, if such an issue is unresolved, it looks as if activism on behalf of the members of the category woman (along with other categories) will be subject to many of the worries that have been aimed at various theories of gender that fail to pick out a stable membership. Semantic quietism is therefore a politically risky position.

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[139] Is the relationship really one of undercutting, or might the rational relationship between earlier and later identifications better be described using notions of exclusion, or defeat? I am unsure – there is room for much further research on this and related topics. Indeed, understanding the precise relationship might provide further need for investigation into the intensions of gender terms. For simplicity's sake, I talk as if it is undercutting which is at stake.

7.3 – Praxis

Finally, it may also be the case that the intensions of gender terms could aid in political activism. Haslanger, has argued that in conceiving of gender as a hierarchy, the inequalities between the groups will be foregrounded and that political activism can be aided by that foregrounding (Haslanger 2000). Whilst Mikkola thinks that the inequalities between men and women can be explicated purely in terms of her extensions (Mikkola 2016 116-7) it seems plausible to think that the intensions of gender terms could be used as political tools in helping to persuade people of the need for change. Certainly, the debate between Mikkola, Haslanger and their contemporaries has largely been conducted at the practical, empirical level. Thus whilst it is an open question as to whether, in any given social or political context, the intension will in fact prove politically useful, if we are to remain quietists about the intensions of gender terms, this possibility is precluded.

In what ways might intensions of gender terms prove useful in praxis? Here it might be instructive to think about the ways in which certain political and social movements have, in the past, used intensions of social kind terms for their purposes.[140] Take, for example, the case of political blackness in the context of the UK in the 1970s and 1980s. There, as Yasmin Ali writes, "'Black' in its British usage was intended to convey a sense of a necessary common interest and solidarity between communities from the old empire... it was a usage predicated on the politics of anti-racism" (Ali 1991 190). This particular meaning of 'black' in the UK context therefore served (and in some circles, continues to serve) as a rallying call of solidarity among all nonwhite people against racism, white supremacy, and empire. It was therefore used in the building of a political alliance and movement, and as a way of inculcating political consciousness among those oppressed by racism, seeing one's own social location as a political one created through racialisation and common to all nonwhite people in the UK.

For a rather different example, take the reception to Butler's *Gender Trouble*, and the huge influence that that book had on queer activism and queer scholarship (see Ahmed 2016). The interpretation of that book in popular queer circles suggested that the meaning of gender terms was constantly shifting, and could be changed through (often) subversive action. Unlike the case of political blackness, where an intension was defined and that intension used by political activists, here the importance of intensions for the relevant terms comes in the claim that they can be changed through social action in ways that disrupt the normative structure of society.

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[140] I do not suggest that these are the only ways intensions might be useful to activists by any means.

This is not to uncritically endorse either the project of political blackness or the variety of actions that took and are taking place that draw on Butler's work.[141] But, I take it that they demonstrate that in particular times and for particular purposes, activists have drawn upon what they took to be the intension of a relevant social term (or important facts about that intension) in order to do certain forms of activism aimed at bringing about justice. It would therefore seem unwise to rule out the possibility that a set of intensions for gender terms might be useful for one's own activism.

This conclusion should not surprise us if we are attentive to the ways in which the intensions of gender terms have been used for reactionary political purposes. What it is to be a man, and therefore the meaning of the term 'man', has, for example, been used for particular conservative ends – not least restricting the societally acceptable behaviour available to men. We are of course familiar with the refrain that being a man means being strong, brave and so on. Similarly, we might think of the ways in which a biologistic intension for 'woman' has been used to justify and portray as natural a misogynistic society – as was so ably described by de Beauvoir in *The Second Sex* (1993). If purported intensions can be put to reactionary ends, then why not think that taking seriously the project of giving a rich analysis of gender could, in particular sociopolitical circumstance, not be productive for a (trans)feminist movement? If nothing else, there is a place for the inflationary feminist metaphysician in undermining these purported intensions or gender terms that impede social justice.

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[141] For reasons to be worried about the project of political blackness see Hall (1991). For reasons to be sceptical about the queer project and the popular interpretation of Butler see Namaste (2000).

Chapter Five

Error and Abolition: Thoroughly Sceptical Responses to Gender

I now turn to various positions that are more seriously sceptical of gender than the anti-structuralist or deflationist. Error theory and abolitionism each suggest, in some strong sense, that there is not, or ought not to be, gender. Here I will take it that error theory is *descriptive* in nature.[142] It suggests that there is no such thing as gender, really. Meanwhile abolitionism is an *ameliorative* project. It suggests that we should aim to rid society of gender, or that gender language should be eliminated.[143] I begin with error theory.

1 – Error Theory

Error theory about gender does not have any explicit defenders in the philosophical tradition.[144] The only mention of error theory comes from Natalie Stoljar, who considers the position briefly, but does not develop it any further:

> "one possible approach would be to develop an "error theory" of the concept of
> woman; that is, to argue that insofar as our ascriptions of the term 'woman' purport
> to attribute universal natural properties, they fail to refer and hence fail to be true
> of the world. This option would argue that since there is no natural universal named
> by the general term 'woman', there are simply *no women*." (Stoljar 1995 275).

Of course, many feminists are revisionary about gender concepts, and many suggest that our manifest concept of gender gets the intensions or extensions of gender terms wrong, but no theorist in the literature denies that there are true statements that can be made involving gender

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[142] This is not to say that error theorists will be silent on the political salience of the discourses that they take to be in error, or that they will not have an ameliorative program in addition to their error theory. Rather, I separate the projects for clarity's sakes. Indeed, Appiah, when he endorsed error theory about race seemed to precisely combine error theory about race with a political aim of eliminating race talk (one form of abolitionism). Note that additionally the correctness of an error theory is often thought to provide epistemic reason to drop the discourse in question. At points, Appiah seems to endorse both epistemic and political reasons for abolishing race discourse (see Taylor 2000).

[143] I take this to be a different (though related) claim to the claim that we ought to eliminate *gendered* language. By eliminitivism or abolitionism about *gender* language, I mean the removal of terms like 'man', 'woman', 'genderqueer' and so on from our language. The abolition of *gendered* language, as it is normally discussed in the literature, aims rather at abolishing usage of terms like 'chairman' and replacing them with terms like 'chair' or 'chairperson'. Whilst one might endorse both projects, one need not think that we ought to remove the term 'woman' from our vocabulary in order to suggest that the use of 'chairman' ought to be abolished. Note however that the abolition of gender from society, getting rid of gender itself, might itself require the abolition of both gender language and gendered language.

[144] It has been pointed out to me that some people interpret Elizabeth Spelman as an error theorist. However, I suggest that she is better read as sceptical, not of gender *tout court*, but only of gender as we currently conceive of it – and certainly not as an error theorist in the sense discussed here. Spelman, as far as I can tell, is a reluctant pluralist about gender, recognising that the full implication of her view entails "being prepared to talk about women's different genders" (Spelman 1988 177), but nonetheless finds herself "backing away from this even as [she says] it" (Spelman 1988 175). We will return to pluralism in Chapter Six.

terms, or that gender terms refer (even if they don't always refer to the things we think that they do). Therefore, in order to best develop error theory about gender, I suggest we take a look at the much more well-developed literature surrounding error theory about race.

Ronald Sundstrom points out that error theories of race have a comparatively long philosophical history, quoting a text published in 1784 by Johann Gottfried von Herder, wherein it is argued that racial classifications are largely arbitrary impositions upon an underlying spectrum of variety:

> "In short there are neither four or five races, nor exclusive varieties on this Earth. Complexions run into each other: forms follow the genetic character: and upon the whole, all are but shades of the same great picture, extending through all ages, and over all parts of the Earth." (Von Herder, quoted in Sundstrom 2002 193).

Perhaps the most prominent defenders of error theory about race are Naomi Zack and Kwame Anthony Appiah.[145] Appiah's argument for error theory is quite simple. First, he notes that race terms cannot have biological referents. This first part of this argument relies on analysing the biological literature, and demonstrating that no biological kind matches our race concepts, whether in lay-discourse or as defined by experts. Second, he argues that there is no social reality to race terms, arguing that any attempt to define them in terms of sociocultural history is inevitably circular. Finding that race terms lack referents, whether biological or social, he thus concludes that "race" is a meaningless concept, empty of content:

> "The truth is that there are no races: there is nothing in the world that can do all we ask by "race" to do for us. The evil that is done is done by the concept and by easy – yet impossible – assumptions as to its application." (Appiah 1985 35-6).

The first part of this argument is widely accepted.[146] The second is a little more controversial, and we ought to give it a little space.[147] Appiah, in analysing W.E.B. Du Bois' conception of race as a shared history, argues that there is no way of picking out the history of, for example, the black race that does not presuppose that we already know the referent of the term 'black'. As such, any account that purports to understand race in this historical way risks circularity, according to Appiah.

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[145] I will not discuss Zack's views in detail here, especially given that in her more recent work, Zack has moved to constructivist position regarding race. For her early, 'antirace' position see Zack 1993, and for her later constructivist position, see Zack 2002. Appiah has moved away from error theory and towards an account based on Ian Hacking's dynamic nominalism (see Hacking 1986 and 1992).

[146] Even by those who accept what might be called neo-racial realism, such as Robin Andreasen (1998, 2000) and Philip Kitcher (1999). Such theorists argue that there is a biological reality to race (that is, mono-phyletic breeding groups), but that it does not match onto our ordinary conception of race.

[147] See Taylor (2000) for an argument that Appiah fails to rule out all sociohistorical accounts of race with this argument.

Pushing Du Bois' position further, Appiah concludes that underlying these apparent calls to understand 'black' in sociohistorical terms is a biological conception of race in terms of "common blood, descent and physical peculiarities" (Du Bois, quoted in Appiah 1985 34). Thus, claims Appiah, what underlies apparently sociohistorical conceptions of race is really just one or another biologistic conception, and he has already shown those to fail to accurately map onto the biological kinds actually found in the world.

Should we simply accept, then, error theory about race? And how might error theory apply to the case of gender? One immediate and dissenting response might be to suggest, as Ronald Sundstrom does to Yehudi Webster's error theoretic approach, that error theory is morally and politically problematic:

> "If we take Webster's claim that "race" is a myth seriously, then he means that it is impossible for anyone to have a "race"; it would be like "goblin." Such claims are disrespectful of our lived experiences and fail to capture the presence and impact of our social identities in our lives, their import in our lives and to the ways our social worlds are organized. Not to capture this social reality would be a profound failure to understand the fundamental nature of our social worlds. To conceive of our social identities as myths, illusions, or mere "tropes" is to put in doubt their role in political and social projects, such as categories for social organization, division, and cooperation, as well as their fitness as loci for group rights and retributive justice." (Sundstrom 2002 203).

However, arguing for the moral and political objectionableness of error theory is misguided, at least insofar as I have laid out error theory.[148] As I have set things up, error theories are *descriptive* theories. They do not suggest that the world *ought* to be such that there is no such thing as race (or gender) – rather, they suggest that the social world is such that there *is* no such thing as race (or gender). Now, one might endorse or object to the world being free of race (or gender) on moral-political grounds and therefore seek to change that world, but it is no reason to endorse or object to a theory that correctly describes that (objectionable) world.

One might object that this is an uncharitable reading of the argument. It might be thought that the argument is not best construed as saying that an error theory is morally or politically problematic, but rather, the argument is that *believing or endorsing* an error theory of this sort has objectionable

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[148] Note that Appiah and Zack both take there to be ameliorative concerns regarding the elimination of race, which are often intermingled with descriptive concerns about the empirical and conceptual inadequacy of race concepts. Nonetheless, I suggest that we ought to keep the two types of project distinct.

political consequences. That is, those who endorse an error theory are more likely to spread the belief and act as if race does not matter – with adverse political effects. We see this, for instance, in those who oppose reparations or affirmative action on the grounds that race simply is not real, and therefore should not matter. However, there is no necessary connection between error theory and these adverse consequences. Whilst the error theorist must be wary of the moral hazard involved in putting forward their view, especially to those who would maliciously use that endorsement to support white supremacy in its various forms, this is no argument against the metaphysical claims of error theory. One could quite happily accept this argument and be a quiet or private error theorist, or, if one does choose to publicly endorse an error theory, carefully couch one's error-theoretic views in such a way as to emphasise the political importance of race-like and racist features of the world.

There is a more pressing question that arises here for error theorists about race (and gender), which is also at work in Sundstrom's objection above, especially when he compares "race" to "goblin" – how (if it is possible to do so at all) should error theorists make sense of race (and gender) talk, our experiences of race, and the massive role that race (and gender) plays in our lives? What should we make of the seemingly very real effects of racial (and gender) identifications and ascriptions? Appiah's answer to this question is that our social reality features particular sets of practices – race practices – that are based on a faulty set of concepts. These practices, he suggests, are just that, practices. There is no racial reality underlying those practices, and it is a feature of those practices that they make us think that there is an underlying feature of the world, *race*, that grounds them. Yet as Paul Taylor has pointed out, why not think that race is constructed by these practices? Why not maintain that, regardless of the irreality of *biological* race, the *social* practices of race and racialisation "bring *races* into being?" (Taylor 2000 122).[149] The constructionist position, we might think, is left open, given Appiah's arguments. Indeed, the idea that race is constructed is something that Appiah later came to accept.[150] Given that it looks like these kind of practices are paradigm cases of social construction, and that their most prominent theorist now accepts a form of constructionism on these grounds, we might suggest that error theorists need to give us some reason to doubt that construction is in fact occurring in order for their position to be attractive.[151]

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[149] And similarly that the social practices of gender and gendering bring gender into being.

[150] See Appiah 1994, 1996 and 2006.

[151] Is there not a *kind* of error theory at work here? Suppose one thinks that gender or race is socially constructed, but that ordinary people do not recognise that it is constructed. We might express this in terms of manifest and operative concepts – the operative concept of gender might be one that implies that gender is constructed, whilst the manifest concept of gender in some population is, say, biologistic. Presumably some kind of error theory is required in order to explain this difference between the concepts. Whilst this is right, and exploring the possible explanations available to such a position is a fascinating question (see Mallon 2016) I prefer to treat this kind of position as a

I suspect that transferring this dispute to the case of gender merely decreases the plausibility of the error theorist's position. After all, *gender*, as opposed to *sex*, is a term that, according to the relevant experts, refers to social, not biological phenomena.[152] Thus any move to suggest that our concept of gender is biological and fails to refer is going to be harder to get off the ground in the first place. Moreover, whilst Appiah's circularity worry ought to remain in the constructionist's mind as they attempt to give a social description of gender, it certainly doesn't look as if it rules out all constructionist theories of gender. Take, for instance, Haslanger's social essentialist position, whereby women are all and only those who are oppressed on the basis of their presumed sex (Haslanger 2012). Here, there appears to be no circularity in the definition – 'women' appears only on one side of the definition, and there is no appeal to an underlying conception of gender to individuate women from men. Rather, an appeal is made to a particular kind of social structure based on the interpretation of sex.

Error theory regarding gender, then, seems largely implausible. This, I might add, is a good sign for anyone wishing to construct a positive metaphysics of gender. If our survey of error theory had concluded that there is in fact no such thing as gender, or even worse, that there *could not* be such a thing as genders in any plausible future society, then the constructive project of trying to revise gender to make lives more liveable would have looked precarious. *Contra* error theory, there are women, there are men, there are people who do not fit into those categories. Gender exists. Perhaps we can even modify those categories. What if we wanted to modify them out of existence?

2 – Gender Abolitionism

Unlike error theory, abolitionism about gender has a venerable history within both feminist and trans thought. Thinkers in these traditions of a revolutionary bent often suggest that we ought to get rid of gender. What would getting rid of gender look like? It depends which theorist one asks.

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constructionist one, distinct from error theory about gender that would deny the existence of gender entirely. I am not alone in this preference: Ron Mallon calls such positions "covert constructionist" (Mallon 2016 118).

[152] Despite a tiny number of outliers, the relevant experts on gender have achieved consensus on this matter. Note that this consensus means that Glasgow's (2006) argument against racial social kind realism isn't applicable in the case of gender. His argument there relies on the claim our best descriptive theory of race must be consistent with OSC:

OSC: Ontological theories of race must be consistent with the best semantics of race.

Social kind realism about race, he argues, is inconsistent with OSC, because there is no consensus among experts on whether race is biologically real, socially real, or non-existent, and ordinary discourse surrounding race appears to give race terms biological, or at best a hybrid of social and biological intensions. Thus whether one thinks that the reference of race terms is fixed by experts (*a la* 'water' and H_2O) or fixed by lay usage (as Glasgow suggests the meaning of 'chair' is fixed) social kind realism about race is inconsistent with OSC and therefore unsatisfactory. In the case of gender, however, social kind realism is consistent with OSCg:

OSCg: Ontological theories of gender must be consistent with the best semantics of gender.

Here we can simply appeal to the experts, who (almost) uniformly agree that gender is a social matter – and as such, a theory of gender that says that gender is real, and socially constructed, is consistent with OSCg.

For some feminists coming out of the radical tradition, gender is a hierarchical system of domination, with women defined as the oppressed group in that structure and men as the dominant group.[153] Thus the elimination of gender is achieved simply by the destruction of the hierarchical system that constitutes genders. For others, not least those like Donna Haraway and some in the queer tradition, the elimination of gender is to be achieved by undermining and destabilising the supposed binary of man/woman. Without a clear distinction between the two categories, one might think, the idea of gender becomes superfluous, and might wither away in a world of androgyny. However, regardless of whether such programs could be successful, or indeed if they plausible at all, I suggest that we first ought to ask whether the abolition of gender is *desirable*.[154] Abolitionism is an ameliorative position – and thus we ought to ask whether or not it serves our moral and political purposes first and foremost. If we judge that it does not, as I shall argue, then questions as to its feasibility never arise.[155]

2.1 – Haslanger's Simple Argument

Why might one be an abolitionist about gender? Sally Haslanger provides us with a simple argument. Suppose that the categories *man* and *woman* are understood, as Haslanger suggests, in the following way:

> "S *is a woman* iff$_{df}$ S is systematically subordinated along some dimension (economic, political, legal, social, etc.), and S is "marked" as a target for this treatment by observed or imagined bodily features presumed to be evidence of a female's biological role in reproduction.

> S *is a man* iff$_{df}$ S is systematically privileged along some dimension (economic, political, legal, social, etc.), and S is "marked" as a target for this treatment by observed or imagined bodily features presumed to be evidence of a male's biological role in reproduction." (Haslanger 2012 230).

On such an account, gender is a constitutively constructed by a particular hierarchical societal structure based on presumed sex. One cannot make reference to one's gender without also making

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[153] See, for instance, Monica Wittig (2017) and Shulamith Firestone (1971)

[154] In this paper, I will only address *complete* abolitionism about gender – the complete elimination of all genders from society. Positions that attempt to undermine the political significance of gender in one way or another, whilst maintaining the existence of gender categories for identification or other uses, are, to my mind, mislabeled when called abolitionist. For instance, the Xenofeminist movement argues for 'abolitionism' in the form of the *proliferation* of gender categories (see, for instance, Hester 2018)! I take it that the reader will sympathise with me in suggesting that xenofeminists and others like them are not abolitionists proper.

[155] For a powerful argument to suggest that gender abolitionism (in its gender nihilist form) is simply infeasible, see Williams (2016).

reference to one's position in that structure: for one's gender is simply that position in the structure. To be a woman on this account, is to be systematically subordinated because of the way one is observed or imagined to be by others. In this sense there is a conceptual, or analytic link between gender and subordination. The argument for the abolition of gender, then, is quite simple:

1a. We ought to eliminate oppression/subordination/injustice,

1b. Being a woman is, by definition, to be subordinated/oppressed/subject to an injustice/harmed,

1c. Thus, we ought to eliminate the category *woman*.[156]

1d. Getting rid of the category *woman* requires abolishing gender in its entirety,

1e. Thus, we ought to eliminate gender.

1a seems eminently plausible, whilst 1b is just the relevant aspect of Haslanger's definition of woman.[157] 1d seems a little more tendentious, but just to make it seem somewhat plausible for the moment, when thinking of gender as a hierarchy, note that it seems hard to see how the privileged class (man) could exist without a subordinated class (woman). Given that, at least on the Haslangerian account set out thus far in this chapter, all there is to gender are those two categories, then by eliminating both men and women, we eliminate gender. The inference from 1a and 1b to 1c is fairly simple – if being a member of the category woman is itself an injustice,[158] kind of oppression or subordination, then we ought to eliminate it. Similarly, the inference from 1c and 1d to 1e is a simple application of necessary means to an end reasoning. Thus gender – insofar as it defines genders in a hierarchical system of domination – ought to be abolished.

Mari Mikkola has criticised this argument by, in effect, rejecting 1b:

"Abolitionist accounts take womanhood to be *by definition* tied to oppression so that it is not possible to be a woman and not be (in some sense) oppressed. Re-evaluative accounts do not take being a woman per se to be oppressive. Instead, they recognize that our social circumstances create environments where women are viewed and treated in ways that disadvantage them—perhaps by associating with women some

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[156] Obviously, this ought not to be read as 'getting rid of the people who are currently in the social position defined by the category *woman*' but rather as, 'getting rid of the social position defined by the category woman'.

[157] I also included *oppression*, and *being subject to an injustice*, as I suspect that the success of the argument does not turn on the particular kind of wrong that is conceptually connected to being a woman. We will later see a version of the argument that will attempt to make a conceptual link between gender and *harms*.

[158] For a detailed account of what we might call "ontic injustices" – injustices in virtue of being treated as a member of a given category, see Jenkins (2016b)

traits and using this association to ground unjust social arrangements. It is possible to be a woman and yet not be oppressed, provided that we have successfully altered how women are viewed and treated. So, on the former view, gender justice would dismantle unjust social hierarchies, thus doing away with women and men; on the latter, gender justice would dismantle such hierarchies while retaining women and men without (say) the earlier oppressive association in place." (Mikkola 2016 125).

Suppose that one does not think that *woman* is analytically connected to oppression, *contra* 1b – if so, then as Mikkola rightly points out, the motivation for abolitionism disappears.[159] Why might one doubt that woman is conceptually connected to subordination or oppression? One might simply suggest that it is conceptually possible for women to *not* be oppressed on the basis of their gender. Thus 1b need not be endorsed. The person committed to 1a, but not wishing to endorse 1b, ought to strive for a society where this possible case of womanhood free from oppression or subordination is actualised.

How ought we to determine the status of 1b? Mikkola turns to anecdotal evidence of students who say that the conception of gender it suggests is quite alien to them. They tell her "time and again that the abolitionist strategy aims to eradicate something that seemingly need not be eradicated. As they see it, "the feminist revolution" **need** not do away with gender, and *being* a woman or a man is not primarily the problem—the real problem is how people are viewed and treated." (Mikkola 2016 125-6). However, as Haslanger (2012) and Jennifer Saul (2006) have argued, simply because a gender concept is unintuitive, it does not necessarily mean that the concept is not the one (if indeed there is a only single concept) which is operative, or that the societal structure (if indeed there is only a single structure) that it picks out is not in operation.[160] Indeed, in response to the kind of cases that Mikkola's students raise, the Haslangerian abolitionist can simply bite the bullet, and insist that putative examples of women who are not oppressed or subordinated on the basis of their gender are not women. Interestingly then, we seem to be at something of an impasse – for every example purporting to show that *woman* is not conceptually connected to subordination, the abolitionist will simply bite the bullet and argue that such examples are not women – no matter how counterintuitive that bullet biting case is.[161] The status of 1b, therefore, seems vexed.

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[159] As she rightly notes, one can still think that women are oppressed on the basis of gender in our society (indeed all current and past societies) given this rejection. It is merely that being a woman need not entail oppression or subordination.

[160] This is not to say that there are no problems from counterintuitiveness in the area here – see Saul (2006 133).

[161] Though I admit that I find such a strategy unpalatable. As Saul (2006 133) remarks, we have the ability to use gender terminology relatively competently – and it seems odd to think that the operative concepts of gender are so incredibly alien to our manifest concepts as to allow huge amounts of bullet biting of this sort.

Nonetheless, I wish to sidestep this question for the moment by suggesting, following Haslanger in a slightly different turn in her thought, that *even if* the current conception of gender, or structure of society were one that analytically linked oppression with the concept or category of woman, nonetheless, we might make gender and genders anew in a way that does not have that conceptual connection (Haslanger 2012 244-5).[162] We might, as it were, perform *conceptual engineering* – editing our concepts (and our society in line with these new concepts) in order to better suit our purposes. Thus we might think that even if gender, understood hierarchically, with an analytic link between *woman* and oppression ought to be abolished, this does not entail that gender should be abolished entirely. Instead, there lies the opportunity to change gender, according to our various aims and purposes. We could (re)make gender in a way as to not be analytically linked to oppression.[163]

2.2 – Gender Nihilism

However, we should not so quickly reject abolitionism. Alyson Escalante's work, despite coming out of a very different tradition, provides the abolitionist with a powerful response to the conceptual engineering move. Escalante produces a *gender nihilist* position on gender. The gender nihilist endorses a view of gender that has some similarities to the Haslangerian view sketched above:

> "The gender nihilist says "I am a woman" and means that they are located within a
> certain position in a matrix of power which constitutes them as such." (Escalante
> 2016).

Whilst the gender nihilist view of gender does not insist on merely two genders arranged hierarchically, but rather a number of different genders linked by diffing power relations, it does insist that power, and therefore harms, are conceptually linked to the existence of gender categories. The gender nihilist thus recommends the rejection of gender categories entirely. In light of this, Escalante also has a response to my suggestion that we need only (re)make gender differently, in order to escape the conceptual link to oppression:

> "All we do when we expand gender categories is to create new more nuanced
> channels through which power can operate. We do not liberate ourselves, we ensnare

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[162] Indeed, Haslanger is quite tentative in her suggestion that the concepts she puts forward as a part of her project are actually operative in society.

[163] Paralleling what was noted above in footnote 151, one *might* think of this as a form of abolitionism. After all, as an anonymous reviewer at *Feminist Philosophy Quarterly* pointed out, (if the Haslangerian description of society is right) this is abolishing our current referent for our concept of gender. However, given that we are then replacing it with new genders via conceptual engineering and political work, it is not a form of *complete* abolitionism.

ourselves in countless and even more nuanced and powerful norms. Each one a new chain." (Escalante 2016).

In conceptually linking gender categories to *power*, rather than oppression, injustice, or subordination, Escalante makes it much more difficult to imagine the category absent that feature. Whilst it seems relatively easy to imagine a case of a woman who, by chance, is not oppressed on the basis of her gender, it seems much harder to imagine a case of a woman free from the effects of power with respect to her gender. Indeed, what would the category *woman* look like, were it not linked to power in some way?

However, I suggest that this argument moves a little quickly, from the link between gender categories and power, to the link between power and harm, and therefore a conceptual link between the existence of gender categories and harm. Take the following passage:

> "To use this terminology is not hyperbolic; the violence of gender cannot be overestimated. Each trans woman murdered, each intersex infant coercively operated on, each queer kid thrown onto the streets is a victim of gender. The deviance from the norm is always punished. Even though gender has accounted for deviation, it still punishes it. Expansions of norms is an expansion of deviance; it is an expansion of ways we can fall outside a discursive ideal. Infinite gender identities create infinite new spaces of deviation which will be violently punished. Gender must punish deviance, thus gender must go." (Escalante 2016).

Whilst Escalante is correct to emphasise the violence experienced by those who deviate from gender norms, note that the world need not be this way. We can, and perhaps must, imagine otherwise. Let us grant for the moment that power is conceptually connected to gender, and that power inevitably generates norms of behaviour. Even so, there's nothing to suggest that violent punishment necessarily follows from deviation from the norm. We can imagine a society where trans women are not murdered, intersex children are not coercively operated on, and queer children are not thrown out onto the streets. Indeed, is that not precisely what we ought to be fighting for?

Alternatively, another response we might also suggest is that the proliferation of gender categories does in fact create more and more space for acceptable behaviour. That is, that Escalante is wrong to suggest that infinite gender identities create infinite new spaces of deviation. Rather, they widen out the space of permissible behaviour. Imagine a society wherein a radical pluralism about gender categories was adopted, such that new genders were adopted all of the time, to the desires of the individual members of the society. Suppose one were in a 'deviant space' according to the gender

concepts of that society, excluded and disapproved of because one did not fit into any of the current concepts. It seems that one could merely innovate, create a new category that did include you, in order to no longer exist in a 'deviant space'. This itself does not decrease the number of acceptable ways to exist in society – but rather increases them. Of course, in societies that do not operate under this kind of radical gender pluralism, where new gender concepts are readily accepted by the society as a whole, there are going to be practical questions about making one's new concept widely accepted. However, I suggest that this is not an obstacle to increasing the acceptable ways to exist in society that stems from the proliferation of gender categories – rather, it is an obstacle that stems from obstacles to that proliferation.

This is not to say that a personal rejection of gender is illegitimate. An individual's rejection of gendered life as a personal identification – whether they identify as agender or otherwise – is, I suggest, a perfectly reasonable response. Nonetheless, I suggest that arguing for society-wide abolition of gender is misguided. Escalante comes to a very similar conclusion in her later addendum to the anti-manifesto, drawing on the work of Maria Lugones, where she writes that "this piece was not meant to tell anyone how to think about gender, it was the result of a collective analysis by a specific group of people which came to conclusions that allowed us to understand our lives. If you don't like that understanding, feel free to discard it. I do not ask or demand you agree with me." (Escalante 2015).

2.3 – Transgender Identities and Abolitionism

I have argued that one need not endorse abolitionism, even if one thinks that gender is conceptually linked to oppression, or indeed harm. Are there, on the other hand, positive reasons to reject abolitionism? I suggest that one of our moral-political purposes ought to be to maintain the existence of gender, in order to do justice to trans people's gender identifications. Again, the argument is simple:

2a. The abolition of the category *woman* in a society entails that one cannot identify as a woman in that society,

2b. Trans women identify as women (and trans women in future societies will continue to identify as women),

2c. If one cannot identify as a woman in a society, then trans women are wrong to identify as women in that society,

2d. Thus, a society in which the category *woman* is abolished misgenders trans people,

2e.   Thus, we ought not seek the abolition of the category *woman*.[164]

I take it that 2a and 2b are obvious, and that 2c straightforwardly follows from them.[165] Quite simply, the thought is that, given that in a genderless society there is no category woman, trans women are excluded from membership of that category. Misgendering, as Kapusta and myself have argued, and as is widely accepted, is a wrong, thus I take it that 2e follows naturally from 2d. We ought to conclude, therefore, that gender abolitionists risk a transphobic conclusion that we should not endorse. This might appear a little odd – if there is no category woman, then what does it mean to be excluded from that (non-existent) category? First, we should note that misgendering does not presuppose the existence of a kind that one is excluded from. That is, X is misgendered iff X sincerely identifies as a member of a gender category Y, but some party (an individual, family, society, philosophical view of gender etc.) treats X as not being a member of that Y. Thus the talk of 'exclusion' may be somewhat misleading, even if it is a useful heuristic in understanding misgendering. What ultimately matters is the harms that are done in denying that a trans woman is a woman, that a trans man is a man, that a nonbinary person is nonbinary and so on. These wrongs (laid out in Chapter One) do not presuppose that the category a person identifies as a member of exists. Indeed, given what Kapusta says about one of the moral wrongs of misgendering, we may think that the abolition of the category even deepens some of the wrongs of misgendering:

> "Transgender persons are denied the discursive resources to participate in furthering society's understanding of their own gender and—I would add—of gender more generally... This harm may be tied to an imposed, "authoritative" interpretation of the subject's experience that constitutes her social identity. At the very least, it contributes to robbing transgender women of the power to express their own senses of self, and of the opportunity to develop a language and conceptual resources that articulate those senses of self." (Kapusta 2016 504-505).

Lacking the category in its entirety, the hermeneutical injustice of misgendering is therefore worsened! In short – that the category fails to exist is no obstacle to misgendering occurring, and indeed, may even make the worry more pressing.[166]

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[164] I take it that this argument runs no matter which gender category is substituted in for *woman* here.

[165] One might deny 2b by denying the claim that trans women will continue to identify as women in future societies – we will return to this question briefly in the next section.

[166] We might also think about Dembroff's notion of ontological oppression here, specifically its second formulation:
> "The structures and practices within a social context can unjustly fail to recognize or construct certain kinds." (Dembroff Forthcoming 5)

The thought here is that just as when nonbinary people face ontological oppression due to the failure of actual societies to recognize or construct appropriate gender kinds for those nonbinary people, trans men and women face ontological oppression in a society that abolishes gender.

There is a slightly different version of the argument that we might also make:

3a. The abolition of the category *woman* in a society entails that the society and those who advocate for it see identifying as a woman in that society as undesirable,

3b. Trans women identify as women, and for many it is an extremely important part of their identities,

3c. If one seeks a society in which identifying as a woman is undesirable, then one seeks a society in which it is undesirable for trans women to have an extremely important part of their identities,

3d. If one seeks a society in which it is undesirable for trans women to have an extremely important part of their identities, then one seeks a society in which trans women are unwelcome,

3e. We should not seek a society in which trans women are unwelcome,

3f. Thus, we ought not seek the abolition of the category *woman*.[167]

3a here is fairly simple – the underlying thought is that the abolitionist thinks that gender is an undesirable feature of the social world, and that identifying as a member of a gender category is therefore undesirable.[168] 3b and 3c meanwhile seem fairly plausible assumptions to make. 3d is motivated by the thought that if one is asked to give up an important and valued part of one's identity for entry into some space, one is going to feel unwelcome in that space. I take it that no serious member of this debate will deny 3e. Not only does a society that is unwelcoming to trans women seem morally objectionable, even advocating for that society as a part of a feminist movement seems to suggest that trans women are not welcome in that movement. It seems, therefore, that we should not be abolitionists about gender.

2.4 – A Note on Ideal Theory

I can imagine a reader who, upon reading the above, suggests that its anti-abolitionist conclusion is all very well, but that nonetheless, the ideal society is one that is free of gender. Take, for instance,

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[167] Again, I take it that this argument runs no matter which gender category is substituted in for *woman* here.

[168] After all, getting rid of gender means getting rid of it at both the personal and the structural level (if such a distinction is possible). I'm not sure I can make sense of an abolitionist (in the strong, *complete* sense I have been talking about throughout this paper) who desires that we get rid of gender completely, but still thinks that individual gender identifications are desirable, or at least not undesirable. Of course, one might suggest maintaining gender identity without gender as class or structure (see, on this distinction, Jenkins 2016a) but of course, whilst this abolishes one aspect of gender, it is no longer gender abolitionist in the sense developed here.

Susan Moller Okin's position. Okin, working in the 'ideal theory' tradition, suggests that society, in its ultimate just state, would not be one that included gender. She writes:

> "Gender, with its ascriptive designation of positions and expectations of behaviour in accordance with the inborn characteristic of sex, could no longer form a legitimate part of the social structure, whether inside or outside the family." (Okin 1989 103).

Suppose that one thought that we ought to try to make society in such a way as to match the ideal state set forward by ideal theory, and following Okin one thought that the ideal state is one that lacks gender. It seems that in such a situation, one ought to adopt a certain kind of abolitionism about gender. Note, however, that this need not be an immediate abolitionism about gender – one might, like Okin, seek to "minimize" gender whilst recognising it currently, in order to protect those whose lives are made vulnerable by gender, before eventually moving to a genderless society (Okin 1989 Chapter 8).[169] However, for this version of abolitionism to be attractive, not only do we have to be persuaded of the relevancy of ideal theory for political action, but we also have to be persuaded by arguments to suggest that the ideal state lacks gender.

With regards to the latter concern, the ideal theory abolitionist faces a dilemma: a genderless society entails either a failure to do justice to trans people's gender self-identifications, or the absence of (non-agender) trans people in that society.[170] Neither of these conclusions is desirable, and together make it look as if an ideal society ought not to be abolitionist. Why might a genderless society fail to respect trans people's identifications? We have already seen an argument to this effect – 2a-2e. Trans people in a society where gender has been abolished will (aside from agender people) be misgendered, their identifications rendered moot. One might suggest that the ideal theory abolitionist might avoid this worry by denying 2b:

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[169] It has been suggested to me by helpful audiences at the Universities of Sheffield and Oxford that Okin herself may not have been committed to *complete* abolition of gender (see footnote 163 above). Instead, we might interpret her as happy with the maintenance of 'genders' in society so long as they do not have significance for the distribution of goods and rights and are not assigned at birth. Returning to questions covered in sections 2 and 3 above, it is an interesting question as to whether these would still count as genders at all on Okin's understanding of gender given that her understanding of gender seems to conceptually link genders to particular distributions of goods and rights and assignment at birth. If this is so, then so much the worse for complete abolitionists looking to rely on ideal theory for support of their position, as Okin would have been fine retaining with the appropriately engineered 'genders' at stake in this debate.

[170] It would also entail either the failure to respect cis people's identifications or the absence of cis people from that society. I focus on trans people for two reasons: first, they find themselves in the most vulnerable position with respect to gender, and second I myself am trans and wish to foreground trans people's concerns in debates over gender, where we have often been either ignored, fetishised, or demonised.

2b. Trans women identify as women (and trans women in future societies will

continue to identify as women),

They might deny 2b by claiming that in their ideal future society, trans women (for example) no longer identify as women. However, this spikes them on the other horn of a dilemma. After all, denying 2b on these grounds looks a lot like denying that there are trans women in one's ideal state – after all, if trans women are those people who were not assigned female at birth but who identify as women, then in a society where no one identifies as women, there are no trans women. This will also hold for other trans people, aside from agender people. Therefore, save for agender people, it looks like trans people need to be eliminated from society in order for the abolitionist position to be saved.

One might, perhaps innocently, ask what the problem with the absence of trans people from society is – what's so bad about this horn of the dilemma? Why should we be worried about the elimination of (non-agender) trans people? Well, for one, there are potentially violent implications here, methods of elimination which are enacted upon trans people around the world on an everyday basis – though I take it that anyone who has followed this paper beyond its first page will automatically reject those. What might a nonviolent elimination of gender and trans identities look like? How on earth could one reach a society where trans people no longer identify as member of genders, and do so happily? If such a society is even possible, it seems like getting there is going to be extremely difficult, and a story needs to be told as to how we might get there.

2.5 – Colonialism

There are additional concerns here specific to advocating for abolition from within a colonial context. What should we think about the racist colonial implications of a (we ought to note, mostly white) abolitionist movement mandating, for example, two-spirit identities out of existence?[171] There is a history of violence at work here that must be reckoned with. Those that colonists called 'berdache' suffered and continue to suffer from the effects of colonisation. Scott Morgensen here describes merely one such act of brutal violence:

> "Early colonists recurrently exacted a terrorizing sovereign right of death in order
>
> to educate Native people in the new colonial moral order. While interpreting Peter
>
> Martyr's account of Vasco Nunez de Balboa's 1513 expedition in Panama, Jonathan

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[171] Worries about the coloniality of her thought have plagued Okin throughout her career, including her implicit assumption that "West-is-best" as Alison Jaggar (2005 69) puts it. I take it that a Western thinker positing an ideal society and using that society as a standard by which to judge the moral status of others' societies, does not merely run the risk of being myopic, but also the risk of performing a colonial and racist act.

Goldberg notes that Balboa's victorious arrival after battle at the house of the Indigenous king was framed by his condemnation and elimination of what he perceived to be gender and sexual transgression. On reportedly finding the king's brother and about forty other men dressed in women's apparel or living in sexual relationships, Balboa threw them out to be eaten alive by his dogs." (Morgensen 2011 64-5)

As Gary Bowen succinctly put it, native people "have been murdered, burned, beaten, hanged, imprisoned, flogged, stripped, humiliated, and otherwise forced into compliance with the dominant standards of sexuality or exterminated when they resisted" (Bowen 1998 64-5). Gender and sexual 'deviance' that was found by the colonists was (and is) like much of native cultures, subject to a program of extermination. This has occurred in innumerable ways – not least in the white schools where native children were educated and deprived of their culture in such a way as to "Kill the Indian in him, and save the man" (Pratt 1973 261). This attempted destruction of native culture meant that much history and knowledge was lost – including knowledge of various identities that the colonists grouped under the term 'berdache'. This label itself represents the imposition of colonial conceptions (both heteronormative and queer) on a wide variety of native identities, an imposition which has widely rejected by Native peoples (see Morgensen 2011). This history of violence and imposition must be considered carefully when theorising gender – especially when one takes one's theorising, as the likes of Okin do, to be universally applicable. This history (and present) of colonialism should raise warning flags, and the abolitionist must, if we are to find their vision of a feminist utopia plausible, provide a vision of gender abolition that does not merely re-inscribe this kind of colonial violence.

Finally, if one could tell a story that avoids these morally problematic conclusions whilst endorsing abolitionism, about some far-flung future society which is radically different from our own, then very well – but personally my concerns in are more pragmatic than ideal. Such an ideal society might be worth striving for – but not knowing what that society looks like, or how to get there, and sceptical of such a society's possibility and especially its desirability, I choose to work under the assumption that we should be more concerned with a pragmatic, or real theory that improves our actual society in meaningful ways. A movement that, in our current society, seeks to abolish gender is one that fails to do justice to trans people's identifications. We are already in a desperate political situation where the US government is seeking to undermine trans rights domestically (see Opfer 2018) and internationally (see Borger 2018). In the UK, hate crimes against trans people in the UK have spiked (see Duffy 2018), and a moral panic alongside a government consultation on the gender recognition act is occurring (see Barker 2017). Seeking abolition in our current political

landscape is a recipe for trans deaths. Abolitionism is thus not a political program that I am interested in, nor one that I think is worth developing in our current political moment. How then should we organise gender? In the next chapter I spell out the ameliorative asemantic pluralist account.

Ameliorative Semantic Pluralism

We saw in Chapter Two that the discrete/continuous and double-counting problems look like they are generalisable problems that will affect any proposed definition of any given gender term. Given that we suggest that some gender term X has a proposed meaning y, we can say the proposed meaning will either misgender demigender people by giving X discrete membership conditions, or gender marginalise trans people who are members of X by giving X continuous membership conditions. This is the discrete/continuous problem. Moreover, we can say that y either excludes trans people from the extension of X, being too exclusive, or includes too many trans people in the extension of X, being too inclusive. This is the double-counting problem. The discrete/continuous problem is especially pernicious, as it appears that the existence of a variety of trans identities poses a structural problem that rules out *any* given proposed account of a gender term, on the basis that it fails to meet the trans identity constraint.

However, there remains a route that we have thus far not discussed – a pluralism or contextualism about gender terms – which might enable us to escape these problems. The thought here is that we somehow vary the meaning of a given gender term, such that we can get *both* discrete and continuous membership conditions for any gender.

In this chapter, I will put a *semantic* spin on pluralism. At a first blush, the thought is this: suppose we propose multiple senses for some term X, $y_1…y_n$, such that some y in $y_1…y_n$ have discrete membership conditions, and some y in $y_1…y_n$ have continuous membership conditions. Now suppose, for moment that X is 'man'. It looks as if, on this kind of account, we can do justice to trans men by offering a definition of 'man', using a sense from $y_1…y_n$ that has discrete membership conditions. Meanwhile, we can do justice to demiboys by offering a sense of 'man' that has continuous membership conditions. In its descriptive mood, semantic pluralism may seem plausible to the reader, if not obviously true. 'Woman', when uttered in MIT's LGBTQ lounge and 'woman', when uttered in the North Carolina senate simply do not have the same sense, and certainly do not have the same extension, one might think. However, as we shall see, an ameliorative version of semantic pluralism is harder to justify.

We shall begin by spelling out a pluralist and a closely related contextualist account already in the literature, showing that despite some superficial differences, they are equivalent for political purposes. I will also develop problems for these accounts: Saul's contingency and paralysis problems. Next, I put forward *ameliorative semantic pluralism* as an attractive position for our project,

given our desiderata. Developing it using Esa Díaz-León's work on subject contextualism in this area, I show that this account avoids several problems that have been raised throughout this thesis, is not circular, and has answers to a large range of putative problems.

Interestingly, an account along these lines may actually be one of the oldest theories of gender. Spelman,[172] for instance, argues that Aristotle is a pluralist about individual genders, given how he conceives of race as inseparable from gender (Spelman 1988 56). Spelman suggests that "there are at least two gender identities assigned to females" in Aristotle. This said, here we look at its contemporary variations.

<u>1 – Saul and Bettcher</u>

Contextualism about gender terms has been put forward (though not embraced) by Jennifer Saul. Saul's contextualism suggests that the content of the term 'woman' varies according to context. More specifically,

> *"X is a woman* is true in a context C iff X is human and relevantly similar (according
> to the standards at work in C) to most of those possessing all of the biological
> markers of female sex" (Saul 2012 201).

Where the biological markers of female sex are those commonly taken to be such markers: having ovaries, a vagina and XX chromosomes. Thus, in trans-inclusive contexts, where what matters to whether one counts as a woman is that one sincerely identifies as a woman, the definition of woman becomes:

> *"X is a woman* is true in C1 iff X is human and relevantly similar (in sincerely self-
> identifying as a woman) to most of those possessing all of the biological markers of
> female sex" (Saul 2012 203).

And in trans-exclusive contexts, such as that where what matters as to whether one counts as a woman is having XX chromosomes, the definition of woman becomes:

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[172] Who herself gestures towards pluralism in suggesting that the full implication of her discussion entails being willing to talk about women's different genders (Spelman 1988 177).

> *"X is a woman* is true in C3 iff X is human and relevantly similar (in having XX chromosomes) to most of those possessing all of the biological markers of female sex" (Saul 2012 203).[173]

Of course, one might wonder whether we really get a trans-inclusive theory of gender here. Whilst the utterance "trans women are women" is true in inclusive contexts, it is also the case that the transphobic lawmaker, who on the floor of the North Carolina senate utters the phrase, "these so-called 'trans women' are not really women" is uttering a truth.[174] It might seem, therefore, that the theory fails as an ameliorative account of gender. First, trans women's claims to womanhood are made contingent upon context, and second, the fact that this is built into the meaning of the term 'woman' seems to lead to political paralysis. It seems as if the first of these issues is an issue because the contextualist position fails on the trans identity constraint. Trans people are simply going to be misgendered by this position when they exist in contexts like C3. The second of these issues, arises because it appears that on the contextualist account we have no resources to appeal to in order to suggest that the lawmaker in C3 is wrong to misgender trans people: after all, they assert something true when they utter "trans men are not men".

Saul has a response to (at least the second) of these worries;[175] in that we can recognise that the transphobic context in which the trans-exclusive utterance is made is a *wrongful context*. That is, the context which determines the sense is morally wrong. The recognition of this wrongness gives us the opportunity to organise to change the context, such that trans-exclusive utterances are made false. Thus instead of political paralysis, the contextualist position actually serves as a call to action to change the world (or at least the context).[176] How exactly this is to be achieved will presumably

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[173] For an argument to suggest that this is not actually the relevant definition of woman in trans-exclusive contexts, and hence that trans-exclusive statements come out as false, see Díaz-León 2016. We will return to Díaz-León's work on this shortly.

[174] North Carolina has become notorious for its enactment of the so-called bathroom bill HB2, whereby trans people are forced to use the bathroom that 'matches' the sex displayed on their birth certificate. The bill also allows discrimination on the basis of sexual orientation and gender identity. A month after the city of Charlotte passed a local law that prohibited discrimination against LGBT people by businesses and allowed trans people to use the public restroom of their choice, the state legislature overruled the local law by passing a state-wide anti-discrimination law that nullified such local laws and itself specifically did not mention discrimination on the basis of sexual orientation or gender identity. It is also worth noting that the bill prevents local governments raising their minimum wage beyond $7.25 per hour – something that will hit trans people especially hard given their general economic precarity. See Domonoske 2016 and Lacour 2016.

[175] We shall return to the first later.

[176] It may be useful to draw a parallel here to a non-semantic case in order to better understand the point. Suppose A utters "boys are better at the math SAT than girls". It seems that, given the data provided by the company that runs the SAT, the utterance is true (see College Board 2016). It might, therefore, seem that we are politically paralysed – A was not wrong in their utterance, and this is in fact the way the world is. However, the Saulian response (if one were to endorse it in this situation) suggests that the utterance describes a morally wrong (even if epistemically right)

vary on a case by case basis, but we might think that filling the North Carolina senate with transfeminist sympathizers might change the standards at work in the context, and thus the truth conditions for claims about woman.

In part responding to Saul, a pluralist account of gender is given by Bettcher, who begins from the claim that the dominant conception of gender cannot be saved. For her, accepting the mainstream, trans-exclusive theory of gender is to accept the marginalisation of trans people and the invalidation of their claims. Whilst family resemblance theories might have promised a way to keep a single meaning for each gender term, without involving themselves with the oppression of trans people, such attempts proved to be a failure (Bettcher Unpublished 14). Instead, Bettcher claims, we should think of trans communities as creating new, completely distinct meanings for gender terms and therefore new social realities. Bettcher turns to Maria Lugones' theory of social worlds to develop the idea that in differing contexts one becomes a different person, with different properties. Thus, trans women, when in mainstream, trans-exclusive contexts, are (socially constructed as) men, and yet are, in trans-inclusive contexts (socially constructed as) women. For Bettcher, the trans woman is under no obligation to respect the meaning of 'woman' in the dominant, trans-exclusive social world. Rather, she, and those who stand with her, ought to reject that social world, and embrace the new conception of woman developed by trans communities. For such communities, "'trans woman' is taken as a basic expression, not as a qualification of the dominant meaning of 'woman'" (Bettcher Unpublished 17). Further, one is a trans woman if one was assigned male sex at birth, and has either transitioned or wishes to transition. Being a trans woman whilst also identifying as a woman is, according to this conception of woman, jointly sufficient for being a woman. As such, in these inclusive social worlds, being a trans woman is (according to Bettcher's analysis of these contexts) is a paradigmatic case of being a woman:

> "She's not marginal. She's not categorically liminal. She's not arbitrarily *stipulated*
> into the category. There's a fact of the matter whether she's a woman. And the fact
> is *she is*" (Bettcher Unpublished 18).

For Bettcher, these trans-inclusive worlds have created a new conception of gender, so distinct as to require different labels to the dominant conception of gender (Bettcher calls them man$_R$ and woman$_R$, and opposes them to man$_D$ and woman$_D$) and which should be adopted in the light of the failure of mainstream theories of gender to secure the claims of trans people.

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situation – and that we ought to take action to rectify that morally wrong situation. Here the kind of rectificatory work might include STEM for girls programs, anti-stereotype threat workshops, reform of STEM industries, and so on.

Here we might raise a challenge that we also posed for Saul's account: does the analysis of gender concede too much by allowing that, in trans-exclusive contexts (or social worlds, to use Lugonian terminology) trans women are not women, and that utterances to that effect are true? Bettcher's response is that the worlds in which trans women do not count as a woman *are* a problem – a political problem to be solved through political resistance. Her response is, in this sense, much like Saul's contextualist response – to recognise certain contexts or social worlds as wrongful, and to act to change them.

This similarity may be pushed further – given that Bettcher is endorsing a position whereby the term 'woman' has different senses in different contexts, we might ask whether her theory is simply another version of contextualism. Bettcher, however, rejects this, as she says that, in contrast to the contextualist account, her account allows for a more radical contestation between the trans-inclusive and trans-exclusive conceptions of gender:

> "Part of what's under contestation are gender practices, including the semantics of gender terms themselves. In this view, the invalidation of trans identities doesn't merely concern which gender terms apply, but what those terms *mean*" (Bettcher Unpublished 17).

> "Once we accept this response, we obviously need to recognize that the shift in usage is *far more radical* than the mere introduction of a new contextually relative standard. It makes more sense to speak of a transformation in meaning or concept than to speak of a new conceptually relative standard." (Bettcher 2012 244).

But of course, it is not merely Bettcher's account that allows for contestation over the meanings of gender terms – on Saul's contextualist account, we can say that the standards for similarity to most of those possessing all of the biological features at work in a context are wrong, and therefore the truth-conditions for (or the usage of) the term 'woman' in that context are wrong.[177] Thus the

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[177] Bettcher also claims that in her account, "some of the central woman-defining features of the dominant world are *entirely inoperative*" whilst this is not the case for contextualist pictures, which make "different defining features salient in different contexts" (Bettcher Unpublished 19). Yet this seems to be a misreading of contextualist positions, or at least the contextualist position that Saul puts forward – for Saul, the feature of having a vagina is a central woman-defining feature of the dominant world. However, having a vagina does not merely fail to be salient in trans-inclusive contexts, it rather does not form a part of the standard for relevant similarity whatsoever. Instead, the relevant standard for similarity is self-identification. In trans-inclusive contexts, having a vagina is just as inoperative on Saul's account as it is on Bettcher's account. We will return to another version of this worry, that Saul's account centres cis women, shortly.

semantics of gender terms are up for debate even in Saul's position and the sense of a term is under contestation on both models. Thus, what can Bettcher be getting at here?

One distinction which may aid us here comes from David Kaplan, who distinguishes between the content and the character of a term or sentence. The content, for Kaplan, is a notion of meaning that only applies to a term or sentence *in a context*, and is a function that takes one from that circumstance to an extension.[178] Thus the content or sense of 'woman' according to both Saul's contextualist account and Bettcher's Lugonian account will vary according to context. On the floor of the North Carolina senate, the content of 'woman' as uttered by a transphobic politician will take one to an extension that fails to include trans women. In a transfeminist activist space, by contrast, the content will point to an extension that includes trans women. The character of a term or sentence, by contrast, is that which determines the content in a given circumstance. Thus on Saul's account, the character of 'woman' is fixed, as described above, and is a function that takes one from a context, to a content:

> *"X is a woman* is true in a context C iff X is human and relevantly similar (according
> to the standards at work in C) to most of those possessing all of the biological
> markers of female sex" (Saul 2012 201).

Meanwhile, for Bettcher, there does not appear to be a single fixed character of 'woman'. Rather, there are at least two[179] characters – one in trans-inclusive contexts, and another in trans-exclusive contexts. Thus, we find an interesting distinction between the theories. Whilst both Saul and Bettcher's theories suggest that meaning as content varies across contexts, Saul's suggests that meaning as character remains fixed, whilst Bettcher's suggests that meaning as character varies across contexts.[180] Let us label the respective positions as follows:

> Character Fixed, Content Varies: *Semantic Contextualism.*

> Character Varies, Content Varies: *Meaning Pluralism.*[181]

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[178] Terms and sentences that do not vary by context are taken to have a fixed content (Kaplan 1989 502).

[179] I take it that Bettcher would be happy to countenance the existence of more than one trans-inclusive social world, and more than one dominant social world, especially given her remarks in her 2014 paper:
> "More precisely we should recognise a multiplicity of trans worlds in relation to a number of dominant
> ones" (Bettcher 2014 389-390).
Whilst these other worlds might share the conceptions of gender at work in the worlds that Bettcher analyses, they may well not do so.

[180] I am thankful to Saul, who pointed this out in conversation.

[181] Note that this means that I think that the Lugonian language of 'worlds' that Bettcher uses to spell out her version of meaning pluralism is inessential to the meaning pluralism.

Both semantic contextualist positions, like that given by Saul, and meaning pluralist positions, like that given by Bettcher suggest that the content, or sense, of a term varies.

Is the claim that character, in addition to content, varies across contexts really grounds for thinking that meaning pluralist theories provide ground for a more radical rejection of the *meaning* of 'woman' in trans-exclusive political contexts, as Bettcher claims? Perhaps, as it seems as if semantic contextualists are unable to claim that we should reject the character of the term 'woman' as used in these contexts, even as we reject its content. But even so, I fail to see exactly what the rejection of the character of the term woman gains us politically, over and above rejecting the content of the term. To claim that between the two social worlds "the shift in usage is *far more radical* than the mere introduction of a new contextually relevant standard" (Bettcher 2012 244) requires further argument.[182] Without such argument, it seems difficult to see how Bettcher's position is more radical or better equipped to deal with charges of engendering political paralysis, than Saul's semantic contextualism.

The contingency problem is similarly a problem for both accounts – that whilst they make trans women's claims to womanhood true in many contexts, and the contexts in which those claims are false are explained as *bad* contexts, this is not enough. Rather, as Saul notes, trans women want the claims of those who deny that they is are women to be *false*, even in those bad contexts. The contextualist account cannot do this and nor can Bettcher's, as she freely admits:

> "Admittedly, it *does* still turn out that trans women count as men (or at best, marginal women) in the dominant world, while this isn't true for non-trans women (who will count as women in both dominant and trans-resistant [that is, trans-inclusive] worlds)" (Bettcher Unpublished 19).

Bettcher's response to this is to suggest that her account is, on this point, descriptive, rather than ameliorative in nature. Bettcher suggests that her account gets right the idea that in the dominant, trans-exclusive social world, trans women do not count as women, and do not count as women because that world is oppressive. If Bettcher is allowed to make this move, then I suggest it is equally open for the contextualist theorist to mirror this response, and claim that insofar as their theory describes the dominant, trans-exclusive context, their theory is descriptive, and describes a context in which trans women are excluded from womanhood due to oppression. However, this

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[182] Indeed, as I suggested in Chapter One, beyond strategic and tactical considerations, the political relevance of the nature of the underlying 'thing' being engineered is pretty much nil.

rules out such theories as being satisfying target concepts of gender for our ameliorative project here.

One advantage that Bettcher's account does have over the particular contextualist picture put forward by Saul is that Saul's contextualist account unnecessarily centres cis women and marginalises trans women. Since 'most of those possessing all of the biological features of the female sex' are the group which we compare putative members of the category woman to, no matter the standard at work in the context, one suspects that a normative hierarchy is at work under the surface of Saul's contextualist account. An account that privileges cis over trans identities is, I suggest, something we should be extremely wary of, and risks violating the trans identity constraint. Bettcher's account, by contrast, avoids this worry, by treating the notion of a trans woman as a fundamental part of the definition of the term woman. This is not to say that contextualist accounts *tout court* will fall victim to this problem. I take it that it is a feature of Saul's particular articulation of a contextualist theory of gender, not contextualist accounts in general. Indeed, I suspect that the following contextualist character for the term 'woman' will avoid this problem of prioritising cis over trans women:

> *X is a woman* is true in a context C iff X is human and is a woman according to the standards at work in C.

Supposing that one keeps all other aspects of Saul's contextualist position, we can, I believe, eliminate the need for the similarity relation that caused the problem of an implicit normative hierarchy. Suppose that one is in a transfeminist activist context, where the relevant standard that one must meet in order to count as a woman is that one identifies as a woman. Here,

> *X is a woman* is true in context C1 iff X is human and identifies as a woman.

Meanwhile in the North Carolina legislature,

> *X is a woman is true* in context C3 iff X is human and has XX chromosomes.

It would seem then, that Bettcher's claims to be putting forward a theory of the concept woman that is importantly distinct from contextualist theories are tenuous at best. Technically, given that Bettcher's account does not feature a single and stable character for the term 'woman', Bettcher's

account is not contextualist. However, it faces all of the same problems that contextualist accounts face, and has little, if any more resources to deal with those problems.[183]

For the rest of this thesis I'll argue for an ameliorative version of meaning pluralism about gender terms. However, this is not because I think an ameliorative version of contextualism is wanting. As I argued above, I think contextualism and pluralism are equivalent for political purposes, and I see no real reason in this sphere to prefer one over the other. I am mostly concerned with political efficacy, and if, as I argued above, the two projects are equivalent for political purposes, I see no need to take a side here. Moreover, the debate between these versions of the view is closely linked to questions in linguistics, the philosophy of language, and cognitive science more broadly about semantic minimalism and contextualism, and to what extent the various senses of polysemous terms are stored in memory versus being modulated 'on-the-fly'. Such debates go *well* beyond the scope of this thesis.[184] Indeed, I will assume, therefore, that whatever I say about ameliorative semantic pluralism in meaning pluralist terms can be re-framed in contextualist terms. Why then, do I opt to argue for pluralism over contextualism if I think the views are equally good? For two contingent reasons: first, pluralism has been explored less in the literature, and second, because I personally find the language more natural. This second reason is perhaps entirely idiosyncratic, but the way the language comes more easily to me will help in the next chapter, where I undertake autobiographical work to develop a sense of 'agender' that makes sense to me personally.

3 – The Ameliorative Semantic Pluralist Project

> "The various forms of gender in the world are mutually incoherent, and in some cases mutually cancelling. This should not be seen as a problem, rather, we should seek to understand the ways that a variety of mutually incompatible forms of gender each open up their own spaces of freedom and effect their own disruption of the gender regime." (Rowe 2018 322)

Given that Saul's contingency problem seems to undermine the projects described thus far, I wish to develop a more thoroughly *ameliorative semantic pluralist* account of gender terms. That is, I wish to develop an account that does not worry about accurately describing transphobic contexts, but rather suggests what such contexts ought to have as meanings for gender terms. That is, a more

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[183] This said, Lugones' notion of a social world is incredibly rich philosophical terrain (see Lugones 1987 and 2003) – I suspect that if Bettcher is to distinguish her theory from contextualist theories, she must in some way utilize this richness and contrast it with the extremely thin notion of a context. However, even here, there is little to stop a contextualist theorist from embellishing their account beyond the bare notion of a context, perhaps also using Lugonian ideas.

[184] See Borg (2007), Recanati (2004, 2012), and Carston (2013, 2019) for more on these debates.

openly ameliorative version of semantic pluralism that suggests the meanings that ought to be adopted as target concepts, and meanings that ought to be eliminated as transphobic: ameliorative semantic pluralism.

According to ameliorative semantic pluralism, we can simply say that various gender terms ought to be polysemous, and ought to have various senses: some currently operative, some of which are not yet operative. However, not every sense for each gender term is one that that gender term ought to have. Some ought to be rejected. As such, we don't have to worry about contexts like C3 – the North Carolina Senate's sense for 'woman' is simply rejected out of hand as breaching the trans identity constraint and therefore not being a legitimate part of our target concept(s). This doesn't mean that there is not a plurality of senses for 'woman' though. Indeed, I will suggest that we will want a lot of senses for 'woman'. We're just looking for a set of senses for gender terms that meet our constraints.

Which senses ought to be in the account? Which ought to be excluded? I suggest that this is not something that can be fully answered from the philosopher's armchair, nor even the engaged philosopher's terrace. Whilst we can point out particular broad requirements (like that every gender term have multiple senses, and that some of those senses must have discrete application conditions, some continuous – more on this shortly) it would be a mistake to prescribe the senses that will fit into the broad picture offered here. Rather, the senses for gender terms ought to be developed and adopted by people seeking to better understand their own social world and their own place in it in ways that alleviate dysphoria and make lives more liveable. Having developed these senses, we then attempt to make society in such a way that those meanings and those that are members of gender categories in those senses are fully accepted for who they are, just as we seek a society where people are fully accepted for being members of the genders that they are. We remake social reality in a way that is more just.

This position has a number of virtues. It is inclusive, meaning that not only are all men counted as men, but we also have an account that captures the way in which there is diversity within the gender category – there are a number of senses of manhood. So too for other genders. Moreover, we still have access to the category *man*. As we shall see, unlike the poststructuralist, who in the attempt to understand the complexities of gender, undermined any notion of an overarching identity, the semantic pluralist still has access to a unifying concept of man, with several political

and logical upshots.[185] The account is also open ended, meaning that as new genders and new ways of living the old genders emerge, they are not presumptively ruled out in the way that previous accounts of gender have problematically suggested. Importantly for our purposes though, it meets the desiderata that we set out at the beginning of our ameliorative project.

Interestingly, the account actually demands multiple new ameliorative projects – in order to develop the individual senses that slot into the broader semantic pluralist picture. In the next chapter we'll take a look at a couple of ways in which these new senses can be developed. In the rest of this chapter however, I will attempt to develop and solve some of the problems that can be posed for ameliorative semantic pluralism, and in doing so, will flesh out the view a little more.

4 – Objections to Ameliorative Semantic Pluralism

4.1 – Saul's Revenge

It looks as if the ameliorative semantic pluralist is going to avoid the contingency problem – without the meanings from contexts like C3 to worry about, we simply sidestep it entirely. Saul's problem relates to accounts that allow the sense produced by C3 to be one of the senses for 'woman': by excluding it and similar meanings, this version of the problem simply does not arise for our ameliorative semantic pluralism.

However, I suspect that we still have a problem here. To see why, return briefly to the discrete/continuous problem. It looks as if among our plural senses for 'woman' there ought to be at least one (call this *woman₁*) which has continuous application conditions, such that demigirls are not misgendered. Similarly, there ought to be at least one meaning for 'woman' (call this *woman₂*) with discrete application conditions such that trans women are not gender marginalised. So far so good – demigirls are not misgendered by *woman₁*, and trans women are not gender marginalised by

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[185] There are those who suggest that an ameliorative project of this sort that maintains identity categories, even radically revisionary categories, is a project that is morally objectionable, not least the early Butler and her followers. The most forceful version of this worry of course comes from gender nihilists:

> "Gender robs us of our potential to do and be *whatever* and then offers us a limited range of roles, actions, aesthetics and behaviours packaged as a specific social category. We have the potential to be anything, and gender is the myth that tells us we are specifically *something* and *only* that something. All the traits the various genders "offer" are traits we can embody on our own without the help of gender." (Rowe 2018 334).

Of course, such an argument works perfectly well against any view upon which gender ought to be imposed by others, and on which genders cannot be picked and changed at will. However, according to the sort of view that I am putting forward here, genders do not function as external forces limiting what one can be, but rather, as tools by which we are able to come to terms with and express our lived experience. Moreover, should one not find gender useful, one is quite free to reject it entirely – there is no requirement that one have a gender according to the ameliorative semantic pluralist. For more on this, see my earlier comments on gender nihilism in the chapter on error theory and abolitionism, in addition to Cull 2019.

woman₂, and as such, the discrete/continuous problem appears solved by moving to plural senses for 'woman'.

However, note that we face an issue. Demigirls *are* misgendered by *woman₂*, and trans women *are* gender marginalised by *woman₁*. Just as Saul's problem demonstrated that endorsing plural senses for gender terms meant accepting senses that misgendered people, we see here that even if we restrict our inquiry to exclude obviously transphobic conceptions of gender, and endorse only those which speak especially well to trans people, we risk violating the trans identity constraint. Unless we can find a way to restrict *woman₁* such that it does not apply to trans women, and restrict *woman₂* such that it does not apply to demigirls, we find ourselves endorsing target concepts of gender that violate the trans identity constraint.[186]

One might suggest that this is not really a problem. I am tempted by the following thought in response to this question:

> Look – we're undertaking an ameliorative project here. We can basically do what we want. 'Woman' ought to have many senses, and some of those senses are discrete, some continuous. We ought not use the senses with discrete memberships when talking about demigirls, we ought not to use senses for *woman* that have continuous membership conditions when talking about trans women, *mutatis mutandis* for other gender terms and people.

I think that the fundamental thought here is correct, but I suspect that some readers will be left unsatisfied here. As such, let us turn to the philosophy of language for a resource available to us to further spell out this idea – *subject contextualism*.

4.1.1 – Subject Contextualism

As discussed above, contextualism about some X suggests that the content of X is dependent on context. However, this leaves open a question: Which context is the content of X is dependent on? Perhaps the two most obvious contexts that could be invoked here are the context in which the X is uttered, and the context that the subject of X is in. Versions of contextualism that describe cases where X's sense is dependent on the context of the utterance are usually called *attributor*

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[186] Note that the discrete/continuous problem will probably not be the only problem of this sort. However, I use it as an illustrative example of how the ameliorative semantic pluralist should deal with problems of desirable target concepts for one group of trans people violating the trans identity constraint for another group of trans people.

contextualism, whilst versions of contextualism that describe cases of contextualism where X's sense is dependent on the context of the subject of the utterance are usually called *subject contextualism*.

Esa Díaz-León has recently defended subject contextualism about gender terms in defending a contextualist position from Saul's problem. She suggests that the meaning of 'woman' ought to be understood as dependent on the subject of the term in question. The content of 'woman' is to be fixed by "relevant normative considerations having to do with the subject of utterance" (Díaz-León 2016 252). Talking of a trans woman called Charla, she suggests that it is "Charla herself, and some relevant features of her context such as the history of oppression of trans women and so on" (Díaz-León 2016 252) that fixes the meaning of 'woman' in any sentence featuring the word 'woman' that talks about Charla.

Suppose then that Tim utters "Charla is a woman". For purposes of simplicity, further suppose that we have two senses of 'woman' available – *woman₁* and *woman₂*, where (as above) the former has continuous application conditions and the latter discrete. If we adopt an ameliorative subject contextualism, we therefore say that no matter the context in which Tim uttered that sentence about Charla, the meaning of 'woman' is *woman₂*, given that the relevant normative considerations mean that, as Charla is a trans woman, we ought not to use *woman₁* in reference to her. As such, it looks like we have a theory of gender that appropriately restricts the meanings of gender terms to avoid violating the trans identity constraint, whilst respecting the extreme variety among trans identities. No small feat.

One might worry that this response is only available to the contextualist position and not the pluralist position. After all, Díaz-León spells out the response in contextualist terms, using the machinery of semantic contextualism, and not using the machinery of meaning pluralism. If this response is only available to the contextualist, then I suggest that this would give us a reason *prima facie* reason to prefer semantic contextualism over meaning pluralism in our account of gender terms. However, there is a simple way of adapting subject contextualism for the meaning pluralist. We simply say that the subject of an utterance's *character*, in addition to its content, ought to be dependent on relevant considerations to do with the subject of the utterance, where those relevant considerations are defined in precisely the same way that Díaz-León defined them for the contextualist. What is important is that the meaning of, say, 'man', is determined by normative considerations regarding the subject of the utterance, and not considerations to do with the speaker.[187]

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[187] Unless, of course, the speaker is the subject of the utterance.

4.2 – Circularity Worries

One might feel a degree of dissatisfaction here. That Charla is a trans women seems like a relevant normative consideration for not using *woman₁* and other continuous senses of 'woman' in talking about Charla. However, what is it about Charla that makes her a trans woman? We began looking for a theory of gender that would enlighten us about gender and gender categories, but our most promising theory appears to need to appeal to a primitive notion – being a trans woman, in order to determine which sense for 'woman' to use.

To this it might be suggested that this is no bad thing. Recent work in the metaphysics of intersectionality has suggested that identities are best understood as bottom up – that is, there isn't some identity *man* which is embodied in different ways via its interaction with other identities, such as trans, black, able-bodied and so on. Rather, someone is an *able-bodied black trans man* and the category *man* is just all those with man as a part of their identity (Bernstein 2019). Thus, that being a trans woman is more fundamental than being a woman should come as no surprise. However, this still doesn't give us an answer to the further question of what is it to be a trans woman which does not presuppose an already settled theory of what it is to be a woman. Any such answer would only lead to a circular account.

However, there is a way around such worries. Rather than proposing a metaphysically robust notion of womanhood or trans womanhood here, we can appeal to simple *self-identification* as one of the normative considerations that drives which meaning or sense of 'woman' ought to be used. Understanding self-identification as simply a set sincere answers to the question "What gender(s), if any, are you a member of, in what sense(s), and to what extent?" we derive one of the normative considerations that fixes the senses of gender terms.

4.3 – Deflationary Worries

It might be objected that this now appears simply a deflationary self-identification account, and thus vulnerable to the objections raised against such accounts in Chapter 4. I will respond to this challenge in two ways: first, by demonstrating ways in which the account is richer than a mere deflationary account, being metaphysically inflationary and involving more than mere self-identification. Second, I will respond individually to the particular problems I raised for self-identification deflation accounts, showing how the ameliorative semantic pluralist of this stripe is able to avoid them.

The reason that we became worried about this account collapsing into a deflationary one is that the ameliorative semantic pluralist position that I have sketched here relies on a deflationary conception of self-identification to determine which meaning for a given gender term ought to be used. However, note that whilst a deflationary notion of self-identification is used, the aims of the ameliorative project are *inflationary*. The aim of the ameliorative project is to develop plural meanings for gender terms that are then used to make the world differently. The point is to create new and metaphysically real social groupings or kinds that make lives liveable. In this sense, the proposal is similar to the defensible metaphysics of self-identification put forward towards the end of Chapter 4. Whilst I do not want to commit to endorsing (and therefore having to defend – something which would be well beyond the scope of this thesis) one position on the way in which the social world gets made, we might think that the ameliorative semantic pluralist is interested in creating a society where there is collective acceptance of multiple meanings for gender terms and collective willing to treat anyone who identifies as a given gender as a member of that gender and a member in the appropriate sense of the gender term in question.[188]

The account is richer in another sense if we also incorporate Díaz-León's suggestion that there are other normative considerations of a person's context that fix the meaning of a term beyond that person's self-identification. For one, Díaz-León points out the history of oppression of trans women – and we might think that this is generalisable to the genealogy of gender and oppression (Díaz-León 2016 252). These normative considerations beyond self-identification affect the account in at least two ways: first, they help us rule out meanings for gender terms that should not be applied to certain people: indeed, we might think that Bettcher's argument to show that continuous membership conditions marginalise trans women relies on this thought. Second, these considerations affect what gender terms and senses for gender terms are available for us to use (see Cull Forthcoming). We shall return to this second thought in the chapter that follows, by thinking about how close inspection of personal history can help develop new meanings for gender terms, but I take it that the point holds more generally. If the oppression of trans people means that we face a hermeneutical lacuna (see Fricker 2007, Cull Forthcoming, Goetze 2018) with regards to a number of meanings of gender terms, that oppression cuts us off from being able to use those meanings (see Kapusta 2016 504-505).

I take it that there were two key problems that were unanswerable by the deflationist about gender: the triviality problem and the dissatisfaction that was felt for quietist versions of deflation. The

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[188] If it turns out that the social world is not made through collective willing but by some other mechanism, or some combination of mechanisms, then the ameliorative semantic pluralist simply adapts their tactics as is required.

second of these is easily answered as the ameliorative semantic pluralist is not quietist about the intensions of gender terms. The semantic quietist has no answer to the question "what is the intension of the term 'man'?"[189] The meaning pluralist says that the intension is many-splendored, and better thought of as intension*s*, each of which has its own distinctive features.[190]

Is this a fully satisfactory answer? One might suggest that we need some way to constrain what these intensions are *about* in some sense. That is, we need to stop cases of people deciding to use 'woman' to refer to chairs from counting as a part of the meaning of woman relevant for our interests, for instance.[191] We might think that an analogous issue arises for lawmakers looking to legislate financial regulations for banks, wanting to exclude the sides of rivers from their meaning for the term 'bank'. I think that there are a couple of options here. The first is to attempt to define what it is to be a *gender* and then to isolate the gender uses of 'woman' from other uses of 'woman' on the basis of an understanding of the nature of gender as a category of social category. I take it that this is part of what George and Briggs are up to when they argue for nonbinary genders as genders via a connection to primordial gender categories (George and Briggs Unpublished). For George and Briggs we can delineate gender categories from non-gender categories by looking at the histories of those categories, drawing on either a particular kind of (or kinds of) causal-continuity from a primordial gender category to the category in question, or a qualification condition, whereby a category is a gender category if it is "situated as an alternative to previously established genders, or understood as a potentially indispensable clarification or qualification of some previously established gender or genders" (George and Briggs Unpublished 29). George and

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[189] It is true that I have, for the purposes of this chapter, engaged in a form of methodological quietism, given that I do not want to prefigure the many meanings or senses that may be used and developed as a part of the ameliorative semantic pluralist's program, but this does not mean that I think that nothing *can* or *will* be said about the senses or intensions of gender terms. Indeed, the next chapter is in part an attempt to spell out one such sense and to encourage the development of many others.

[190] One might think that this problem simply doesn't arise for the semantic contextualist – after all, when pressed for an answer to the question of the meaning of say, 'woman', they can point to the fixed character that they offer. One might press the contextualist here – it seems similarly dissatisfying, given the concerns expressed in Chapter Four, to offer as our account of the meaning of woman, that X is a woman is true in a context C iff X is human and is a woman according to the standards at work in C! But of course, for the contextualist, the character alone is only half the story. We also need contexts and contents – and it is here, informed by the relevant normative considerations to do with the subjects of utterance – that the dissatisfaction gets dispelled.

[191] In correspondence, Saul has suggested that this problem does not arise for the contextualist position. However, we can put the problem in contextualist terms as follows. The direct analogy is cases of people suggesting that the standards at work in a context C are such that chairs are women. Of course, this particular example is ruled out according to the particular contexualist account we've referenced throughout, which ensures that women are human. However, suppose that some group claimed that for a given context C_h it was solely owning the means of production that determined whether one was a woman. Here, the relevant standards mean that X is a woman is true in context C_h iff X is human and owns the means of production. Here we need to rule out this sense of the term 'woman' as simply irrelevant for our interests. This said, I suspect that the semantic contextualist can simply appeal to the same resources as the meaning pluralist to get out of the problem.

Briggs' project is in its early days, and faces the issue of specifying the right kind(s) of causal continuity, but I am sympathetic to them when they suggest that

> "we think the general approach shows promise: something gets to be a gender by being a classification of people based on sex biology, or by connecting back to such a sex-based category by some (finite) number of steps of dependency. The admissible kinds of dependency include, at least, being historically derived in a suitable way from something already established as a gender, and being a suitable kind of reply to the 'What is your gender?' question, but there may be others that we have not considered." (George and Briggs Unpublished 30).

One putative problem faced by this kind of account is that it seems to fall into cis-centrism. Why? Well, by way of answering this question let us take a look at the notion of a *primodial gender*. George and Briggs suggest that primordial genders are the primitive genders from which our current genders have historically developed. They define the primordial genders as follows:

> "A Primordial F (M) Category is a material, ahistorical recognized category within a society for which membership is adjudicated by members of the society based primarily on biological traits understood as directly or indirectly associated with a specifically female (male) reproductive role, or on being perceived (perhaps inaccurately) to have any of these characteristics." (George and Briggs Unpublished 20).

Such an account, one might suggest, privileges cisgender identities as original, and is therefore problematic, treating trans identities as offshoots of cis identies, and therefore potentially marginalising those identities. Indeed, one might suggest that any historical account of this kind is going to have to go back to cisgender identities, and will therefore privilege such identities.[192] However, such a claim is too quick, and ignores the variety of genders that have existed throughout history. There were genders other than *man* and *woman* around the world and throughout history. I suggest that we can simply pick and choose according to our ameliorative purposes the historical genders we wish to treat as primordial and from which we delimit the current extension of gender. *Man* and *Woman* might be among the primordials, but so too might *Nádleehí* and *Nonbinary*.

There is a second way of responding to this issue, which I am also partial to: simply appealing to praxis. When developing new meanings for terms like 'woman' we might think that even if some spoiler starts using the term to refer to chairs, this is largely of no consequence to our (feminist)

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[192] At a panel at Humboldt University, Haslanger amusingly (and I believe somewhat unintentionally) referred to this as the "problem of cissyness".

purposes for using the word. We'll simply ignore that sense of the term 'woman' for the purposes of activism, or perhaps even better, agitate against such uses of the term on the grounds that it appears to be a) an attempt to muddy the waters of feminist activism, thus violating the feminist praxis constraint[193] and b) an attempt to associate women with objects, in a manner that may be construed as a form of objectification.

Turning now to the triviality problem for deflationary accounts of gender, we saw that the triviality problem came in two forms. The first suggested that reducing gender to mere sincere belief or assertion seemed to trivialise gender. The second explanatory version suggested that deflationary accounts got the explanation the wrong way round, as running from self-identification to membership, rather than membership to self-identification. However, the ameliorative semantic pluralist is free to invoke a number of social constructive mechanisms (as in the sidenote mentioned above) that enable them to escape the first charge of triviality. Further, the ameliorative semantic pluralist is also able to invoke a number of additional explanatory features to their account to undermine the second version of the problem. As we shall see in the next chapter, I will appeal to a phenomenological experience of absence in order to explain an identification, whilst other features of experience and the social world are also fair game for the ameliorative semantic pluralist – including a sense of gender dissonance (Serano 2016), nostalgia for a body that never was (Prosser 1998 84), bodily alienation (Prosser 1998 68), a particular form of agnosia (Rubin 1998), dysphoria, a particular kind of desire (Chu 2018) that it just 'makes sense', that it "feels right to me" (Lorde 2017 9), and so on. The semantic pluralist is also able to avoid charges of biological or psychological essentialism here. No experience is necessary for membership of the category, but such experiences, and indeed other factors, can play an explanatory role in suggesting why someone identifies as a member of some category, closing the explanatory gap left by deflationists. I also suggest that this pluralism about the phenomenology of gender is a further upshot of the account that allows us to make sense of the variety of ways gender has been theorised by the phenomenological tradition.

4.4 – Gender and Cognitive Disability

Elizabeth Barnes has raised an important challenge to self-identification theorists of gender – the case of those who are cognitively disabled and cannot form beliefs of the form 'I am a woman'

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[193] One might think that this kind of politicised response to a 'spoiler' definition of woman is precisely what is going on in Kay Gabriel's (2019) response to Andrea Long Chu's self-described "wildly tendentious" attempt to define 'female' as the existential condition of sacrificing the self to make room for the desires of another such that "Everyone is female – *and everyone hates it*" (Chu 2019 12-13).

(see Barnes 2019, expanded upon in correspondence). The problem is that a naïve self-identification account will simply say that such individuals do not have a gender. Now, one might suggest that this isn't a problem – they don't identify as a member of a gender, and we already have a number of trans people who happily sit in this position, who we generally treat as agender. However, note that there is a difference between the typical agender person and our person with this sort of cognitive disability: the agender person, whilst perhaps not choosing their identity, has generally embraced it in some way. Meanwhile, the person whose cognitive disability means that they cannot identify in any way has had a lack of gender imposed on them by a putatively progressive ameliorative theory of gender. This, we might think, is a normative difference that contributes to the Othering and oppression of people with cognitive disabilities – Barnes suggests that it reduces the status of the person in question to being an animal, or at least encouraging the treatment of such people as animals.

Such people do not just pose a challenge for self-identification accounts alone however. Any theory that imposes a gender 'from the outside' (e.g. a Haslangerian structural account) is going to run into issues regarding the non-consensual *imposition* of a gender. This leads to a treatment of those with the cognitive disabilities discussed here in a way that is much the same as the way in which pets, small children, and even objects like boats and cars are treated. As such, we run into analogous issues to the ones that Barnes raised for the naïve self-identification account. In both cases cognitively disabled people are treated in much the same way that we treat nonhuman animals. This type of treatment of cognitively disabled people is a practice with a long and deeply troubling history and should be avoided in our theorising about gender.

I do not think that there is a completely satisfactory answer to this challenge that is currently available. The way I have set this up so far, either we suggest an ameliorative theory that imposes a gender, or we suggest an ameliorative theory that imposes a lack of gender. Whichever option we plump for, worrying consequences abound for the person who has this sort of cognitive disability.

However, whilst a complete answer to this question goes beyond the scope of this thesis, I want to suggest two approaches one might take, which when fully developed, might provide resources for our best ameliorative theory of gender. The first is to adopt a self-identification account, and to broaden the notion of self-identification, by looking at how people with these sorts of cognitive disabilities express preferences, and using that notion of preference expression rather than belief

or assertion to determine which gender a person should be a member of, if any.[194] The second approach draws more heavily on the ameliorative semantic pluralist framework. Note that as I have spelled it out, self-identification appears to play a heavy role in determining which gender, if any, a given person should be a member of. I stand by this, as I believe that for the most part, it is the overwhelming relevant normative consideration in figuring out which gender a person should be a member of. However, the ameliorative semantic pluralist position leaves it open that there are other normative considerations, and in certain cases, that these could overwhelm self-identification. It may be that in the case of the kinds of cognitive disability under discussion here, because self-identification simply cannot take place, other normative considerations ought to determine the gender the person in question should be a member of. Working out what these normative considerations are, and how to weigh them goes beyond the scope of this thesis, but I tentatively suggest that the ameliorative semantic pluralist is well-placed to accommodate Barnes' concerns.

4.5 – Down Enby: The Logic of Gender

Here's a question: doesn't this kind of talk lead to some odd conclusions? Take the following case, where Jasper is a trans man and John is a demiboy. I utter the true sentence "John is a man and Jasper is a man". Here, what is weird is that supposing the success of the ameliorative project I am suggesting, 'man' means two different things in this single sentence. That is, I am really uttering "John is a man_1 and Jasper is a man_2" where *man_1* and *man_2* are different meanings of the term 'man'. That said, whilst perhaps a little weird such sentences are largely untroubling once the semantics of the situation are spelled out. Moreover, rejecting this kind of account on the grounds that these sentences sound a little weird wrongly prioritises the desideratum 'That our sentences do not sound odd' over important moral and political desiderata such as the inclusion and trans identity constraint. It also fails to note the ways in which our language and linguistic intuitions might change in ways that make such sentences seem less odd as such utterances become normalised. That said, and as I will point out in what follows, our language *already features sentences like this*, and language users mostly do not perceive them as odd and use them with ease.

However, more puzzling might be the case wherein I utter the true sentence "John and Jasper are both men". *Prima facie*, it seems hard to even see how to make sense of this utterance, where the single term 'men' seems to have to mean two things at the same time. Therefore, my project here might, at first glance, sound perhaps objectionable, but I think to reject the account on these

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[194] Even then, however, we might worry that those people who do not express preferences in addition to not having beliefs about their genders will be treated poorly by such a move.

grounds is simply mistaken, as it would fail to account for the ways in which such utterances are already a part of our language. This phenomenon, where a term is applied in a single utterance with two (perhaps incompatible) senses, is usually referred to as 'copredication'. Copredication is widespread for polysemous terms in ordinary language, and is, in many cases, seen by language users as unproblematic. Take the following examples from Marina Ortega-Andrés and Agustín Vicente:

> "The school that caught fire was celebrating 4th of July when the fire started.
>
> The city has 500,000 inhabitants and outlawed smoking in bars last year.
>
> The best university of the country has caught fire.
>
> The beer Susan was drinking fell out of her hands.
>
> Brazil is a large Portuguese-speaking republic that is very high in inequality rankings but always first in the FIFA ranking.
>
> The nearest school, which starts at 9:00, fired some teachers and forbade hats in the classroom." (Ortega-Andrés and Agustín Vicente 2019).

In the case of "John and Jasper are both men" we want two use senses of 'man', *man₁* and *man₂*, despite only one utterance of 'man'. Here we can think of 'man' as functioning like 'school' in the first example, which uses two senses of 'school', *school₁* (the buildings), and *school₂* (the teachers, students and other staff) despite only one utterance of 'school'. Despite all of the above sentences using a word in (at least) two senses, ordinary language users happily understand, and indeed use such sentences. Indeed, once one begins to recognise the phenomenon, it quickly becomes clear that the phenomenon is quite pervasive. Where does this observation leave us dialectically? Well, it shows that the putatively problematic sentences about John and Jasper are just copredication, and copredication, even if it is a problematic phenomenon, is not a particular problem for the ameliorative semantic pluralist. Copredication is so pervasive as to need adequate theorisation by everyone, and so cannot serve as a particular objection to ameliorative semantic pluralism.[195]

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[195] How best to theorise copredication goes beyond the scope of this thesis and is a matter of much debate in linguistics. See, for instance, Ortega-Andrés and Agustín Vicente 2019, Arapinis and Vieu 2015, Gotham 2017, and Asher 2011.

This said, we might think that there are good reasons to be worried by thoughts of this kind, in part because of their moral and political implications. Take for instance, the fact that the following inference does not appear to be logically valid on the account as sketched thus far:

1. John is a man,

2. Jasper is a man,

Therefore

3. John and Jasper are both men.

Why? Because if our ameliorative project is successful, the following is the real reading of the premises:

1a. John is a man$_1$,

2a. Jasper is a man$_2$,

Therefore,

3a. John and Jasper are both men.

This is simply not logically valid.[196] However, I will suggest that it is *materially* valid. That is, (unless one has a quite expansive system of logical operators that includes, in this case, gender terms) it is only valid in virtue of semantic features of the non-logical terms involved. First however, why should we be concerned about this? Well, for one, it looks as if such inferences underwrite much by way of political solidarity. The claims "We are all women and hence should have each other's backs", "You and I are both genderqueer, and so we need to fight together", and others like them appear to be central parts of political struggle against oppression. As such, one might be worried about the political consequences of ameliorative semantic pluralism.

One might respond by saying the following: "Sure, (1-3) is logically invalid, but we don't need it to make the claim 'John and Jasper are both men'. Nor do we need equivalent arguments for the claim 'We are all women' (and hence should have each other's backs). We can simply recognise the truth of each claim independent of a logical derivation employing an invalid application of

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[196] What does the usage of man without subscript in 3a mean? We will return to answer this question shortly.

conjunction introduction." I am partial to this position, but I nonetheless wish to develop a position that does validate inferences across meanings of gender terms.

How might we do this? Think of the following sentence:

"The thing you are holding in your hand, *Budweiser* and the contents of this vat are all beers."

This sentence might appear odd to some, I suggest that there is a sense it which it is true, and that ordinary language user would be perfectly happy with it.[197] I want to draw on this thought in legitimating the material inference (1a-3a). The thought is this: if something is a $beer_x$, then it is a beer. Call this the BL Rule. Thus, we might construct the following valid inference, where *beer₁* is a glass bottle filled with hoppy liquid, *beer₂* is a brand of hoppy liquid, and *beer₃* is the hoppy liquid itself:

1b.   That thing in your hand is a $beer_1$,

2b.   Budweiser is a $beer_2$,

3b.   The content of that vat is a $beer_3$,

Therefore, (given the BL Rule),

4b.   The thing in your hand, *Budweiser* and the content of this vat are all beers.

We might suggest that very little follows from this – certainly, there doesn't seem to be any social significance to this fact beyond occasional confusion and interest as to how both glass bottles containing liquid, brands, and a certain sort of liquid all came to be called 'beers'. But nonetheless, we can construct a parallel case for gender, and I suggest that this is an important feature of how gender terms ought to be.

Turning to genders, and working in an ameliorative way, let us stipulate that it is a part of the characters of gender terms that they are subject to rules of the following sort: if someone is a man_x, then they are a man, and so on for other genders. Call a claim of this sort a *GL* inference rule. The thought can be put thus:

GL_{man}: For all meanings for 'man' $man_1 \dots man_n$, if $man_x(A)$, then $man(A)$.

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[197] One can reject this claim but still follow my ameliorative suggestion for how the meanings of gender terms *ought* to work.

Note that this legitimates inferences in only one direction, giving us some nice conclusions. Supposing that we know that B is a man, we cannot from this infer that B is a man in any particular sense of the term 'man'. But, if we know that B is a man$_{47}$, we can infer that he is a man. Why? Note that the following (good) inference is legitimated by this semantics for 'man':

1c man$_1$(a),   (Premise)

2c If man$_1$(a) then man(a),   (Inference rule for man)

3c man(a),   (P1, P2, MP)

Therefore,

4c ∃x man(x).   (∃-Introduction)

Meanwhile, the following inference is not legitimated by this semantics:

1d ∃x man(x),   (Premise)

2d man(b),   (∃-Elimination)

Therefore,

3d man$_1$(b).   (??)

This strikes me as desirable by my lights – after all, even if we know that a person is a man, why should we know in what sense this person is a man?

Similar inference rules, I suggest, are available for stipulation for other genders. This, I take it, makes (1a…3a) materially valid, as given the semantics for 'man', *man$_1$*, and *man$_2$* the conclusion follows from the premises, *mutatitis mutandis* for other genders.[198]

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[198] We might read the kind of relation being sketched here as mirroring, or perhaps actually being, the determinate-determinable relation. That is, *woman$_2$* stands to *woman* as *scarlet* stands to *red*. Certainly, this captures the asymmetry of the relation we want – one can move from the claim that x is scarlet to the claim that x is red, but not from the claim that x is red to the claim that x is scarlet. Moreover, determinables have multiple determinates, which similarly mirrors what we want from gender term meanings. However, determinate-determinable relations tend to have some features that we might not like to endorse in the case of gender. Take *determinate incompatibility* – the thought that some object cannot have or be two determinates of the same determinable. One cannot, for instance, be both scarlet and ruby all over. It might be possible, and indeed desirable, however, for someone to be woman in more than one sense (say woman$_{23}$ and woman$_{73}$). Certainly, I should not want to rule it out *a priori*. This does not rule out the relation as being a determinate-determinable one. As Jessica Wilson suggests after summarizing the fourteen features taken by the literature to be characteristic of such a relation, "Motivated as they are by a limited range of paradigm cases, not all of these features may be characteristic of determination in the strong sense of being required for the holding of that relation, as opposed to being typically or generally true of some or most instances of the relation (or its relata)" (Wilson 2017). Ultimately though, I suspect whether or not we think of this relation as a determinate-determinable one will come down to whether treating it in such a manner is useful. This relation has been used in attempts to solve problems

This '*man' without subscript* is a useful tool. It allows us to make certain claims of political solidarity we might want to make, and allows us to develop laws and policies which make reference to all men, no matter in what sense those people are men.[199] This points to an important difference between 'beer' and say, 'woman'. In the case of 'beer', we could just as easily replace our words for the liquid and the brands with say, 'schmeer', reserving 'beer' for glass bottles containing the right kind of liquid. Whilst there might be some initial confusion, there doesn't seem to be much in the way of normative considerations telling against this kind of change in practice. Meanwhile, in the case of 'woman' it seems like there are certain lexical effects that we want to take advantage of in saying that all women are to be referred to by the word 'woman'. In this way, we can head off certain political worries that I turn to in the next section.[200]

At this point, one might be tempted to ask a question of the meaning of 'man' without subscript, or 'woman' without subscript – one might insistently demand, "what are its contribution to a sentence's truth conditions?" or "what are the truth conditions of 'X is a man'?" There are a number of options here. For instance, one might, motivated by (perhaps overly paranoid) concerns that specifying such a meaning might lead to exclusion and normative hierarchy, offer a quietist position on what these without-subscript meanings actually are. Alternatively, one might simply suggest a simple set of truth conditions as follows:

> "X is a woman" (where the meaning of 'woman' is *woman without subscript*) is true iff X is a $woman_1$, or X is a $woman_2$, or… or X is a $woman_n$.

Finally, one might suggest that the question is simply mistaken as to the nature of meaning – following the anti-realist tradition coming out of the later Wittgenstein we can simply say that one has to look at these terms' usage (or at least, the usage that I envisage for the terms) as political and unificatory tools. We even have an inference rule, as specified above, which, for many in this tradition, is as close to specifying the meaning of a term as we can get.

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for the analysis of laws of nature (Armstrong 1997), omissions (Dowe 2010), mental causation (Yablo 1992), and metaphysical indeterminacy (Wilson 2013). If a similar use could be found for thinking of gender in this way, or it provides resources that help individuals understand their own gendered lives better, great. However, as yet, I do not see the need to apply such machinery.

[199] Of course, we could also specify that certain rules only apply to men under certain senses of the word man, should normative considerations justify those laws.

[200] It may turn out that in certain cases there is actually little use for a gender *sans subscript*, and no use for the above inference rule. Perhaps the members of a given gender live in a utopia and see no use for the rule as it regards solidarity and see no use for laws or norms at all, let alone those that apply to all those members. However, given our current non-ideal political circumstances of gender marginalisation and oppression, I suggest such a rule is amelioratively desirable.

4.6 – Solidarity: Spelman to the Present Day

The worry that non-essentialist views of gender undermine feminist activism is not a new one. Ever since feminists began adopting elements of poststructuralist thought, there have been those worried that the attacks on the category of woman leave feminism undermined as a political movement. We saw some of these earlier in our discussion of the feminist praxis constraint, but let us recap what one might think the central concerns are:

i.   What is the subject of feminism if not women: on whose behalf is this movement fighting? Absent an answer, we might think the movement is a pointless one.

ii.   Whose demands is feminism fighting for? Even if there is something called 'women', if that group is fragmented and without a shared essence, there may be conflicting demands.

iii.   Is solidarity possible given the failure of philosophers to develop a unified notion of womanhood?

I suspect that the ameliorative semantic pluralist is actually well placed to meet these challenges. Like the family resemblance theorist, the ameliorative semantic pluralist is not wedded to the deconstructive claims of poststructuralism. In answer to (i), then, they can simply say that the subject of feminism is women. 'Woman' has many meanings according to the ameliorative semantic pluralist, but feminism, if it is possible to speak of a unified feminist movement, ought to fight for justice for all women, in all senses of the term 'woman'.[201] In response to (ii), I suggest that the conflicting demands of women is not a consequence of adapting ameliorative semantic pluralism. Rather, women have conflicting demands, and it is feminism's job to help adjudicate those conflicts and fight where there is a clear moral demand. That ameliorative semantic pluralism, in virtue of its pluralism, reveals those conflicts clearly is no objection to the theory. Rather, it points to the need for effective methods of organising activists. Finally, I suspect that (iii) is simply wrongheaded. Solidarity *across difference* must be believed to be possible, or one gives up the possibility of any political movement based on alliances of quite different oppressed people. Moreover, we have seen countless actual expressions of solidarity across difference in organising

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[201] Of course, most feminists don't just see themselves as seeking gender justice – they will also want to fight for racial, economic and other forms of justice. Indeed, like them, I suspect that gender justice is not achievable without justice in these other axes of social reality – and as such, it is not merely women that feminism is fighting for. This complicates matters regarding the subject of feminist activism, but note that this is a complexity that arises not from ameliorative semantic pluralism, but feminist activism. As such, I will sidestep this rich and interesting question for the purposes of this thesis.

left-wing political movements across the world: from synagogues phone-banking for trans rights in Massachusetts to the work of Lesbians and Gays Support the Migrants. If similarity is possible between such diverse groups, I suggest that solidarity must be possible among gender categories, even if people are members of that gender in differing senses.

4.7 – Whereof Science?

Remember that one of our desiderata was for a theory that aids or minimally did not obstruct (good) social science. One might therefore challenge the ameliorative semantic pluralist on the grounds that their position actually undermines good scientific practice. One reason for thinking this is that encouraging the adoption of multiple meanings for gender terms will lead to scientists talking past one another in their research. Scientists researching the rates of women's attendance of foodbanks might come out with conflicting data, or have a merely verbal debate, precisely because 'woman' has multiple meanings.

However, such a worry is misplaced. Ameliorative semantic pluralism actually gives us the tools to *dissolve* such verbal disputes. Note that if descriptive semantic pluralism is true, there are already verbal disputes going on in the social sciences, but unnoticed and unaddressed. Ameliorative semantic pluralism points out that scientists need to be both explicit and specific about which meanings for gender terms they are using, and hence the subjects of their research. Once this explicitness constraint is met, verbal disputes are no longer a problem. Moreover, apparently conflicting data that is merely an artefact of studying different groups of women picked out by different meanings of 'woman' are likewise revealed to be precisely that: artefacts of imprecise science.[202]

A more interesting version of this problem comes from thinking about the ameliorative semantic pluralist's project in general. Not only are ameliorative semantic pluralists attempting to encourage

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[202] Rosa Vince has suggested that there is a problem lurking here where identifications are not readily available. Certainly, in the historical sciences, where asking people questions about their gender is for the most part impossible, it looks as if the conception of gender being proposed obstructs research. However, I suggest that actually, the conception of gender proposed actually reminds us of the epistemic limitations of archaeological research. Too often are archaeologists willing to impose their own conceptions of gender onto the past and assert gender where only bone structure or dress is epistemically accessible to the researcher. Insofar as an archaeologist finds a skeleton and pronounces "this is a woman" due to the comparatively large hip bone width, I suggest that the archaeologist is simply unjustified. As argued earlier in discussing the social science constraint, the constraint only applies to good science, and as far as I am concerned, such aspects of the historical sciences simply constitute poor research practice. Of course, the archaeologist may make the weaker claim that "this is probably a woman but may not be" but note that this is quite compatible with the conception of gender put forward in this chapter. In this way, reminded of their epistemic limits, the historical sciences are aided by the conception of gender put forward by ameliorative semantic pluralists.

the adoption of new meanings for gender terms, they are aiming to change the world in line with those meanings via mechanisms of social construction, legal apparatus, redistribution and so on. Thus the ameliorative semantic pluralist is aiming to make the world a more complex place by introducing a more complex gender system. One might therefore object that in encouraging complexity in the social world, they obstruct social science, given that social science in this more complex social world is harder to do.

However, encouraging a more complex metaphysics makes the social scientist's task more difficult, but certainly not impossible. Thus, it violates the social science constraint in only a very minimal sense. Weighed against the way in which the ameliorative semantic pluralist meets the other desiderata, I suggest that whilst a drawback of the view, this poses no real objection to the adoption of a position that aims to change the world to be a better, thought admittedly more complex place.

4.8 – Ameliorative Anti-Structuralism and Ameliorative Semantic Pluralism

In Chapter Three we surveyed a number of anti-structuralist claims about gender, and found that whilst most were not particularly troubling, it nonetheless looked as if we might have to think seriously about a version of *ameliorative* anti-structuralism AAS:

> *AAS*: In putting forward a target concept or concepts for the category *woman,* we ought not to stipulate or give a unifying structure for that category.

In endorsing ameliorative semantic pluralism, do we violate AAS by putting forward unifying structures for genders? At first blush, it seems like this is not the case. After all, the ameliorative semantic pluralist does not seem to specify any broad structure for genders, such that, for instance, all senses of the term 'woman' must be linked by a resemblance relation, nor any other structure. It does not look like a plurality of meanings for the term 'woman' constitute a structure at all.

However, suppose that we are pushed further on this, and the opponent of ameliorative semantic pluralism simply rejects the claim that this position is anti-structuralist in this sense because they have a broader notion of structure than the one I had in mind in formulating AAS.

It is unclear what such a notion of 'structure' would look like, but that said, one might suggest that a charge along these lines can be made to stick if the concerns that motivated AAS actually apply to ameliorative semantic pluralism. I suggested that there were two reasons to endorse AAS. First, that a target concept that put forward an underlying structure for genders foreclosed the possibility of living genders that are unforeseen by the theory, and second that the target concept, if it matched the current manifest or operative concepts, would reify gender.

The second of these challenges might be responded to in a couple of ways, including by simply claiming that the ameliorative semantic pluralist position does not match the current manifest or operative concepts of gender.[203] However, I take it that the most satisfying response comes from noting that the ameliorative semantic pluralist position I have been sketching here explicitly calls for hermeneutic innovation – the development of new concepts. As such, it is hard to make a charge of reification stick.[204] As to the first challenge, precisely because the potential new ways of living cannot be foreseen, an absolute response to the charge is impossible. But take the central claims of ameliorative semantic pluralism: that a) gender terms ought to be polysemous and have multiple senses, b) gender terms like 'man' and 'woman' ought to have at least one sense that has discrete and at least one sense that is continuous, c) *subject*, not *attributor* pluralism or contextualism about gender terms and d) GL claims (appropriate inference rules) for various gender terms. It seems very hard to see how any of a)-d) are going to foreclose ways of living gender. I suggest, then, that AAS is compatible with ameliorative semantic pluralism.

4.9 – Double Counting

For all of its inclusiveness we might worry that the model I am suggesting falls victim to the double counting problem. Suppose that the project gets underway and a large number of meanings for gender terms are produced, with all sorts of membership criteria. It might therefore seem that it makes gender categories far too easy to fall into. Trans men might wrongly be treated as women according to all sorts of meanings for 'woman'. Meanwhile, people who identify as having a gender might, given over-inclusive membership conditions for certain meanings of 'agender' be wrongly counted as agender.

However, I suggest that there is a simple response available to the ameliorative semantic pluralist: we follow the relevant normative considerations to determine what gender and in what sense of that gender someone is or is not a member of that gender. In most cases, this is going to be a question of self-identification. If someone does not identify as a member of a given gender, we simply say that they are not a member of that gender, *ceteris parabis*. If they identify as having a gender, they are not agender. If they identify as having no gender, then they are agender.

One might object that this is too volitional a position. Surely, one might say, we cannot just choose our genders, choose the sense in which are, say, girls, and choose not to be boys. I agree – we

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[203] Even if one endorses descriptive semantic pluralism remember that the ameliorative semantic pluralist explicitly rejects a number of actually existing concepts of gender.

[204] This move is equivalent to denying R2 in the argument from the final section of Chapter Three.

cannot. *But we ought to be able to*. Our society is set up to gender children in to one of two gender categories, and keep them there for their whole lives. Moreover, it seeks to impress on children that there are limited ways of being men or women. That one's manhood could never be defined in terms of one's relationships of care. That one's womanhood is deeply intertwined with one's bodybuilding. Society at large cannot even begin to fathom a butch trans woman, a femme trans man. But society need not be this way. We are, as transfeminists, trying to change that. To make social reality anew in ways that make lives liveable. The freedom to choose our genders, and how we inhabit those genders is a part of any liberatory project worth fighting for.

5 – Conclusion

Ameliorative semantic pluralism describes a broad, overarching theory of gender. Alone it does not develop much by way of positive view on the target meanings for gender terms other than that there be more than one, and (given the discrete/continuous problem) that there be some with discrete application conditions and some with continuous application conditions. We have further suggested that there are good reasons to reject certain actually existing meanings from our target conception of gender, such as the meaning present in the North Carolina Senate. However, beyond this, the ameliorative semantic pluralist has not given much detail. This is quite on purpose. The ameliorative semantic pluralist deliberately lets people develop new and positive meanings for gender terms that speak to those people in ways that make their lives more liveable. In the next chapter we will look at this in a little more detail, and develop one meaning for the term 'agender' which speaks to my own experience.

Between Lorde and Neurath: Hermeneutic Innovation

For the ameliorative semantic pluralist, the task is twofold: to a) develop, and b) implement meanings for gender terms that make lives more liveable. In this chapter I focus on part a), and in particular on one method of developing new senses drawn from the work of Audre Lorde. Using this method along with some autobiographical reflection, I will present a meaning for 'agender' that speaks to my own experience and allows me to make sense of the way in which I am embedded in a gendered world. I then turn to two contemporary accounts of gender, those offered by Robin Dembroff and Katharine Jenkins. I will suggest that their accounts simply cannot make sense of the identity put forward in this chapter, along with other nobinary identities. I further suggest that Dembroff's account suffers from a worrying coloniality.

I suggest that part b) of our task is ill-suited for philosophical investigation. Determining the best ways to get people to accept gender diversity, and whether some particular political tactic or educational tool is superior in changing society cannot be determined *a priori* and goes beyond the scope of this thesis. However, in this chapter, I hope to offer tools that can be used in that broader political program and can be used to make individual lives that much more liveable.

1 – Back to Neurath

Let us begin by returning to our Neurathian Methodology for conceptual engineering to see where we are in the dialectical structure of the thesis. The Neurathian methodology, as I put it forward, was as follows:

> Stage One: Identify a concept for engineering T and set out the purposes P for which a community C_p seeks a concept, concepts, or lack thereof.

> Stage Two: Determine the best concept or concepts to use, or whether to give up on all the concepts for T given P and the intended community of users of the concept(s) C_u.

> Stage Three: Encourage the adoption of the new concept(s) or the adoption of abolition about concepts for T in C_u, given P.[205]

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[205] Remember also that I was agnostic as to what the 'concept' in conceptual engineering was supposed to be for the purposes of activism. The activist could, I suggested, happily sidestep the question of 'what is being engineered when we do conceptual engineering?' For most of the rest of this chapter, however, I will couch discussion in terms of engineering meanings.

The project that we began this thesis with set C_p as those in the 'gender justice camp' – that is, those communities who are resolutely anti-racist, anti-capitalist, anti-ableist, anti-transphobia, anti-homophobia and so on feminists. We then, perhaps rather ambitiously, set C_u as the entirety of society – the thought being that we could develop concepts for transfeminist ends and then seek to get society at large to accept them. We reached a conclusion at the end of the previous chapter about the meanings that we ought to adopt for gender terms – they ought to be plural. However, despite this constraint about genders writ broad, we did not arrive at any particular senses that any given gender term ought to have – only that the gender term ought to have multiple meanings or senses. A question then arises: how should we fill out these meanings? How should we put flesh on the bones of this position, by giving the individual senses for gender terms?

One option would be to look, from the outside, at the vast array of people who live (and lived) their lives in variously gendered ways, and try to come up with senses for gender terms that capture what their lives are (or were) like. We might suggest a sense or meaning for 'man' that adequately captures the experiences of white gay British cis men who grew up under Section 28, and another that captures what it means to be a straight millennial black British trans man. There may well be merits to such a project, and benefits to this sort of large-scale project to account for the variety of gender. However, there is at least one other way in which we might flesh out the structure we gave for genders; we might work instead from the inside, developing gender senses for ourselves, and encouraging others develop gender meanings for themselves. I will call this practice of developing new senses from the inside *hermeneutic innovation*. This practice is very much alive in trans communities already – Singh et al found that one of the central strategies for trans youth navigating the stressors in their lives was the ability for trans people to self-define and theorise one's own gender. Of one of their participants in particular, they write that "his gender identity [was] a complex experience that was not easily defined by others, but rather was experienced by himself" (Singh et al 2014 211).

I suggest that this approach, from the inside, not only provides meanings that better fit individuals' experiences of their gender, but also provides a greater degree of autonomy for the individual in specifying how they do and want to live their life. Recall the gender nihilist's objection to the proliferation of gender identities: one's autonomy is still constrained, as one still has to fit into a gender box, even if it is one of thirty boxes instead of one of two boxes. By suggesting that we should start making our own boxes, that are themselves revisable, the problematic autonomy constraints disappear. As soon as we think that we are being asked to act in ways that are contrary

to our will by the gender meaning that we have defined for ourselves, we can simply revise the gender meaning that we think should apply to us.[206]

How might we think about doing this? One option is to, as individuals, undertake a Neurathian ameliorative project, setting C_p as ourselves, and thinking about what we each want from a gender meaning to determine P.[207] The individual might develop a new meaning for an existing gender term, a new gender, or reject gender entirely. They might also just simply find that some already-developed meaning or gender meets their purposes and adopt that instead.[208] They might see aspects of genders that others have developed and think 'that speaks to me, but does not quite capture things' and develop a new meaning that differs slightly from the gender term meanings that others have developed. As Singh et al write, the inspirations for these innovations can come from many aspects of a person's life:

> "Some participants described counselling, community, and family as supportive sites where they could have specific conversations about how they were defining their gender and, for many, the fluidity involved in this process. Other participants described activities, such as journaling, acting, and activism regarding trans and other social justice issues, as important to theorizing their own gender. For instance, participants used journaling to explore defining their gender, identifying the specific words and related meanings they used to define their gender." (Singh et al 2014 211).

This aspect of learning about the gendered experiences of others and building on their hermeneutic innovation in ways that help one better understand one's own experience is an important aspect of trans culture. Seeing others define terms and reading about the experiences of other trans people often features in narratives both about coming to see oneself as trans and other aspects of gender identity.[209]

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[206] I take it that this fits well with Florence Ashley's ethics of gender exploration (Ashley 2019). Ashley is concerned to argue that personal exploration of gender can be done through transition writ broad, whilst I am only concerned with exploration of gender term meanings, but I take it that the two complement each other nicely, and indeed may well be inextricably linked. Certainly, it would seem that new embodiments might open up new ways of understanding one's gender(s) or lack thereof (this seems to be a large part of Ashley's point in her 2019 article, and is prefigured in Ahmed's work – see below), and new understandings of gender (new meanings of gender terms) open up new ways we might think about organising both society and the body.

[207] The individual will also determine C_u: do they want it to be used by all of society? Just those around them? Just those in a given social scene? Just themselves?

[208] There is obviously a question of hermeneutic (in)justice going on in the background here. Investigating this topic goes well beyond the scope of this thesis, but see, for instance Goetze (2018) and Cull (Forthcoming).

[209] Indeed, it is so entrenched as a part of online trans culture that humorous (and occasionally semi-serious) web pages have grown up around the topic, including the facebook group *is that my gender?* which features posts both sincere and joking about the inspiration for understandings of gender that can be found throughout the social world, from signs on toilet doors to online memes. See also Dillion (2007) and George and Briggs (Unpublished) for discussion.

2 – Sweaty Concepts

Whilst the above methodology, drawn from arch-analytic philosophy, might appeal to some, I suggest its rather abstract theoretical background might be off-putting to others. It might, for instance, be less than obvious for some and in certain circumstances as to how to set out one's purposes prior to investigating that one wishes to ameliorate. One might not even know what one wishes to ameliorate in the first place. Here then, I wish to develop another way of thinking about engineering concepts, drawn from Sara Ahmed's reading of Audre Lorde, which does not presuppose a clear set of purposes going into the project, nor even knowledge of the sort of concept one wishes to engineer. Hopefully this will provide resources that can ease the difficulty of making sense of one's gendered (or not-gendered) self via the development of new meanings. Ahmed writes:

> "I like to think of feminist concepts as "sweaty concepts," concepts that show the bodily work or effort of their making. I first began thinking of "sweaty concepts" in relation to Audre Lorde's work, her Sister Outsider published in 1984 is another important feminist classic, for how she developed arguments through describing situations in which she found herself as a black lesbian woman in a white straight male world. It is how Lorde describes her experience of racism that gives us a concept of racism that allows us to return to those experiences in new ways. If concepts in some sense come from bodies, they can return to them, allowing us to re-inhabit the body with new understandings." (Ahmed 2013).

Ahmed reads Lorde as producing a specific type of concept – a *sweaty concept.* That is, a concept that is born from close description of one's own life that is lived at odds with an oppressive society. These concepts are sweaty because they involve work: they are created through hard descriptive work and are supposed to work hard for us. It is this latter sense of work that makes them appropriate target concepts for an ameliorative inquiry – hopefully these concepts that are sweatily produced can do the work that we want them to do:

> "I was also trying to show how descriptive work is conceptual work. A concept is worldly but it is also a reorientation to a world, a way of turning things around, a

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It is perhaps unsurprising that in this context of radical innovation, several random gender generators have also found popularity such as the twitter accounts @restroomgenderator and @genderator, along with mxbrightside's (2019) game *Genderator*. One can even take a buzzfeed quiz to create a gender that will take you to art that speaks to that construction (mxbrightside 2018). Whilst these generators are to some extent humorous, they also, to quote from the @genderator profile, "hope to inspire you" – to find new ways of describing your gendered existence.

different slant on the same thing. More specifically a "sweaty concept" is one that comes out of a description of a body that is not at home in the world. By this I mean description as angle or point of view: a description of how it feels not to be at home in the world, or a description of the world from the point of view of not being at home in it... When I use the concept of "sweaty concepts" I am also trying to say we can generate new understandings by describing the difficulty of inhabiting a body that is not at home in a world. Sweat is bodily; we might sweat more during more strenuous activity. A "sweaty concept" might be one that comes out of a bodily experience that is difficult, one that is "trying," and where the aim is to keep exploring and exposing this difficulty" (Ahmed 2014).

Given that they are created by those whose lives are lived at odds with an oppressive society, sweaty concepts seem to be apt for the project of gendered hermeneutic innovation by trans people. We might also think that this, whilst framed in terms of concepts, is perfectly translatable into meaning-talk. As such, in the following section I want to follow this methodology to develop a meaning for the term 'agender' that speaks to my own experience. That is, I am attempting to produce a description of my own phenomenology – in this case through autobiography. In doing so I am attempting to fill out a notion of 'agender' that not only speaks to my current and past experiences, but which will also do work for me in the future, in that it will make sense of my phenomenology going forward and provide new perspectives on the way I fit (or do not fit) into my social milieu.

3 – A Meaning for 'Agender'

I was 15 when I encountered David Hume for the first time. Reading him had quite profound impacts on my philosophical outlook – so much so that I would fit even my work on gender in this thesis into a tradition that comes directly out of Hume. However, that is a story for another time. Perhaps even more surprisingly, Hume had quite the impact on my personal life as well.[210] His critique of assumptions that I didn't even recognise that I had been making shook me quite thoroughly.[211] In particular, Hume's scepticism about the self left me quite shaken.

"For my part, when I enter most intimately into what I call myself, I always stumble on some particular perception or other, of heat or cold, light or shade, love or hatred,

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[210] I am not alone here – see Gopnik 2015.

[211] When I later found out about Kant's reaction to reading Hume, I felt little surprise and (perhaps pretentiously, and certainly not really understanding Kant at the time) thought to myself that I knew exactly how Kant must have felt – after all, I'd gone through the same thing!

pain or pleasure. I can never catch myself at any time without a perception, and can never observe anything but the perception. When my perceptions are remov'd for any time, as by sound sleep; so long am I insensible of myself, and may truly be said not to exist." (Hume 1739–40/1978: 252).

I would think and think and think, trying to picture my 'self', trying to find something that the I, the young Humean, was slowly beginning to think simply did not exist. That there was nothing really there that would constitute anything that looked like a self.

This sense that there was 'nothing really there' became a part of me, a part of how I began to think about and experience the world. I had looked inwards and seen a void, an absence, and this began to affect my day-to-day life. I became sceptical of any ideas of authenticity, that I could ever act in ways that expressed who 'I really was'. Sure, I had opinions, desires, and cares, but they always seemed bundled together, rather than being an expression of some underlying and unifying self.

When it came to learning about gender – a slow process for someone raised as a boy in the conservative and rural county of Gloucestershire under Section 28 – I was shaken from my dogmatic slumbers once more when I learned about trans people. The assumption that I had to be this way – that I had to be a boy, that I had to be a man – had, like the assumptions Hume had revealed and attacked, been sitting there all along. It took a while, but, having learned about the idea of being nonbinary, and from there the idea of agender, I slowly came to realise that I was not.

Not a boy, not a man, not a girl, not a woman, just, not.

The term 'agender' is attractive in conveying this sense. I think it has the right kind of 'lexical effects'. From the OED (2008) – 'a-': "with the sense 'without'; 'not'; '-less'".

Without gender. Genderless. Not gender.

It made, and still makes, so much sense to me. It captured my discomfort with the men and masculine culture I had surrounded myself with whilst growing up – a feeling of alienation from, and occasionally visceral disgust for, the values, the noise, the camaraderie of men. A sense that I wasn't supposed to be in this or that space. It made sense of my revulsion at being asked to do as men do, that I should have to comport myself in such and such a way because who I really was demanded it. At the same time, I never felt at home thinking of myself as a woman. As much as I found solidarity and community with women, especially feminist women, it was not me. Woman wasn't who I was, because I felt like I was not, both in the sense of not being a woman, and in the sense of not being.

The shock of being hailed as 'sir', 'him', 'that man' and so on still gets me. A moment of confusion, then sadness and perhaps anger that is enough to throw any train of thought I once had. All of a sudden, I am being called back into a world where I am something. A world where I am not quite at home. A particular being with a particular (social) ontology that is simply alien to my phenomenology. I think I understand gender and gender norms fairly well. I know how to navigate the world pretending to be a man, and I am well aware of how gender norms function in all of their oppressive ways. But it often feels like I am observing from a distance, as an anthropologist trying to make sense of why anyone would abide by this system, and I react with shock whenever it is suggested that I am required to act in certain ways by that system.[212]

Instead 'they' – 'them', a sense of being other.

Meanwhile, thinking of myself as agender just makes so much sense – and not just of that phenomenology of absence. Having others refer to me as 'they', treating me as not being a man – it means that I do not experience that visceral sense of shock. Gender neutral changing rooms and toilets give me I have a space that I can change in without feeling alienation and that I am about to be 'found out' for pretending to be a man. And, where I have made it clear to someone how I should like to be identified, suggests that they respect my autonomy and personhood. It is affirming.

There are then, I think, a couple of things that I mean when I say I am agender. Primarily, I mean that I experience a particular phenomenology, a phenomenology of absence, where I think a gendered sense of self should be, and calling myself 'agender', to me, captures this phenomenology best. The phenomenology of not. But I also mean that I experience a particular kind of alienation from gender and the gendered world, a feeling of distance.

4 – The Agender Agenda and Some Recent Accounts of Gender

As I have been arguing, I do not think this ought to be the only way of making sense of 'agender'. Other meanings are available, and others can be created. But this meaning makes sense to me, and I ask those around me to treat me as such. I similarly want a political and legal system that makes space for this mode of being. Nor am I covetous: I hope that others use this meaning, take it up themselves, or adapt it to suit their needs.

One thing that I do wish to highlight however, is that this meaning for 'agender' seems to speak against at least two conceptions of gender that have been proposed in the recent literature: critical

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[212] Perhaps not what Temple Grandin calls an anthropologist from Mars (see Grandin, quoted in Sacks 1995) but the metaphor certainly speaks to me even if I am reticent to appropriate it wholeheartedly.

gender kind accounts of genderqueer identity, and social map based theories of gender. At least insofar as those conceptions of gender are not pluralist in the way I have been sketching in this thesis, I suggest such conceptions come up short in light of the above discussion.

4.1 – Dembroff's Critical Gender Kind

There are at least two senses of 'genderqueer' in popular usage. The first is as an umbrella term that might be thought of as synonymous with 'nonbinary' – capturing those whose gender identity fits outside of the binary. Call this the umbrella notion of genderqueer, or *genderqueer$_u$*. The second is as a specific identity under the nonbinary umbrella, which has political connotations associated with queer theory and queer politics. Call this specific identity version of genderqueer, or *genderqueer$_s$*. I suggest that unless we carefully distinguish these two senses of 'genderqueer' we risk missing the specificities of genderqueer$_u$, non-genderqueer$_s$ identities. That is, nonbinary identities such as neutrois, agender and pangender will be conflated with *genderqueer$_s$*. This worry comes to a head in the work of Robin Dembroff.

Robin Dembroff proposes the notion of a *critical gender kind* and suggests that we think of *genderqueer* in such terms:

> "Critical Gender Kinds: For some kind X, X is a critical gender kind relative to a given society iff membership in X is predicated on manifesting personal resistance against the dominant gender ideology in that society." (Dembroff ms 15).

We can then say that

> "*Genderqueer* is a critical gender kind, such that its members have a sensed or claimed gender categorization that conflicts with the binary assumption, [that is, that there are two exclusive and exhaustive genders *man* and *woman*,] and on this basis enact resistance against this assumption" (Dembroff ms 20).

However, Dembroff defines the relevant notion of manifesting personal resistance so broadly as to include even merely perceiving oneself as not a man or a woman and expressing that fact:

> "Existential Personal Resistance: To manifest existential personal resistance to dominant gender ideology is to engage in behavior that challenges that ideology, where this behavior stems from or otherwise expresses one's own perceived or claimed gendered categorization (or lack thereof)." (Dembroff ms 16)

Now supposing that this is supposed to be an analysis of *genderqueer$_s$*, this broad notion of resistance is problematic: it means that agender people such as myself wrongly count as genderqueer in the

specific identity sense of genderqueer.[213] That is, we are misgendered. Why? Well I claim an identity that conflicts with the binary assumption and even in the very act of writing this chapter, have manifested personal resistance in the way that Dembroff suggests. As such Dembroff's account will treat me as genderqueer. If this is the specific identity sense of genderqueer, *genderqueer*$_s$, then I have simply been assigned the wrong identity by the account. Agender, in the sense I have developed, has nothing to do with queer theory and queer politics, it is not, as Dembroff suggests about "breaking down what it means to be a gendered person in the world" (Dembroff ms 21). *Genderqueer*$_s$ is a perfectly legitimate identity, but it is not mine. This misgendering is troubling, but becomes even more so once one recognises that this problem does not just arise in my case, but actually occurs for vast numbers of nonbinary people.[214] Dembroff, if they are using genderqueer in the specific sense, folds nonbinary identities, including agender, androgyne, neutrois, and others into one critical gender kind – genderqueer, collapsing important distinctions and differences.[215]

By way of response, Dembroff might suggest that they are merely attempting to analyse 'genderqueer' as an umbrella term. That is, they are offering an analysis of *genderqueer*$_u$. However, this sits ill with many of their comments about genderqueer. For instance:

> "This point aligns with genderqueers' description of being nonbinary as a way of "reject[ing] such [binary] systems that lead to harmful stereotypes and oppression" and "breaking down what it means to be a gendered person in the world." (Dembroff ms 21).

> "Genderqueers enact their identity in multitude ways because being genderqueer is not about creating and obeying a new set of gender norms: it is about throwing out gender norms. That is: genderqueer is not about maintaining a grey, androgynous middle ground between 'masculine' and 'feminine', 'man' and 'woman', but rather resisting

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[213] Are lesbians genderqueer on this account? If one takes the work of Monique Wittig seriously, it looks like they may well be – think of her famous remark that "lesbians are not women" (Wittig 1992 32). It is unclear whether this is the right or wrong result by Wittig's lights. That said, Wittig's thought puts pressure on the notion that we can safely separate out the binary assumption from other aspects of the hegemonic gender and sexual ideology in the way that Dembroff suggests we do. If one follows Wittig, It seems, for instance, that an assumption of universal heterosexuality is violated by lesbians – and in so doing, lesbians also violate the binary assumption and what Dembroff calls "the genital assumption: [that] someone's gender is determined by their natal anatomical reproductive features" (Dembroff ms 19). There are interesting issues here, though exploring the interesting intersection of Wittig, lesbian and trans identities goes beyond the scope of this thesis (though see Henderson 2018 and Scheman 1997).

[214] If Dembroff suggests that the binary assumption includes the notion of permanence or inflexibility (see Dembroff ms 20n65), I suggest that their notion of genderqueer would actually include virtually *all* nonbinary identities, including genderflux, genderfluid, demi-genders. One might also worry that it would include binary trans people!

[215] Might Dembroff restrict the notion of resistance so as to exclude neutrois or agender people from genderqueer? Perhaps, but note that specifying exactly what kind of resistance counts is going to be difficult, because, as Dembroff notes, there is such a great variety of ways in which genderqueer people enact resistance, none of which are individually necessary for being genderqueer.

the command to accept these binary concepts as the concepts by which one must be identified, labelled, and evaluated." (Dembroff ms 23).

Here, 'genderqueer' is understood, not as an umbrella term, but as a term for a specific identity with a particularly political emphasis. Think how alien these remarks seem to the notion of agender I developed above. The sense of 'agender' I developed above does not entail a need to break down what it means to be gendered, nor does it entail throwing out gender norms. It is not a particularly political identity and is not genderqueer in the specific sense of the term 'genderqueer'.[216] Yet if Dembroff's analysis is supposed to be of the umbrella sense of the term 'genderqueer' then it looks like their remarks above betray a sense that *genderqueer$_s$* is somehow meant to be the paradigm case of *genderqueer$_u$*. As such, in characterising genderqueer$_u$ in this way, those identities that fit under the genderqueer umbrella but which are not *genderqueer$_s$* are marginalised as non-central members of the genderqueer umbrella, and the specificity of their particular identities is erased. It looks, therefore, as if Dembroff is stuck – their analysis either misgenders non-genderqueer$_s$ nonbinary people, or it gender marginalises non-genderqueer$_s$ nonbinary people.

Even if one treats 'genderqueer' as an umbrella term and rectifies this erasure, acknowledging the differences under the umbrella one has erected and labelled 'genderqueer', and recognising that there are vast differences between (say) genderfuck and agender identities, Dembroff's account of genderqueer faces a problem of coloniality, and moreover might be thought to display a worrying denial of the current reality of settler-colonialism. Take the following quote:

> "Because genderqueer, on my proposal, includes personal resistance to the binary assumption [that the only possible genders are the binary, exclusive, and exhaustive kinds men and women], it is largely constrained to contexts where Western gender ideology is dominant. This is not to preclude that there may be a closely related kind – one whose members challenge – personally or not – the binary assumption. Such a category would unify genderqueer with the variety of genders beyond male and female recognized in other societies, such as Indonesia's *waria*, Native American *two-spirit*, and Samoan *fa'afafine*." (Dembroff ms 23-4).

Here Dembroff suggests that because genderqueer involves a particular kind of resistance to *Western* gender ideology, Two-Spirit people (for example) do not count as genderqueer, because, Dembroff appears to imply here, Western gender ideology is not dominant in the contexts that

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[216] Even the broad approach Dembroff takes, of treating the umbrella term as definable in *political* terms seems ill-suited to capturing such identities, and at the very least prioritises political identities in constructing the umbrella (see Debroff ms 15).

Two-Spirit people find themselves in. Yet to suggest as much is tantamount to denying the ongoing reality of settler-colonialism in Turtle Island. Due to the *ongoing* effects of colonialism, Western gender ideology is in fact dominant across what is known as the United States and Canada – and Two-Spirit people find themselves in contexts where they are manifesting the kind of resistance Dembroff has in mind.[217] Furthermore, the specific history of Two-Spirit – as an identity that only came into prominence in the early 1990s and developed partly to resist practices of colonialism by a dominant Western gender and sexual ideology, means that Two-Spirit people will count as genderqueer on Dembroff's account.

Suppose, then, that Dembroff admits that Western gender ideology is dominant in the contexts in which many Two-Spirit people find themselves, it looks as if Two-Spirit people manifest personal resistance to the binary assumption of Western gender ideology and hence count as genderqueer on Dembroff's account. Now, one might suggest, "That's okay, let us understand genderqueer as an umbrella term – all this means is that Two-Spirit identities fall under the genderqueer umbrella. What's so bad about that?" The answer is simply that this subsuming of non-Western identities under a Western identity category is simply to replicate colonial practices, and to undermine the very reason for the introduction of *Two-Spirit* as an identity in the first place. Remember that Western anthropologists introduced the term 'berdache' in order to categorise those natives they found who violated Western gender ideology. This term that was and is still widely rejected by indigenous peoples, for a number of reasons, not least that it originates from the arabic word for slave boy or kept boy (de Vries 2009 63). Further, and relevant to our concerns in this section, the term was also rejected because it was imposed by settlers on native people, and was not grounded in indigenous experience, instead imposing Western prejudices about sex, gender, and sexuality onto native people (Wesley 2015 12-13, de Vries 2009 63). 'Two-Spirit', developed and agreed upon at the third meeting of the International Gathering of Native Gays and Lesbians in 1990, was introduced precisely to provide an umbrella category grounded in native experience (Wesley 2015 15). 'Two-Spirit' was introduced to escape from white settler understandings of gender and sexuality, but in imposing genderqueer, suggesting that to be Two-Spirit is to be genderqueer, Dembroff imposes a Western category and replicates the colonial violence of 'berdache'.

Elizabeth Barnes has pointed out in conversation that Dembroff might well respond to this by suggesting that, whilst they are concerned about misgendering, and indeed the imposition of

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[217] This is not to deny that there may be some contexts where Western gender ideology is not dominant – perhaps on some reservations, for example. However, one would be hard-pressed to claim that Two-Spirit people living in say, Ottawa and Toronto, exist in contexts where Western gender ideology is not dominant (see Wesley 2015).

settler-colonial ideology, nonetheless, their concern is with the underlying structure of society.[218] How does this help? Well, Dembroff can simply respond to the types of criticism given above by suggesting that whilst it is unfortunate that their theory misgenders people, it nonetheless tells us about what the underlying structure of society is really like. Of course, that structure is bad, and it definitely misgenders people, but that's just (unfortunately) how the world is. Meanwhile, whilst it's unfortunate that in developing their notion of genderqueer, Dembroff seemed to reproduce a particular kind of settler-colonialism, nonetheless (the response might go) the notion of genderqueer developed carves the social world at its joints. Of course, it is unfortunate that the social world seems to be actually carved up along Western lines, and not those proposed by indigenous people, but that's just (unfortunately) how the world is.

At this point, we might simply part ways – the kind of project that Dembroff is interested in doing is just a different kind of project to the one that I am doing, and that's just fine.[219] To criticise their project on my terms, using, for instance, the trans identity constraint would be to fail to engage with Dembroff's project on its own terms. However, I would like to raise a couple of further concerns for Dembroff. The first is that the position is now *even more* patronising of indigenous persons. We have a white gender theorist (who seems to have missed the way in which Western gender ideology is dominant across North America thanks to colonialism) telling Two-Spirit people that this is what their identities *really* are, no matter what they might think. I suggest that this constitutes a genuine moral hazard of this kind of approach, *even if* it turns out that Dembroff is correct about the metaphysics of the situation. Second, consider the evidence that Dembroff corrals in support of their view:

> "My analysis relies heavily on personal testimony from genderqueer persons. This is not only because there is a scant amount of academic research about genderqueer persons, but also because I share the familiar feminist commitment to begin theorizing from the perspective of the marginalized. That said, I distinguish between two kinds of testimony. The first concerns genderqueer individuals' intuitions about paradigm or uncontested examples of persons who do not identify exclusively as men or as women. The second concerns these individuals' views about metaphysical questions concerning what, more generally, it means to be genderqueer. I rely on the first kind of testimony and not the second." (Dembroff ms 3).

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[218] This kind of response mirrors the sorts of analysis made by Haslanger (2012).

[219] To draw on terminology raised in footnote 13 in Chapter One, we might think that Dembroff is engaged in negative critique whilst I am engaged in positive critique.

Why does this matter? Well Dembroff does not consider testimonial evidence from two-spirit people in their paper, nor, as far as I can tell, any indigenous person. Thus, despite their position entailing a certain account of the metaphysics of two-spirit identities, such claims are simply not supported by the evidence surveyed. Moreover, the very type of evidence used here seems an odd choice. This type of project generally does not rely on "intuitions about paradigm or uncontested examples" to give us evidence about the underlying social structure of a society. Think of Haslanger's very similar project in her paper from 2000. The types of evidence considered there are not intuitions, but rather features of the social world like "persistent inequalities", "the similarities and differences between males and females" and "the effects of interlocking oppressions" (Haslanger 2000 36). Such data plausibly counts as evidence when trying to understand the underlying social structure of reality – but it seems much harder to make the case that intuitions about paradigm examples can play that role.[220] Moreover, I take it that part of the upshot of the discussion between Haslanger and Saul (Haslanger 2006, Saul 2006) was that these sorts of analysis sometimes give us results that contradicted intuitions about paradigm cases. After all, ordinary intuitions might be muddled (as Saul worries), distorted by ideological factors (as Haslanger is at pains to argue), or in some other way fail to have epistemic access to the underlying social reality. We may wish to suggest that, as they have developed it thus far, Dembroff's account is not one to be endorsed.

4.2 – Jenkins' Gender Dualism

Katharine Jenkins (2016a) suggests an ameliorative *dual* meaning theory of gender. Critical of purely social position theories of gender, such as that given by Haslanger, Jenkins suggests that we need both a notion of gender as class, or position in a social structure, and a notion of gender as identity. She defines the first sense, of gender as class by condensing Haslanger's definition:

> "S is classed as a woman within a context C iff S is marked in C as a target for subordination on the basis of actual or imagined bodily features presumed to be evidence of a female's role in biological reproduction.

> Correspondingly:

> S is classed as a man within context C iff S is marked in C as a recipient of privilege on the basis of actual or imagined bodily features presumed to be evidence of a male's role in biological reproduction." (Jenkins 2016a 408).

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[220] Indeed, Haslanger worries that using this sort of evidence risks "perpetuating social self-deception" (Haslanger 2006 117).

Meanwhile she defines gender as identity as in terms of "internal maps", that is, those habits, beliefs, know-how and so on that serve to guide one through the social and material world that is characteristic of a position in a social structure:

> "S has a gender identity of X iff S's internal 'map' is formed to guide someone classed as a member of X gender through the social or material realities that are, in that context, characteristic of Xs as a class.

> This means that having a female gender identity works as follows:

> S has a female gender identity iff S's internal 'map' is formed to guide someone classed as a woman through the social or material realities that are, in that context, characteristic of women as a class." (Jenkins 2016a 410).

Mutatis mutandis we can give her condition for male gender identity:

> S has a male gender identity iff S's internal 'map' is formed to guide someone classed as a man through the social or material realities that are, in that context, characteristic of men as a class.

Unfortunately, such conditions mean that I will count as a man on both counts. Given that my gender presentation is, in most circumstances, one that is read as male, and that on virtually all official documents I have names, titles and pronouns that are gendered male, I am the recipient of many privileges that accrue to men in society. Given that I receive such privileges, and such privileges are received on the basis of presumed sex, I count as a man by the lights of Jenkins' class definition of gender. Meanwhile, I am competent at navigating the world as a man – I was raised as a boy, and, insofar as there are "internal 'maps'" that are formed to guide a person through particular social and material realities, I have one that is characteristic of men as a class.[221] Not only can I competently 'pass as a man' when required, I also see many of the norms of masculinity as applying to me in such circumstances, and often behave in accordance with those norms in order to avoid social harms. As such, I am a man by the lights of gender as identity. My competence with the male social map means that according to Jenkins I am a man *qua* gender identity. Moreover, given that I am commonly taken to be a man, and afforded many privileges on that basis, I am a

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[221] There is perhaps an analogy to double consciousness here (See Du Bois 1997). I have to be able to understand how to navigate the world as a man if I am to pass effectively (which I can do) and avoid particular violences.

man *qua* gender as structure. I take it that this is the wrong result by Jenkins' lights, as she is committed to avoiding misgendering, and it is certainly the wrong result by my lights.[222]

It might be remarked that Jenkins could respond by suggesting that mere internalisation of and competence with some map is not enough to make that map *my* map. After all – haven't I rejected that map as not one that should apply to me? Haven't I suggested that I don't feel the normative force of such norms, even if I follow them on occasion for pragmatic reasons? Unfortunately, this response is unavailable to Jenkins, as she recognises:

> "On my definition, having a female gender identity does not necessarily involve having internalized norms of femininity in the sense of accepting them on some level. Rather, what is important is that one takes those norms to be relevant to oneself; whether one feels at all moved to actually comply with the relevant norms is a distinct question" (Jenkins 2016a 411).

Why does Jenkins make this move? Take the case of the feminist woman who rejects any and all norms of femininity, womanhood and so on. We want to say that this person is a woman, but if we tie womanhood (as identity) to the endorsement of such norms, we preclude such a possibility. In order to capture women and men who reject gender norms, Jenkins cannot appeal to endorsement of the norms that they see as relevant to themselves. As such and given that many nonbinary people are competent with maps for men and/or women and indeed see them as relevant to themselves, Jenkins' account looks like it is going to inappropriately treat many nonbinary people as men, women, or both.

Another response that Jenkins might make would be to appeal to certain affective aspects of social maps. As she suggests in her 2018 paper, a social map does not just involve the types of behaviour expected in particular contexts, but also the types of affective response that are appropriate or expected by the individual there. So, suggests Jenkins, in a transphobic location, all toilets might be marked as places "fraught with stress and danger" (Jenkins 2018 729) whilst a man might not mark certain toilets with any affective response whatsoever, and consider other toilets simply off-limits, perhaps only marked with a fear of embarrassment at having walked into them accidentally. The thought might be that the only relevant map for the nonbinary person is the one in which all such toilets are marked with stress – no other map is going to be relevant for the nonbinary person. However, to take my own case again, I understand the map for men as they move through various contexts, and moreover, I understand the affective aspects of that map too. Moreover, I

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[222] For a powerful and related, though quite different argument, which suggests that Jenkins' account does not even get binary trans identities right, see Andler 2017.

understand those affective aspect of the map as relevant to me – I have to know how men will feel as they move through social space in order to accommodate them, at times pass as one, and at other times perform acts that make it clear that I am not (having the affective responses of) a man. Think of the case where I am playing as a part of a men's sports team, who I am not out to, and we enter the locker room after having won a game. I associate the changing room with stress, but I know that the changing room, following a win, will be associated with elation and camaraderie by the men on my team.[223] I experience both 'maps' here as relevant to me; I must be aware of and act in ways that accommodate both maps. Not only do I have to prepare myself mentally for the stress of entering that space, I have to be prepared for the elated behaviour of my teammates, and be prepared to act in ways that look as if I myself am not stressed, but in fact am elated. As such, experiencing both maps as relevant to me, I am both nonbinary and a man according to Jenkins' theory of identity, even given this affective response.

Jenkins does have a footnote on nonbinary identities, which is worth quoting in full:

"My definition of gender as identity allows that someone's gender identity may be mixed, fluid, or nonbinary. Briefly, a mixed identity might be characterized thus: "S has a mixed gender identity iff S's internal 'map' is partly formed to guide someone classed as a woman through the social or material realities that are, in that context, characteristic of women as a class and partly formed to guide someone classed as a man through the social or material realities that are, in that context, characteristic of men as a class." A fluid gender identity might be characterized thus: "S has a fluid gender identity iff S's internal 'map' is at times formed to guide someone classed as a woman through the social or material realities that are, in that context, characteristic of women as a class and at other times is formed to guide someone classed as a man through the social or material realities that are, in that context, characteristic of men as a class." A nonbinary identity might be characterized thus: "S has a nonbinary gender identity iff S's internal 'map' is neither formed so as to guide someone marked as a woman through the social or material realities that are, in that context, characteristic of women as a class nor formed to guide someone classed as a man through the social or material realities that are, in that context, characteristic of men as a class." Each of these possibilities, of course, requires more elaboration and exploration than I can give them here. Haslanger considers nonbinary and mixed

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[223] This of course oversimplifies things: there are more than just two emotions that are going to be at work in the actual case, but I simplify in order to make the case clearer.

identities in some detail in relation to racial identity; Haslanger, "You Mixed?"" (Jenkins 2016a 410-11n40).[224]

Whilst this footnote is notable as perhaps the first mention of nonbinary identities in a published work of analytic philosophy, it is quite inadequate – as Jenkins, I believe, recognises.[225] For instance, whilst the accounts of internal maps given here might make sense to and be useful for some in making meanings for themselves, it seems clear from my own case that one can have a nonbinary gender identity, whilst also having an internal map (supposing that there are such things) that is formed to guide someone marked as a man through the social and material realities that are characteristic of men as a class.[226] Part of the issue here is that if Jenkins is right that there are such maps, in a society that assigns and enforces a rigid gender binary is going to (in most cases) inculcate a particular map for navigating the social world as either a man or woman, depending on the gender assignment given to a child shortly after birth. Meanwhile, being trans, being member of a gender that one was not assigned at birth, or a member of no gender, does not automatically grant one the knowledge of how to navigate social reality characteristic of one's gender or lack of gender. Indeed, precisely because one is raised as a different gender, one is instead often well-equipped to navigate the world as a member of the gender one was assigned at birth.

Jenkins' later analysis in her 2018 paper, "Toward an Account of Gender Identity" fares little better, and in fact causes further problems for the account. Take the following analysis of nonbinary, genderfluid and agender identities:

> "Here is a definition of non-binary gender identities, conceived of as an umbrella
> term referring to all gender identities other than 'man' and 'woman':

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[224] Note that even for someone as committed to justice for trans people as Jenkins is, nonbinary identities are an afterthought – much like they are for the rest of the philosophical canon, if they are even recognised at all.

[225] The Haslanger text referenced text by Jenkins does not actually mention nonbinary identities, and only talks about mixed racial identities. The only mention we get of genders other than man and woman is the following about a hypothetical society: "In contexts in which the reproductive body is not such a site of subordination and privilege (*presumably no contexts we know of*, but ones we may hope for), there are no men or women, though there may still be other (new) genders." (Haslanger 2005 269, and Haslanger 2012 277 my emphasis). Until very recently there was simply an absence of analytic philosophers talking about nonbinary genders, and especially talking about them in ways that recognised that people existed who called themselves nonbinary. We should note however, that more recently Haslanger has updated her view in light of criticisms of trans exclusion such as that from Jenkins, and indeed that her very early work actually provides more room for nonbinary identities than is commonly supposed. Section VII of Haslanger's 2000 paper, for instance, suggests that we might fight for new ways of living gender that are non-hierarchical, something that is often lost given the importance of the rest of that paper (see also Cull 2019).

[226] Moreover, it is unclear that in all cases the internal maps (if there are such things) of genderfluid people are formed differently at different times, or what precisely it would be to have a map that is partly formed for one class and partly formed for another. Indeed, we might also ask what the internal map(s) characteristic of nonbinary people look(s) like – a question that seems remarkably hard to answer.

A subject S has a non-binary gender identity iff S's internal 'map' is neither formed so as to guide someone classed as a woman through the social or material realities that are, in that context, characteristic of women as a class, nor formed to guide someone classed as a man through the social or material realities that are, in that context, characteristic of men as a class.

More precise definitions of particular non-binary gender identities can be given as follows:

S has a genderfluid gender identity iff S's internal 'map' is at times formed so as to guide someone classed as a woman through the social or material realities that are, in that context, characteristic of women as a class, and at other times formed to guide someone classed as a man through the social or material realities that are, in that context, characteristic of men as a class.

S has an agender gender identity [or: S lacks a gender identity] iff S does not have an internal 'map' that functions to guide them through the social or material realities that are, in that context, characteristic of any gender class." (Jenkins 2018 735-736).

Firstly, note that genderfluid people do not count as nonbinary by this analysis. In any given context, claims Jenkins, the genderfluid person's map is formed so as to guide a person classed as a man or a woman. As such, and given that nonbinary people, according to Jenkins, fail to have a map that is formed to guide someone classed as a man or woman in some context, genderfluid people will fail to count as nonbinary because they do in fact have such a map. This seems like the wrong result! Genderfluid people tend to categorise themselves as nonbinary, after all.

Secondly, by suggesting that agender people lack a map that functions to guide them that is characteristic of any gender class, Jenkins again misgenders those like me, who despite being agender, are still competent at moving through the world as a man (or as a woman). Such a map of the "norms operating in social spaces" (Jenkins 2018 729) guides my actions, whether I am attempting to pass as a man, or I am trying to avoid acting like a man, or even just accounting for the actions of men around me. I experience the male map as relevant to me, but, *contra* Jenkins, I am not a man. I am agender.

6 – Conclusion

Being trans does not always immediately grant one better insight as to how to move through the world in the gender one now recognises oneself as a member of. It takes hard work, and part of that work is thinking about which identities are useful to oneself moving through the social world, and useful for making sense of oneself. This chapter has been an attempt to develop a couple of ways of thinking about this type of work – with Lorde and Neurath – and one example of this type of work, thinking through my own (lack of) gender. Much of this thesis has been negative in outlook, finding issues with positions, criticising particular approaches to gender, but the last two chapters have been more positive. In them I hoped to produce an ameliorative theory of gender that made room for thinking of gender as open to innovation and free from imposition. I wanted to provide an ameliorative position that allowed for people to reject those identities that did not speak to them, and to adopt or develop better ones.

Conclusion

The central aim of this thesis was to produce an ameliorative account of gender, that is, a set of target concepts for gender that satisfied our needs as intersectional feminists. I also wanted to explore and critique those theories of gender that arose out of the ashes of the essentialism versus anti-essentialism debate, showing them to be inadequate, but nonetheless well worth learning from. We concluded with an endorsement of *ameliorative semantic pluralism* with respect to gender terms. That is to say that, according to our analysis, gender terms ought to have multiple senses or contents. However, ameliorative semantic pluralism alone is not the complete story – it offers little guidance as to what those multiple individual senses of gender terms look like. Indeed, I am convinced that a complete picture of all the senses of any given gender term ought not be determined by any individual. As such, I argued that I would like to see conceptual engineering, especially by trans people, to fill out those gaps. My final chapter was therefore my contribution to this larger project, developing the sense for 'agender' that, at the time of writing, makes most sense of my lived experience.

How did we get to these conclusions? In Chapter One, I set out the methodology I was to use. After taking a look at the work of Carnap and Haslanger, I developed a version of conceptual engineering, based remarks made by Neurath to Carnap. This methodology emphasises the importance of communities in such ameliorative work, and carefully distinguishes between the communities guiding the ameliorative project C_p and the communities of intended users of the new concept C_u, in ways that are sometimes elided in discussions of conceptual engineering. Setting C_p as intersectional feminists, and C_u as society at large, I argued that C_p should adopt have five salient constraints on the project of engineering gender: the feminist praxis, social scientific, trans identity, normativity, and inclusivity constraints. Finally, I suggested that this kind of activist-philosophy actually sidesteps many of the traditional criticisms of conceptual engineering. I argued that the activist-engineer can avoid questions about the nature of concepts (or whatever is being engineered) in conceptual engineering, along with Strawson's 'topic-changing' objection. Moreover, I defended the position from the charge of political inefficacy and anti-intellectualism.

With a methodology and appropriate desiderata of our concepts in hand, I turned to the various accounts of gender that arose in the aftermath of the essentialism versus anti-essentialism debate, beginning in Chapter Two with the widely popular family resemblance approach. There I developed a distinction between *cluster* and *overlapping* versions of family resemblance theories, with Hale and Corvino as exemplars of the former, and Heyes as the exemplar of the latter. Looking at Bettcher's argument that such accounts marginalise trans women, I argued that such an argument works only for a limited number of family resemblance accounts (only those that are ameliorative

cluster accounts) and that none of Hale, Corvino or Heyes are vulnerable to such a complaint. However, drawing on Bettcher's argument I then suggested two novel arguments that I take to completely undermine family resemblance positions: the *double-counting* and *discrete/continuous* problems.

Chapter Three was, in part, an attempt to evaluate Butler's theory of gender through the lens of analytic philosophy. Developing Butler's work through the lens of speech act theory and a novel generalisation of proleptic mechanisms, I looked at performativity, and Butler's positive political program, noting two important political strategies that arise in this context. Turning to critiques of Butler, I provided a reading of Prosser's work that suggested that Butler's theory faces an explanatory gap with respect to trans people. Butler's theory is what I call 'anti-structuralist' (as opposed to the structuralist family resemblance accounts), and in the second half of Chapter Three, I developed three versions of the anti-structuralist thesis: *metaphysical* (MAS), *epistemic* (EAS), and *ameliorative* (AAS). I argued that MAS is simply false, that a restricted version of EAS was true but unproblematic for my project, and that AAS, whilst providing an interesting methodological constraint, nonetheless did not affect my project.

In Chapter Four I took a look at Mikkola's *deflationary* account of gender, arguing that it failed to provide an adequate extension-determining mechanism. Suggesting an alternative mechanism, self-identification, I developed a taxonomy of potential deflationary self-identification accounts of gender. I then suggested that such accounts faced a number of issues, including triviality and 'Saul hoaxes'. That said, this discussion led to a plausible metaphysics for an *inflationary* self-identification accounts, along with an epistemic upshot regarding sincere identifications. I ended the chapter with a discussion of quietism about the contents of gender terms, arguing that such a position is hard to stably hold as a trans person, leaves a number of questions unanswered, and fails to give us the useful political tools that might be offered by those accounts of gender that are not quietist about the senses of gender terms.

The most sceptical approaches to gender, error theory and abolitionism, were addressed in Chapter Five. Drawing on the literature on the metaphysics of race, I argued that error theory about gender is a non-starter. Moving on to the more politically pressing abolitionist position, I brought together three very different attempts to argue for abolition, from Haslanger, Gender Nihilists and Okin. In each case, I suggested that the attempts failed. I then presented two arguments for keeping gender that arose from trans concerns, and a further argument that arose from a concern about coloniality. The upshot here was that although gender may well be oppressive, it need not be.

In Chapter Six I spelled out my answer to this question: ameliorative semantic pluralism. That is, in order to account for the diversity within gender categories, gender terms should have multiple senses. Moreover, the senses that gender terms have are to be delimited on political grounds. In making this last claim, I suggested that we avoid Saul's contingency problem, and, as recommended by Díaz-León, in further adopting a subject-based contextualism or pluralism, I suggested that we can also get around a problem that I called 'Saul's revenge'. I further argued that a number of putative problems can be solved by the ameliorative semantic pluralist.

Of course, despite some restrictions on the senses of gender terms, the ameliorative semantic pluralist position leaves much open. I suggest that the multiple senses that are to make up the rest of the picture are best developed, not by philosophers in the armchair, but by people, especially trans people, thinking through their own genders (or lack thereof) and engineering senses that make sense in the context of their lives. In Chapter Seven, I demonstrated this with an example – the sense of 'agender' that I have developed over the course of living in and thinking about the gendered world I inhabit. I then suggested that two putatively trans-inclusive theories of gender, given by Dembroff and Jenkins, actually fail to do justice to that identity. Moreover, I argued that Dembroff's position was worryingly inattentive to settler-colonialism, and therefore reproduces aspects of Western gender and sexual ideology.

Furnishing the other senses that are to enter into our ameliorative semantic pluralist account necessarily goes beyond the scope of what can be achieved here. That task must be completed by others. I do hope, however, that the thesis manages to serve as encouragement.

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