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# Transgenderism, Human Ontology, and the Metaphysics of Properties

Benjamin H. Arbour  
Institute for Philosophical and Theological Research  
Weatherford College  
Weatherford, TX  
[benarbour03@yahoo.com](mailto:benarbour03@yahoo.com)

John R. Gilhooly  
Department of Philosophy  
Cedarville University  
Cedarville, OH  
[johnrgilhooly@cedarville.edu](mailto:johnrgilhooly@cedarville.edu)

**Abstract:** This paper argues that the narrative of transgenderism contains mutually inconsistent claims and therefore fails. First, the denial of gender essentialism is inconsistent with anyone's insistence that facts about people make it the case that either they have always been gendered in some respective way, or that they in fact belong to other genders than what were originally recognized. Second, the argument that sex and gender come apart is inconsistent with the view that persons can be born into the wrong bodies; and attempts to bring bodies in line with trans people's self-understood genders via gender reassignment surgery undermine the claim that gender and sex are not normatively related. Third, the argument that gender is a social construct is inconsistent with the idea that society's assignment of a person's gender can be mistaken based on privileged information that an individual has. Finally, the social promotion of self-identification as veridical is inconsistent on both major accounts of gender. Hence, transgenderism is mutually inconsistent with its own aims and claims.

Given that transgenderism and related issues are not only extremely controversial, but also extremely sensitive, wisdom dictates that we stipulate exactly what we are attempting to do in this paper, and, equally importantly, what we are *not* trying to do.

We do not intend to malign anyone, in any way, by pointing out problems in the contemporary narrative recounted by advocates of transgenderism. Although we believe that philosophical anthropology and general ontology pose serious problems for popular accounts of

transgenderism, we do not deny that individuals experience the phenomena known as transgenderism. Furthermore, by several accounts, trans persons are often the victims of bigotry. We unequivocally condemn such bigotry as wrong, immoral, and sinful. To echo our tradition's statement of faith, we affirm that every person possesses full dignity, and we also maintain that all people, regardless of race, gender, and/or sexual orientation should be respected as bearing of the divine image, and therefore treated with Christian love.

Treating people with Christian love, however, sometimes requires treating people in ways that fallen culture might not recognize as loving. Some people think raising questions about the ontological reality of genuinely transgendered persons constitutes metaphysical violence, and therefore suggest that such speech is necessarily unloving. Others suggest that questioning the possibility of genuine ontological transgender persons amounts to genocide by erasing a group of people or denying the existence of such persons. We disagree on multiple counts. First, we deny that disagreeing with people's understanding of themselves amounts to denying and/or erasing the existence of any individual (or of a group of people) nor does such constitute genocide. We affirm that people who experience the phenomena of transgenderism exist. Disagreeing with someone's self-understanding does not entail that anyone has erased, killed, or denied the existence of that person. Second, we deny that such speech constitutes an act of violence, metaphysical or otherwise. Third, we deny that loving someone requires affirming their self-understanding.

But today we do not seek to condemn, nor to call anyone names, nor to commit any acts of violence, metaphysical or otherwise. We deny that simply disagreeing about issues in philosophical anthropology amounts to bigotry, and we think any such charge serves only to stifle discussion and elude debate. Moreover, we deny that questioning the narrative put forward by transgender activists entails intolerance. Questioning people's self-understanding is not the same thing as denying them the right to exist, or to live as they see fit. So, readers will err if they assume that we don't respect people who identify as transgender. Rather, for the precise reason that we both respect and care about these people, we critique their ideas which is the chief method a philosopher utilizes to show respect.

In what follows, we analyze issues that are conceptually relevant to the relationship between human ontology and transgenderism. We demonstrate where some thinkers employ contradictory accounts of transgenderism as though certain mutually exclusive positions were perfectly coherent. Along the way, we point out equivocations in the terminology, especially as terms are defined in contemporary analytic philosophy compared against the way many of the same terms are commonly used in gender studies literature.

We believe that analytic approaches to these philosophical issues immediately raise several questions. What is gender, and what does it mean to be gendered? It seems important to get clear about what the necessary and sufficient conditions are for any gender, as well as the necessary and sufficient conditions are for being gendered before launching into an analysis of transgenderism, especially since the issues surrounding transgenderism are metaphysically downstream of more general issues in ontology and gender. Scholars should pay particularly close attention to arguments offered by feminist philosophers that gender is socially constructed.<sup>1</sup> Advocates of transgenderism sometimes utilize philosophical perspectives that are incompatible with feminist articulations of the existential process by which persons come to recognize themselves as transgender.

After summarizing a few of these incompatibilities, we explain how some seek to get around these intersectional problems by suggesting that gender comes by way of self-identification. However, we offer counter-arguments based on well-developed and non-controversial understandings of the metaphysics of properties. Properly understanding of the metaphysics of properties, we argue, undermines the possibility of gender being the sort of property one gets by way of self-identification. We detail how and why such accounts are deeply incompatible with the common assertion that gender is socially constructed. This incompatibility exposes another level at which arguments for ontological transgenderism are troubled by inconsistency.

Finally, we explain that even if advocates of transgenderism find a way to avoid these problems, the ontology transgenderism seems to presuppose a particular philosophical anthropology that cuts deeply against the naturalistic and materialistic accounts of persons held by the vast majority of contemporary philosophers (especially feminist and secular philosophers). Accordingly, advocates of transgenderism should either reject materialistic accounts of human ontology, or they should abandon the contemporary narrative used to support the claims of transgendered persons, particularly the claim that gender is unrelated to biological sex.<sup>2</sup>

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<sup>1</sup> Sally Haslanger, "Ontology and Social Construction," *Philosophical Topics* 23, no. 2 (1995): 95–125; "Social Construction: Who? What? Where? How?" in *Theorizing Feminisms*, eds. Elizabeth Hackett and Sally Haslanger (New York: Oxford University Press, 2005), 16–23; Sally Haslanger and Ásta, "Feminist Metaphysics," *The Stanford Encyclopedia of Philosophy* (Fall 2017 Edition), Edward N. Zalta (ed.): <https://plato.stanford.edu/archives/fall2017/entries/feminism-metaphysics>; and Charlotte Witt, *The Metaphysics of Gender* (New York: Oxford University Press, 2011).

<sup>2</sup> Throughout the paper, we will be using umbrella terms to refer to transgender ideas and claims. It won't do to dismiss any argument that 'transgender advocates say...' with the

## §1. The Argument

When discussing transgenderism, advocates often point out that no person knows anyone better than a person knows himself or herself. Therefore, advocates suggest we have good reason to accept the testimony of trans persons as authoritative and veridical.<sup>3</sup> In fact, some have suggested that questioning or rejecting such testimonies as settled truth suggests bigotry. But the story that trans persons often tell about themselves isn't always philosophically coherent. Broadly speaking, part of the argument of this paper (A) runs thusly:

- (1) The contemporary narrative of transgenderism (N) includes certain theses.
- (2) Elements of these theses are philosophically untenable or implausible.
- (3) Moreover, the conjunction of these theses forms an incoherent set.
- (4) So, N is philosophically untenable or implausible.

The challenge one faces in making such an argument is that proponents of N do not themselves agree regarding all the specific details of N or the best way to explain N or the entailments of N. Hence, (A) often runs aground on someone's referral to a particular theorist who holds a viewpoint largely out of step with the culturally available accounts of N or who asserts (N) without argument.

Now in the normal progress of academic discourse, folk accounts are rarely preferred over the best efforts of leading theorists. But, according to advocates of transgenderism, we *must* prefer folk accounts,<sup>4</sup> since failure to do

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argument that *x* transgender theorist doesn't so argue. Since we are dealing here with a broad, public, political, grass-roots movement that contains and encourages idiosyncrasies, it won't do to dismiss the argument by referring to some paper or author that is not cited either.

<sup>3</sup> For example, in "Tips for Allies of Transgender People," GLAAD writes, "when a transgender person has transitioned and is living their life as their authentic self—that **is** their truth", or, "if a person is not sure of which identity label fits them best, give them the time to figure it out for themselves and don't tell them which term you think they should use. You wouldn't like your identity to be defined by others, so please allow others to define themselves," or "Accept that if someone tells you they are transgender, they are." (Emphasis in original.) See <https://www.glaad.org/transgender/allies>

<sup>4</sup> Folk accounts are the accounts that a person in the street would offer or have access to. Since this isn't an overly technical definition, take it as a folk account of folk accounts.

so amounts to bigotry. That is, the theory itself and the social movement in particular contain a moral injunction to respect the authority of a person's own account of their gender identity and related issues. So, the folk account—even when it does not represent the cutting-edge of Professor Q's latest paper—must be the target of the inquiry. If our argument puts pressure on the folk account, one cannot evade the force of the argument by referring to what so-and-so says is *really going on* in transgender accounts. The reason such rebuttals aren't allowed is that this move has the effect of ignoring the moral injunction to respect the first-person authority individuals invoke when explaining their own experience, even when such explanations involve unsophisticated folk accounts of transgenderism. Furthermore, any failure on our part to interact with the relevant literature by Professor Q doesn't matter in cases where Professor Q merely asserts an ideology without argument. For example, an anonymous referee scolded a draft of portion of the property argument (See sec. 2 of this paper) for failing to interact with (e.g.) Katharine Jenkins' paper.<sup>5</sup>

In said paper, Jenkins argues that the regnant concept of woman given by Sally Haslanger fails because it marginalizes some *prima facie* women. In particular, she says that the definition is problematic because it does not include trans-women. Now, one might hope to encounter an argument that showed that trans-women were *prima facie* women in order to get on board with Jenkins' critique about inclusion at least as it respects Haslanger's project. Here is what Jenkins provides:

The proposition that trans gender identities are entirely valid—that trans women are women and trans men are men—is a foundational premise of my argument, which I will not discuss further. Failure to respect the gender identifications of trans people is a serious harm and is conceptually linked to forms of transphobic oppression and even violence.<sup>6</sup>

Notice that this is *not an argument* that trans-women are, in fact, women, or even that trans-women are *prima facie* women. Instead, Jenkins merely asserts that trans-women are women. Furthermore, Jenkins insists that trans-women be included in the feminist project because trans-women say that they should be so included, and they also insist that doing otherwise would cause harm.

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<sup>5</sup> Katharine Jenkins, "Amelioration and Inclusion: Gender and Identity and the Concept of *Woman*," *Ethics* 126 (2016): 394-421.

<sup>6</sup> *Ibid.*, 396.

Interacting with this view shouldn't require an argument since no argument for the position has been provided. Neither should interaction with any literature be required unless said literature actually addresses the specific arguments we offer. In Jenkins' piece, and in much of the literature on transgenderism, we are not faced with philosophy as much as ideology masking itself as rigorous inquiry. In any case, ameliorative projects are by nature political projects, which means that we can't be faulted for paying attention to folk accounts of the political movement that these theorists support.

### 1.1 Regarding the Moral Injunction of N and the Charge of Violence

Let us revisit the claim noted earlier that N contains a moral injunction to take the first-person testimony of trans persons as veridical, on pain of causing harm or violence. The totality of logical space available restricts us to accept one of two positions: either we should *always* take a person's first-person testimony as veridical, or we should not *always* do so, such that in at least one case we shouldn't take a person's first-person testimony as veridical. Of course, if we shouldn't *always* accept such testimony as veridical, then no one should automatically assume that bigotry motivates a skeptic who rejects someone's testimony about being ontologically transgender. Rather, one might seek to rationally evaluate the circumstances under which first-person testimony should or shouldn't be taken as veridical.

Of course, if we must accept the testimony of every trans person as veridical, then we must grant that it is true—that the metaphysics/ontology and philosophical anthropology is correct—when someone claims, “I am a man trapped in a woman's body,” or vice-versa. Any attempt to correct a trans person by suggesting that such statements are philosophically problematic are bigoted, for in trying to correct, the corrector is demonstrating an unwillingness to accept the testimony of the trans person as authoritative and veridical. Hence, if trans persons understand themselves to be making claims about their own ontological or metaphysical identities regarding their respective genders, a theorist cannot say that they are actually doing something else without undermining the moral injunction to respect trans persons' claims as they stand. But accepting such testimony as veridical comes at a cost. The idea that someone could be a woman trapped inside a man's body, or vice versa, cannot be squared with other elements of the transgender narrative. So, on N, a trans theorist who disagrees with folk accounts of trans people's gender identities is as guilty of harm or bigotry as any skeptic of transgenderism would be.

Recently, trans theorists have attempted to locate first-person authority over gender as a matter of *ethical* authority over an *existential* claim, in contrast

to *epistemic* authority over *metaphysical* claims.<sup>7</sup> The reason for the emphasis on ethical authority is that most theorists think it is obvious that there are no grounds for claiming epistemic first-person authority over gender on metaphysical grounds. Since a claim about one's gender can be construed as a metaphysical claim, people's testimonies about their own genders are not epistemically compelling insofar as these testimonies make metaphysical claims for a couple of reasons. First, people can deceive themselves. Second, people do not have special metaphysical expertise on the basis simply of having privileged access to the contents of their mental lives. We leave these assertions undefended because they seem to us obviously true and, in any case, they are not now disputed by trans theorists.

Alternatively, trans theorists argue that the claim that must be respected is about one's existential self-identity. Since claims about one's gender in subaltern contexts (such as trans community contexts) are not metaphysical claims so much as claims about one's proposed values and life projects, it does seem appropriate to afford credence to such claims purely on the basis of first-person authority. Fair enough. After all, surely you are in better position than others to know what, in fact, you value and would like to accomplish.

However, people's claims about their proposed life projects can be accepted as a true account of their personal goals without producing any ethical obligation on a third party to support those projects. *A fortiori*, acceptance produces no obligation to enable systemic changes to culture or society that are requisite for the success of the life projects in question. In other words, we can agree that X's sense of self is "woman" (as an existential self-identity) without agreeing that X is metaphysically a woman or that we should support X in acting in ways that tend to promote X's conception of womanhood. In fact, I might have strong reason to think X is *not* a woman in the metaphysical sense (for whatever reason), or in a sociological sense, since X's conception of femininity might reinforce negative stereotypes that militate against the goals of the broader feminist project. In that case, we seem to have an obligation to the truth (not "her" truth) to disagree with X's self-ascription (at least insofar as it constitutes or entails a metaphysical claim) since it would be false by my lights in that context that X's claims were true. Further, if social or life projects entered into by X tend to promote values that we think are bad (on whatever measure), we ought not to support X in X's pursuits even if we don't take such claims to be metaphysical in nature, or if we have no view on the truth or

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<sup>7</sup> See Talia Mae Bettcher, "Trans Identities and First Person Authority," in *You've Changed: Sex Reassignment and Personal Identity*, ed. Laurie J. Shrage (New York: Oxford University Press, 2009): 98-120.



coherence of X's claims. Contra protestations to the contrary, this is not bigotry unless it is likewise bigotry when X will not support our life projects—even if our life projects include not supporting X's life project.

So, let us set aside charges of bigotry, misunderstanding, and failure to interact with Professor Q's latest project as serious objections to A. Instead, let's examine A on its own terms.

## §2. Entailments of N

Premise 1 of A states that N entails at least three theses. Each of the three theses are individually highly controversial. To whatever extent that the theses are singly or jointly untenable philosophically, N will be philosophically untenable. In this section, we investigate each of these three theses in turn. First, N contains the claim that gender essentialism is false.<sup>8</sup> Second, others in N maintain that one's gender is different from, and exists independently of, one's biological sex.<sup>9</sup> Third, N insists that gender is a social construct.<sup>10</sup> We argue that these three theses are jointly impossible. Since N argues for each of these views, N insists on mutually exclusive theses. Hence, N fails.

### 2.1 Gender Essentialism

The term “gender essentialism” means very different things in the distinct academic worlds of gender studies and analytic philosophy. For gender studies and feminist theorists, *gender essentialism* refers to the belief that conceptions of gender are universally recognizable across all cultures, and that these universally recognized conceptions of masculine and feminine characteristics are the essence of manhood and womanhood.<sup>11</sup> Alternatively, in

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<sup>8</sup> Sally Haslanger, “Gender and Race: (What) Are They? (What) Do We Want Them to Be?” *Nous* 34, no. 1 (2000): 31-55; Naomi Zack, *Inclusive Feminism: A Third Wave Theory of Women's Commonality* (Lanham, MD: Rowman & Littlefield, 2005). Transgenderism does not depend on the falsity of gender essentialism. Advocates of transgenderism could endorse gender essentialism without introducing a premise that yields a logical contradiction to trans-ideology. Nonetheless, to date, we are not aware of any advocates of transgenderism who endorse gender essentialism.

<sup>9</sup> See the discussion in chapter 6 of Linda Martin Alcoff, *Visible Identities: Race, Gender, and the Self* (New York: Oxford University Press, 2006). Charlotte Witt notes that the distinction is “probably too sharp and simplistic in itself to be useful,” in *The Metaphysics of Gender* (New York: Oxford University Press, 2011): 35.

<sup>10</sup> Joan Wallach Scott, *Gender and the Politics of History* (New York: Columbia University Press, 1988).

<sup>11</sup> There are significant debates in feminist philosophy regarding what gender essentialism is (or isn't) as well as what women have in common. See note 6 as well as Natalie

the world of analytic philosophy, essentialism is the belief that a property is a necessary component of the nature of a substance. There are two different interpretations of gender essentialism.

On the more modest understanding of gender essentialism, it could be that essentialism means that any sort of essentialism (including gender essentialism) entails that any property (including the property of “being gendered”) is necessary to the existence of some being. Alternatively, a stronger understanding of gender essentialism suggests that being gendered (in some particular way) is essential to the nature of a particular human being. Therefore, according to the stronger understanding of gender essentialism, it is impossible for any human person to be a man in one possible world if that same human person is a female in some alternative possible world. Therefore, on the weaker understanding of gender essentialism, to be a human person is to be gendered (in some sense), whereas on the stronger understanding of gender essentialism, being a human person means that an individual is gendered in exactly one particular way across all possible worlds.

Philosophers might go further in labeling the stronger version *necessary* gender essentialism, which maintains not only that a human person is essentially gendered, but also that a person enjoys this particular gender in all possible worlds in which that person exists. Contingent gender essentialists could maintain that being gendered is essential to being human while also maintaining that a human person has a male gender in some worlds and this same human person has a female gender in other worlds (or, for those who admit of more than two genders, perhaps one of the non-binary genders). Gender essentialism has fallen on hard times, in both philosophy and gender studies. Virtually no one in the world of gender studies defends this thesis. But, this poses a problem for N.

Since some people think we are obligated to take a person’s testimony as authoritative and veridical, it’s difficult to defend the idea that being gendered is an essential component of human nature when people self-identify as “agender” and/or “gender-queer”. That anyone considers such self-ascriptions meaningful and valid suffices to show that N requires the denial of gender essentialism. This follows from the idea that humans need not be gendered since some humans are not gendered. At the same time, the very claim that one is genderless presupposes some essence of gender which a purportedly agender

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Stoljar, “Essence, Identity and the Concept of Woman,” *Philosophical Topics* 23 (1995): 261–93; Charlotte Witt, “Anti-Essentialism in Feminist Theory.” *Philosophical Topics* 23 (1995): 321–44; and Charlotte Witt, “What is Gender Essentialism?” in *Feminist Metaphysics: Explorations in the Ontology of Sex, Gender and Identity*, ed. Charlotte Witt (Dordrecht: Springer, 2011): 11-25.

person lacks. Furthermore, for persons who identify along the gender binary as male or female, the notions of male and female presuppose some essence of maleness (or masculinity) as well as some alternative essence of femaleness (or femininity). This does not entail the existence of some platonic form of maleness, or femaleness, etc. However, identifying as a gender presupposes the antecedent existence of some criteria mapping onto the ideas of manhood or womanhood. Transgender persons identify with a gender other than their biological sex, so what is the essence of whatever maleness or femaleness that they identify as their gender? N contains no answer to this question.

## 2.2 Distinction of Gender and Sex

Whatever the essence of gender is, transgender advocates tell us that it does not reduce to biological sex, for that would violate the dictum that gender comes apart from, and exists independently of, biological sex. But here the transgender narrative is pushed into an uncomfortable position. According to transgenderism, one's gender needn't be related to one's biological sex. Furthermore, since biological sex and gender aren't related and have nothing to do with one another, it makes no sense to speak as though there is some normative correlation between sex and gender. Notice, therefore, how silly it is to suggest that one's gender doesn't match one's biological sex as if there were any such thing as a "match" between gender and biological sex. Given transgenderism's supposition that gender and sex come apart, why would anyone think that there should be some correlation between gender and sex? Of course, this lack of normativity proves to be problematic for those who might suggest or pursue gender reassignment surgery, especially if such medical procedures are sought in an effort to bring alignment between sex and gender. After all, in such cases, gender reassignment surgery presupposes that there *is* a natural correlation between gender and sex, and that gender reassignment surgery will help alleviate the psychological dissonance created by one's gender not being properly aligned with one's sex organs. If it were true that gender and sexuality are genuinely unrelated, why would anyone bother with gender reassignment surgery in the first place, unless it were not a matter of ontology, but rather of mere aesthetic preference?

Some defend the idea that gender and sex are different by pointing to various intersex phenomena as evidence that the gender binary is obviously false. But upon reflection, this, too, raises problems for the transgender narrative. Consider that intersexed persons only raise problems for the gender binary if one antecedently presupposes a link between biological sex and gender. This conditional claim is best understood as follows:

If the traditional understanding of a link between biological sex and gender were truth, then intersexed persons pose a problem for this traditional understanding.

Of course, any conditional with a false antecedent is trivially true, and transgender advocates deny the veracity of the traditional understanding of a link between sex and gender. So the conversation is a non-starter since the conditional is trivially true on transgenderism. But one needn't travel down that road since there are explanations of intersex phenomena that comport with bivalentism about both sex and gender.

Alternatively, on the theory that intersex persons pose a difficulty for gender and sexual bivalentism, this “problem” is only a problem if gender and sexual bivalentism is true. Therefore, advocates of transgenderism cannot point to the phenomena of intersexed persons as evidence against gender and sexual bivalentism unless they already accept as true the very theory that they claim is false. Still more, by all respectable medical accounts, persons with various hermaphroditic conditions such as Klinefelter's syndrome or Turner's syndrome suffer from unfortunate abnormal disabilities. We believe these persons possess full dignity as image bearers, but we deny that these extremely rare cases provide clarity for normative understandings of sex and/or gender. If anything, these conditions are derivative of sexual binary.

### **2.3 Gender as Social Construction**

In light of all this, we arrive at the third thesis of N. The recent development of so-called rapid onset gender dysphoria (ROGD) has raised anew several questions about exactly how we should understand gender itself. Feminist philosophers continue to assert that gender is a social construct. Notice that this claim doesn't comport well with the transgender narrative. If gender is a social construct, then there is no objective reality about gender—male, female, or anything else. Therefore, so long as gender is understood to be a social construct, we shouldn't understand people's claims concerning their subjective gender identity to be claims about anything in the realm of objective ontology. But, this leads to the opposite conclusion of what trans persons would have us believe. When transgender persons claim that their respective genders don't match their respective sexes, they insist that such a claim be understood ontologically as a matter of objective truth.

Some gender theorists want to have their cake and eat it, too. These theorists want to maintain the idea that gender is socially constructed while simultaneously thinking that attributes traditionally associated with masculinity and femininity count as objective evidence of ontological reality. If gender is a

social construct, then the way that some particular society defines maleness and femaleness (and relatedly, masculinity and femininity) isn't a reflection of some platonic form of the genders, however many are being described. Rather, gender is something that develops in particular cultures. Therefore, the ways in which people present various attributes that are thought to define manhood and womanhood don't count as evidence of any objective fact about ontological reality except insofar as we are concerned with the very limited culture of some particular society. In fact, the claim that the presence or absence of such attributes counts as evidence of an objective ontological reality that transcends a particular society only makes sense if gender is ontologically grounded in a way that transcends any particular society. Obviously, if gender is ontologically grounded in such a transcendent way, then it is false that gender is a social construct.

What of the concern that gender is performed? Those who offer performative theories of gender as a defense against our views face even more serious problems. Performative gender theorists might suggest that gender is socially constructed in ways that people act out, and they are treated accordingly. That is, transgender persons should be treated as their respectively chosen genders because these transgender persons perform some gender in some particular way. But this is a much weaker demand than what contemporary transgenderism advocates typically defend. In fact, anyone arguing thusly isn't making an ontological claim at all. Rather, such arguments simply mean that people should be treated in the way they desire to be treated. Of course, one's desires to be treated in a particular way aren't necessarily connected to what sort of being one is. We might desire to be treated as royalty; those desires do not make us princes (or princesses).

If people want to claim that their respective genders are a matter of objective facts, and such people understand that their claims are more than merely demanding to be treated in some particular way, then such objective facts wouldn't be merely these people's subjective experiences, but rather would be grounded in some transcendent realm that accounts for objective facts. It's difficult to see how the ground of the objective truth of people's genders reduces to these people's subjective experiences. Now, if gender is a social construct, and all gender is purely a matter of subjectivity, then this problem disappears. But transgender persons seem to suggest that gender identity is just as much an objective fact about transgender people as traditionalists think gender is an objective fact that aligned with biological sex. But, whereas the traditionalist can ground objective claims about gender in biological sex (which can be verified empirically), it is far from obvious that any objective truth-maker exists to ground the truth-value of propositions

concerning the gender of people whose gender doesn't line up with their biological sex.

With all this in mind, it's tricky to understand why anyone would desire to transition via gender reassignment surgery. Why would a person—male, female, or otherwise— want different genitalia, especially given that gender and biological sex have nothing to do with one another? Consider the paradigmatic process by which someone comes to self-identify as transgender. When “John” begins to identify as “Suzie”, the parents begin to wonder why. When a psychologist begins to investigate, she learns that the child now identifies as a girl because the child prefers to play with Barbie dolls instead of G.I. Joe, and because the child enjoys wearing dresses and high heels more than blue jeans and cowboy boots, and, of course, the child wants the bedroom painted pink instead of blue. But, recall that for advocates of transgenderism, gender is a social construct. Therefore, “Suzie” has preferences that are all mere happenstances; no matter how many of these preferences exist in the child, and no matter how strongly the child is seemingly drawn to some particular society's subjective apprehension of whatever gender is in question, none of this amounts to anything close to objective facts about the child's gender. All these preferences are social accidents, and therefore don't constitute objective evidence of anything that transcends that particular culture. That is, it cannot be that these attributes are essential to the nature of masculinity and/or femininity writ large. Instead, they are merely attempts to align the child's surroundings with cultural norms based on the child's perception of its self-identity. Therefore, the presence or absence of these attributes does not provide evidence for anything objective about the child's gender. Rather, at best, this constitutes subjective evidence of some phenomena that may or may not correlate to gender.

But this isn't what transgender persons seem to be claiming. Trans persons seem to claim that there is a deep ontological reality that would transcend particular cultures or individual societies. The testimonies of trans persons suggest that their self-understandings aren't merely surface level claims about their identities with respect to some particular culture or society. Therefore, it seems that transgender persons are less likely to buy into the idea that all genders are socially constructed.

After all, once one rejects gender essentialism, it is inconsistent to deny, on the one hand, that any attributes are part of the essence of some gender (even in a particular culture) and then, on the other hand, insist that the presence or absence of these same attributes serves as sufficient evidence to establish the transcendent, objective fact of one's gender on the other. Gender cannot be socially constructed while simultaneously having zero objective

constituent features. Furthermore, as we will soon see, these points are demonstrable on non-controversial accounts of property possession.

So, we see that three major theses of N are either problematic in and of themselves, or they are problematic insofar as they are mutually inconsistent. Hence, N should be rejected. In the next section, we explain how some transgender persons seek to get around these intersectional problems by suggesting that gender comes by way of self-identification.

### §3. On the Metaphysics of Property Possession

One might object that no serious scholar thinks that gender identity is acquired by self-identification and thereby suggest that our arguments are directed at straw-men (or straw-women). There are two problems with this objection. First, the *legal* battle for trans rights absolutely concerns itself with whether self-declaration or identification is sufficient for attaining status as a particular gender.<sup>12</sup> Since regnant theories of gender in feminist and queer theories are largely ameliorative, it would be nonsense not to take self-identification as a central demarcation on these issues. Second, the claim that an individual has first-person authority over that person's gender identity requires that this person's self-identification be the very act by which this person's gender becomes known. Some recent literature has disputed whether such first person claims are truly metaphysical as opposed to existential, but—either way—public engagement as a gendered person begins with self-identification. In fact, legal success in LGBTQ+ policy is often measured in terms of self-determination of one's legal gender status.<sup>13</sup> Given that these ameliorative, political aims rest on the ability of one to self-identify, we proceed to our analysis.

It turns out that gender is not the kind of thing one can get by self-identification on either major account of gender. That is, regardless of whether gender is a natural kind linked to biological sex, or if gender is a social construct, one's gender is not determined by self-identification. Since gender

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<sup>12</sup> See Amnesty International, “The State Decides Who I Am: Lack of Recognition for Transgender People” (2014): [https://www.es.amnesty.org/uploads/media/The\\_state\\_decide\\_who\\_I\\_am\\_Febrero\\_2014.pdf](https://www.es.amnesty.org/uploads/media/The_state_decide_who_I_am_Febrero_2014.pdf).

<sup>13</sup> See Peter Dunne, “‘I Decide Who I Am’: The Right to Self-Determination in Legal Gender Recognition,” *LGBTQ Policy Journal* V (2015): 27-33. In any case, the examples given here are chosen in part to clarify the argument, since, as it stands, many transgender persons would not identify themselves as male or female. Nonetheless, objecting to this point does not prevent the argument from going through.

cannot be got in such fashion, transgenderism entails that whatever gender is, it must be commensurate with some other account of gender. Hence, transgender theory needs to offer an alternative account of gender to make good on its claims and goals, since N fails.

### 3.1. Properties and Self-Identification

To understand why self-identification will not work for transgenderism, we have to say something about property possession in general. There is a class of properties that one cannot get by self-declaration or self-identification. By ‘properties,’ we mean *predicables*: that is, things that can be predicated of a subject. The simplest examples of properties are attributive adjectives like red, fat, and happy. If all it takes for something to count as a property is that it is predicable, then there are lots of properties.<sup>14</sup> There are properties like ‘being authors who are writing this paper’ and ‘being one who is reading this paper.’ It will also be true that properties can themselves have properties – such as the property ‘being a property.’

It seems that this minimal definition of properties yields a potentially infinite number of properties. Given how many potential properties there may be, we need to distinguish between *interesting* properties and *uninteresting* properties. Of course, interests vary—but, roughly, a property counts as interesting if it’s a predicable that disambiguates in the context in which the property is referenced. For example, if there are two apples, then noting that they both have the property ‘being an apple’ is trivially true. It is *uninteresting* in that context. If one apple is green and one apple is red, both have the property of ‘being some color’ and ‘being some color that is not orange.’

However, like the property ‘being an apple,’ these properties don’t tell us anything about differences between the apples. In context these properties are uninteresting or unimportant. But, the interesting property exemplified by the green apple is the property ‘is green’ or ‘appears greenly’ because that property helps us distinguish between the apples. While there are surely better ways of

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<sup>14</sup> Of course, philosophers debate about whether all it takes for  $x$  to be a property is that  $x$  is predicable of some subject. Without a tedious excursion into such debates, we can agree that, minimally,  $x$  is a property of  $F$  at some time  $t$  just in case  $F$  exemplifies  $x$  at  $t$ , which is to say,  $x$  is a proper (partial) description of  $F$  or that  $x$  is *true of*  $F$  (at  $t$ ). If I am a six feet tall, then I exemplify the property “is six feet tall,” or “is one who is now six feet tall,” etc. Whether these properties reduce one to another on some accounts is interesting but irrelevant for our purposes here.



referring to such disambiguating or identifying properties than *interesting*, this way of talking is intuitive and serves our limited purpose here.<sup>15</sup>

In any case, it seems at first glance that most *interesting* properties are not the kind of properties that can be got by self-declaration. For example, one can get the property ‘is one who self-declares something,’ just by self-declaring something. But, many other properties are not gettable by me in like fashion. For example, saying, “I am fat,” hardly makes one fat; and declaring, “I am happy,” doesn’t necessarily make one happy.

An individual *can* predicate such properties to oneself, but the act of predicating such properties is distinct from the act of exemplifying the properties. The act of exemplifying a particular property is the “act” (so-called) of bearing that particular property. The green apple exemplifies the property ‘is green’ or ‘appears greenly.’ The act of predicating a property to oneself is the act of an individual saying that one exemplifies a particular property. But, it is intuitively obvious that one can say many things that aren’t true. It is also obvious that most of one’s properties are not gotten by oneself in virtue of declaring oneself to have them. The apple (e.g.) is not green because it declares that it has the property ‘is green’ or ‘appears greenly.’ (Actually, apples don’t declare anything.) By these lights, predicating an interesting property to oneself is neither necessary nor sufficient for exemplifying that property in most cases.<sup>16</sup>

Perhaps more needs to be said about the properties that can be got by self-declaration. Suppose one says that all the sorts of properties that one can get by declaration are ‘mere’ properties, i.e., the sort of properties only logicians could get excited about. Suppose, for example, that someone declares, “I am an orange.” It seems obvious that just saying that one is an orange is not sufficient (or even necessary) for that person to be an orange, i.e., predicating the property of oneself is not sufficient for exemplifying the property. Yet, declaring, “I am an orange,” certainly seems to grant the individual the property of ‘having declared that oneself is an orange.’ So, there is a class of properties in which the act of exemplifying a property and the act of predicating the property of oneself are identical.

Of course, certain declarations are weird—like declaring oneself an orange. So, the uninteresting property—‘is one who has declared that he is an orange’—might become interesting simply because it is identifying or

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<sup>15</sup> For a helpful introductory survey of issues related to the metaphysics of properties, see Robert C. Koons and Timothy H. Pickavance, *Metaphysics: The Fundamentals* (Malden, MA: Wiley Blackwell, 2015), 76-101.

<sup>16</sup> A reviewer points out also that if self-declaration were sufficient for truth then one couldn’t lie about oneself. If that holds, then so much more fuel for the fire.

disambiguating. Nevertheless, it seems obvious that such a property is not *essentially disambiguating*, by which we mean such a property does not tell us anything about one's essence. Of course, it's not obvious that the property 'is green' or 'appears greenly' tell us anything about the essence of the apple either. So, this distinction between interesting and uninteresting properties seems to fall short. Nevertheless, properties about one's nature or essence (whatever that turns out to be) will not be the kind of property that one gets by self-declaration. This fact seems to be true because what one is does not depend on self-declaration, but rather is a given and not something chosen. We are humans—not because we say so, but rather because that is what we are given to be.

### 3.2 Gender as Biological and Self-Identification

Some believe one's gender depends upon what gender a person chooses. These people think gender is something that one chooses because gender is not a given. However, if gender something one is given to be, then it's absurd to believe that one chooses one's gender since no one chooses what one is given to be. So:

(5) If gender is a given, then I cannot get it by self-declaration.

To see why: suppose that for reasons that some group of individuals chooses not to disclose that these people believe that they are really oranges. Suppose these individuals declare as much publicly and begin to act as oranges do, say by sitting mute on counter-tops. This situation probably sounds profoundly absurd. But what makes it absurd to think that one can become a citrus fruit by declaring oneself to be an orange? The answer seems to be that a particular individual simply *is not* an orange, because that isn't what a human person is given to be. One reason might be that humans and oranges are not the same *kind* of thing. So perhaps one simply cannot declare oneself to be a different *kind*, i.e., properties that distinguish between kinds are not the sort of properties that one gets by self-identification.<sup>17</sup> But, notice that traditionalists maintain that humans generally come in two basic kinds: man/male and woman/female.

But, maybe it isn't nonsense for one to claim to be a woman/female on the basis of self-identification because humans can be women/females,

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<sup>17</sup> Obviously, we except uninteresting properties of the sort, 'being distinguished as the "kind" of being who self-identifies as  $x$ ,' vs. 'being distinguished as the kind of being who does not self-identify as  $x$ .'

whereas humans cannot be oranges. In that case, one rule for properties that one can get by self-declaration or self-identification is that one can only get those properties which it is possible for the kind of being that one is given to be. That is, it is not possible for anyone to be an orange by declaration (or at all) because being a human entails that one cannot be an orange. However, it is possible for a human to be a woman/female, so it is possible that someone, being a human, also be a woman/female (by self-identification).

But this isn't right, either. One can't get the property of being a billionaire by self-identification.<sup>18</sup> That is, no one becomes a billionaire by declaring oneself have to property of 'being a billionaire.' However, it's beyond dispute that some humans are billionaires, so it's possible for humans to be billionaires. Therefore, one cannot get *all* those properties that it's possible to have on the basis of the kind of being that one is given to be, simply by identifying as such. We need some stronger argument that one can become a gender by self-identifying than the fact that humans come in varieties. After all, if they come in varieties, then they are nevertheless given to be a certain thing, in this case, a man or woman.

So, if one doesn't get to be an orange just by saying so, and if one doesn't automatically become a billionaire just by saying so, why think one can be a woman/female just by saying so? Is gender really such a peculiar property that it can be got merely by one's declaration? If yes, that is very odd indeed, especially since all the other properties that are unarguably gotten by one's saying so don't count as *interesting* properties at all—properties like 'being one who is discussing properties.' Anyone can get that property by merely performing the act of discussing properties, no matter how ill-informed the discussants might be. Such properties, as we said, are 'mere' properties, and many of these 'mere' properties seem to be flukes of recursion more than they are anything of metaphysical significance. But, both traditionalists and advocates of transgenderism think that gender is incredibly significant—so significant in fact that some people are at great pains to declare it the sort of thing that they can change by self-identification. So, it won't do to think that something trivial like self-declaration is all it takes to be a particular gender.<sup>19</sup>

If gender is a given, it is hard to see what the structural difference between my declaring myself an orange and my declaring myself a woman is, however. Much as I cannot increase the value of my bank account by declaration, I cannot change my skin to a citrus peel by declaration. Much as I

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<sup>18</sup> We've tried, repeatedly. Sadly, it doesn't work.

<sup>19</sup> One might think, "No one thinks that." Great! That makes our argument all the stronger.

cannot change my skin to a citrus peel by declaration, I cannot re-arrange my chromosomes by declaration. Hence, if gender and sex do not come apart, then my gender is not something that I can select from a palate of options.

Declarations simply wouldn't affect the other constraints on occupying a biological categories. So, on the biological account of gender, or the account that gender is a natural kind rooted in biological substrates, self-identification will not serve the trans theorist.

### 3.3 Gender as Social Construct and Self-Identification

As we saw when reviewing components of N, some say that gender is not a physical kind of property—or at least, gender is not a property that is expressed at root in certain biological substrates. Hence, gender is not a natural kind, i.e., perhaps gender is *not* something that one is given to be. Perhaps, then, gender really is a kind of persona that one can adopt by declaration. We said earlier that there are many properties that don't obtain merely by way of self-identification. But, if gender *just is* some set of performative acts, then it should be no trouble at all for a person to change gender merely by changing behavior. A person's token declaration, "I am a woman/female," will still not be necessary nor sufficient for one's being a woman/female – but a total change of behavior that aligns oneself with the social space of woman/female may be.<sup>20</sup> However, occupying a social space is not something that anyone can do by mere self-declaration. So:

(6) If gender is a social construct, then one cannot get it by self-declaration.

Let us grant, for the sake of argument, that gender is not a biological category (that is, a given) but merely a social one. Then, the fact that one cannot change one's chromosomes by declaration would be irrelevant. There would, it is true, be a structural difference—chromosomal/biological—between male and female, and no performative act (at this point anyway) would be able to dissolve this structural difference. However, there would be a structural difference between an individual declaring oneself to be an orange and

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<sup>20</sup> Moreover, if performative theories of gender prove instructive, then one's gender identity is fluid, and declarative acts are liquid enough so as to be unimportant. Insofar as one thinks that declarations such as "I am a doctor," or, "I am a mechanic," are meaningful, the same can be said of gender. But, seeing as how performative acts change over one's life, so too can gender be similarly fluid. Of course, such fluidity flies in the face of the importance of gender to one's "core" identity.

declaring oneself a woman—where ‘woman’ is understood to be a social category of gender not a biological category of sex. If someone performs like a woman, then that individual will become a woman; whereas, no one knows what it would be to perform as an orange. Further, if orange is conceived to be a natural kind—minimally, something that one is given to be—then one cannot become an orange by declaration or performance.

But, notice that if gender is a property had by those who occupy a certain socially designated space, and one of the constraints of that space is biological sex, then distinguishing between female and woman (or male and man) won’t avoid the trouble. If a particular society declares (for example) that this distinction is nonsense, then it *just is* nonsense, since each society dictates the boundaries of its respective social spaces—that’s just the nature of what follows from the idea that gender is a social construct.<sup>21</sup> In fact, if ‘being a woman’ is a contingent social property gained by occupying a certain social space, and if a particular society denies that an individual occupies that space, then that individual doesn’t occupy it. Again, this follows, necessarily, *ipso facto*, by the definition of social construct. An individual can only occupy such a space if gender were not a “social” category, but rather a radically individual one. Of course, it follows from any radically individualist understanding of gender that ‘being a woman’ or ‘being a man’ isn’t a social construction at all. Instead, on this account, gender turns out to be a category of self-identification. But, as we have seen, such properties are generally uninteresting, and self-identification doesn’t seem to entitle anyone to much of anything.<sup>22</sup> Further, no one can rationally argue seriously that societies don’t think that gender is intrinsically related to biological sex.

The obvious example discussed above is that we seem to associate gender with certain kinds of physical traits. It even seems that persons who declare themselves to be transgender often want to change their appearance to resemble a different set of physical traits. But, if gender is the kind of thing that can be gotten by self-declaration and/or performance, then any physical changes are superfluous. If gender isn’t tied to what one is given to be, then there would be no need to bring what one is given to be (one’s body) into conformity with one’s declared identity. And, if the physical changes are necessary in order to belong to the new gender, then anyone’s self-declaration as some particular gender is insufficient. Furthermore, it’s incredibly

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<sup>21</sup> In any case, it is extremely dubious that biology plays no role in delimiting gender on pains of historical credulity as well as the importance of embodiment to understanding human experience.

<sup>22</sup> Besides which, as noted above, many people think that gender identity is not gotten by self-identification.

controversial whether cosmetic changes actually give one the biological substrate that one desires, especially since gender reassignment surgery does nothing to alter the DNA and/or chromosomal structure of a human person. In any case, the concern is: either gender is constrained by certain given biological traits or it isn't (and not both). If it is constrained, then performance and/or self-identification won't cut it. If it isn't constrained, then even performance together with self-identification won't necessarily cut it, because individuals don't get to dictate how social spaces should be construed.

Furthermore, it's objectionable that simply acting like a stereotypical woman and surgically changing one's body would be sufficient to make anyone a woman—since one's chronology in that case would express few (if any) of the systematic social reactions, instructions, expectations, influences, etc., of having been understood to be a woman for the duration of one's life.<sup>23</sup> At least, it seems like becoming a woman in this way presupposes some kind of gender essentialism (which we noted is not in play on N). It seems that such a view is far too radically individualistic (and therefore not socially constructed) to think that anyone's impression that an individual prefers to occupy the social space called 'womanhood' is sufficient for that individual to be properly disposed to understand what it is to occupy the social space called 'womanhood.'

So, if we construe gender as socially demarcated—it still won't be possible for individuals to occupy that social space *just by acting as if they* occupy that social space.<sup>24</sup> On the one hand, social spaces are determined *socially*, which is to say not individually, but rather by social judgments and customs. Unquestionably, historically, society has determined that gender and sex are not to be strongly differentiated, so there will be many who simply do not accept a transgender person's posture as the opposite gender. Or, at least, the vast majority of people all over the world (and we can include historical persons now deceased to emphasize the point) deny that one's self-identification meets all of the necessary and sufficient conditions for occupying the social space of a

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<sup>23</sup> In fact, trans theorists seem quite aware of this. See Eric Calhoun Davis, "Situating 'FLUIDITY': (Trans) Gender Identification and the Regulation of Gender Diversity," *GLQ: A Journal of Lesbian and Gay Studies* 15, no. 1 (2009): 97-130, 105.

<sup>24</sup> At least, Simon De Beauvoir, in her well-known tome *The Second Sex*, (New York: Vintage Books, 2011) doth protest as much, noting that an individual *becomes* a woman, and not by declaring herself to be one. Moreover, on her analysis of gender and sex, to be a woman is to be oppressed, and to be a man is to be an oppressor. Since identifying along these lines guarantees oppression, one might wonder why anyone would want to so identify, since it militates against progress brought about by feminists pursuing equality.

particular gender.<sup>25</sup> Anyone's declarations and actions to the contrary will be irrelevant. Some might simply conclude that someone is acting *like* a woman but acting *like* something is not constitutive of being that something (as someone's acting like an orange does not make that person an orange). In fact, just this fear leads some trans persons to worry about being outed since they worry that being out as transgender will lead others to think that they are not *really* what they present themselves to be. In contrast, their whole point is that they are not pretending to be but really are what their presentations suggest.

In spite of this sincerity, it still seems false to think that one's decision to occupy a social space because it seems desirable will sufficiently equip one with the historical influences that inform what it means to occupy that social space. In other words, transgender persons simply won't know how to act *as if* they occupy that social space. They would have to be taught—in the way that (on this model) children are taught *how to be* a man or a woman. In order to begin that process, they would have to infantilize themselves so that they could be trained to occupy the right social space. If we construe gender as social construction, then they cannot get their genders by self-declaration because they cannot gain the social influences, recognitions, and obstacles that are formative for occupying that social space. That is, they cannot get a gender by self-declaration because mere self-declaration does not automatically entitle one to the social goods (and bads) and inputs necessary to occupy those respective social spaces. It is questionable whether those who occupy the social space of womanhood (women), for example, should be obligated to accept anyone's intrusion on the simple basis of someone's strong claim of identification with and understanding of some gender, even if the individual claims to share their values.<sup>26</sup> Hence, even if we construe gender as something that is not given, it

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<sup>25</sup> Note that asking about exactly what necessary and sufficient conditions are needed to occupy a particular social space in regards to gender leads to one of two conclusions. On the way hand, it might lead to gender essentialism, but that is rejected by N. Alternatively, it might lead to an overly fluid conception of gender that is sociologically constructed across various cultures so as to make room for the very untoward conclusion that being a woman in one culture might entail that the same person is a man in another culture.

<sup>26</sup> This is not unlike the fact that if one weren't transgender, sharing the values of the trans community wouldn't entail that one is, in fact, transgender. Rather, any non-transgender person, no matter how supportive of the trans community, remains an ally and is not, nor does such an individual become, trans. Similarly, in our current political climate, individuals and groups often claim dialectical power on the basis of victim-mongering identity politics, but no one can gain access to such power, individually or collectively, by racing towards victim status and identifying as an African-American. Rather, one must actually *be* black, as the reaction to Rachel Dolezal demonstrates, as does the recent fiasco

does not follow that it is something that can be taken by self-identification, no matter how sincere this taking is.

### 3.4 Entering New Social Spaces

Allow us to introduce an objection about the possibility of entering into a new social category. We have said that it may be impossible for persons to enter into certain social spaces merely by their own declaration that they belong because it may not be possible for them to obtain the historical properties necessary for belonging to such a group.<sup>27</sup> Someone might think a counter-example to this claim was found within religious groups, which are sociologically constructed (among, we argue, other important features). If anyone wants to be a Muslim, for example, a mere profession of faith is normally taken sociologically as sufficient evidence *ceteris paribus* that a person is, in fact, a Muslim. Why think differently about gender as a social construction?

The strongest reason seems to be that the in-group into which one wishes to enter possesses a fair amount of control over the definition and structure of their group. Furthermore, persons seeking to enter (e.g.) religious groups petition for entrance in some capacity. This does not occur in the case of transgender persons, who declare their sense of belonging to a group by public declaration and even by political action. If transgender persons need not petition for entrance, it is because it is already true that they have always been whichever respective genders they now claim publicly (again, something that they are given to be—and therefore not a property to be had by self-identification). However, if their decisions to perform a socially constructed set of functions is what makes them belong to a group, then it cannot be true that they were already or always were members of that group. If one must have external validation that one's confession about oneself is true, then the confession is not sufficient to constitute belonging to some particular group—although in that case it would be necessary. In fact, one's sense that one actually belonged to the group would require the external validation of the group. Finally, when people enters as adults into a social group, they enter into that group in an important sense as a child who requires instruction in how to live among and belong to such a group. In other words, a process of growth and formation is necessary for people to begin expressing their confessions in a mature way. No such instruction is available for transgender persons, nor is it a

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concerning the publication of Rebecca Tuvel's, "In Defense of Transracialism," *Hypatia* 32, no. 2 (March 2017): 263-78.

<sup>27</sup>Again, De Beauvoir certainly thought this to be the case.



feature of the group of transgender persons to seek such instruction. Notice, however, that there is something like this feature within the trans-community.

In fact, the group “transgendered persons” seems to constitute its own social category distinct from those other categories in terms of which they define themselves. It would be hard to argue against the idea that certain persons within this group feel a kinship on the basis of common existential realities. Certainly, this cultural movement is based on certain phenomenological realities, and we have stressed that we make no denial about those realities. Yet, this internal sense still will not make men into women or males into females (or vice-versa). And, of course, the logic of transgender identity implies that, in coming out as trans, one is publicly declaring that the gender assignment one received at birth is not an accurate reflection of the gender one believes to be true. Hence, according to trans persons, and those who insist on taking their first-person accounts as authoritative and veridical, the declaration that one is a different gender *does* seem sufficient for identifying as transgender, although it has no bearing on which gender one is. On this reasoning, a man’s identifying that he is a woman is sufficient to make him transgender but insufficient to make him a woman. Hence, transgenderism necessarily involves an exclusionary category and is therefore implicated in the same oppression it intends to dissolve.

Someone might argue that people are often given (pre-volitionally) a religious identity or citizenship identity that they later (volitionally) disavow or change for an alternative identity of the same kind, and asks if that is not more akin to what the trans position advocates than the biological or social examples given above. Certainly, it is, but notice that any pre-volitional assignment of religious identity (say, that one is Muslim) are based on external, social criteria (i.e., they are not principally derived by some biological substrate) as we have said. Furthermore, a Muslim’s decision to disavow her faith can either be construed as admitting that she was once a Muslim and no longer is (in which case the pre-volitional assignment was true) or that she never was a Muslim at all (in which case the pre-volitional assignment was false).

But, if being a Muslim is merely a matter of social construction, then a Muslim’s decision to disavow her faith would only make her cease (in fact) to be Muslim if that action were defined by the community as the boundary of the Islamic social space. Here the analogy breaks down, for gender is not now conceived of as the kind of thing which one can lose by personal disavowal. If the trans theorist uses such an example to bolster their case that gender is the sort of thing that one can lose by personal disavowal, then she begs the question because, precisely, what is being debated is whether gender is a such a thing.

In the case in which the Muslim's disavowal is construed as the assertion that she was never a Muslim at all, the social powers and forces were not (by those lights) sufficient to establish her identity. Hence, her not being a Muslim has nothing to do with social factors. It is something that she never was. On that understanding, her religious identity is not socially constructed. If religious identity is based in believing that certain propositions are true (for example, that there is one God and Mohammed is his prophet) and she never believed such propositions, then she was never a Muslim. The identification was mistaken. But, whether she *believes* something to be true is the kind of fact to which she has privileged epistemic access, since no one is in a better position than her to know the contents of her own thoughts. The transgender claim is not like this. The transgender claim that (e.g.) one has always been a woman is a metaphysical claim, which is not the kind of fact to which one has privileged epistemic access (as even contemporary trans theory admits). Unless we conceive of any claim to be transgendered as principally an epistemic claim (i.e., "I *believe* that I am a woman"), there is not comparison between the two examples. If we were to so construe the claim, then it would still tell us nothing about whether in fact the person was a woman unless self-identification were the sole criterion, in which case the argument would fail for the reasons already discussed above.

### 3.5 Remediating Self-Identification

One might argue that it is a red herring to imply that anyone merely chooses their gender, or that transgender persons believe that they are choosing their gender when they come out as trans. Rather, the argument goes: transgender persons discover that they *are* a particular gender, a gender that contrasts with the gender/sex assignment that they were given at birth, or with any gender assignment now generally accepted. Hence, transgendered persons don't *elect* to be different genders on a whim, but instead declare publicly what they have always known themselves to be.

On this reading, transgender persons agree with those who believe that one's gender is a sort of natural kind—they seem simply disagree that this natural kind is tied to biological substrates. But, this view is exceedingly controversial for several reasons. This remediation—that one is given to be some gender—directly contradicts and is clearly incompatible with the social construction view of gender. Thus, it produces a new instability in N. Furthermore, the theorist now must locate (ground) the ontology of gender in something non-social and non-biological. The benefit is that this would make

it possible to support the contention that a person could be ‘born into the wrong body.’

We might explain this by saying that individuals are gendered souls, yet if souls can have a particular gender, then gender is neither biological nor social—it is a *tertium quid*. We will leave it as an exercise to decide whether the merits of the transgender case is worth adopting a radical dualism about human persons—in contradiction to nearly the entirety of contemporary scientific and philosophical fields.<sup>28</sup> Moreover, given that modern medicine is a scientific enterprise that proceeds on the basis of methodological naturalism, any commitment on the part of transgenderism to the idea of gendered souls seems to rule out even the possibility of actual medical diagnosis of transgenderism.<sup>29</sup>

But, even if transgender theorists can offer some coherent account of the internal structure of gender that requires neither biological nor social constraints, we wouldn’t have anything beyond existential claims to go by. However, the ‘trust us’ principle is simply not the currency of academic discussion, and the now unstable basis of gender identity in the sexual revolution hardly commends these burgeoning ideologies in academic discourse. Given the argument above, the phenomenon reveals itself—for all its anguished sincerity—as mutually inconsistent on the logic of property possession.

## §4. Conclusion

We have argued that the narrative of transgenderism contains mutually inconsistent claims and therefore fails. First, the denial of gender essentialism is inconsistent with anyone’s insistence that facts about people make it the case that either they have always been gendered in some respective way, or that they in fact belong to other genders than what were originally recognized. Second, the argument that sex and gender come apart is inconsistent with the view that persons can be born into the wrong bodies; and attempts to bring bodies in

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<sup>28</sup> We do not mean here a species of dualism called “radical dualism” but rather a soul-body dualism that identifies the person with an immaterial thing (“the soul”) and sees the body as an accidental or contingent component of the human person. At least one of us is a dualist (as he thinks every rational person should be), so we do not dispute here that there are good reasons that someone might hold to substance dualism (of whatever kind), or that contemporary science has the final say on these things. We are merely saying that to adopt the road necessary to overcome the objections of our paper would require that trans theorists set themselves against most contemporary philosophers and most contemporary scientists. This is a challenge for the trans theorists especially because of appeals to psychiatric and medical authorities to evaluate instances of transgenderism in public life.

<sup>29</sup> Thanks to Tully Borland for bringing this point about medicine to our attention.

line with trans people's self-understood genders via gender reassignment surgery undermine the claim that gender and sex are not normatively related. Third, the argument that gender is a social construct is inconsistent with the idea that society's assignment of a person's gender can be mistaken based on privileged information that an individual has. Finally, the social promotion of self-identification as veridical is inconsistent on both major accounts of gender. Hence, transgenderism is mutually inconsistent with its own aims and claims. Accordingly, advocates of transgenderism should either reject materialistic accounts of human ontology, or they should abandon claims that gender is unrelated to biological sex.

*Benjamin H. Arbour is Executive Director of The Institute for Philosophical and Theological Research at Weatherford College in Weatherford, TX.*

*John R. Gilhooly is Assistant Professor of Philosophy and Theology at Cedarville University in Cedarville, OH.*