

# Gender as Gender Identity: an externalist account

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**Abstract:** The identification of gender with gender identity, with the latter understood in terms of self-identification, has come under attack from various angles. One of the criticisms voiced against proposals that connect the two notions is that gender kinds go beyond what gender identity kinds can account for. Here I want to resist this criticism by presenting an externalist conception of gender identity that is tightly connected to self-identification but which does not identify the two notions. Finally, I will argue for a distinction between gender kinds and gender classification practices that helps explain away puzzlements that prevent the identification of gender with gender identity.

**Keywords:** gender, gender identity, self-identification, trans philosophy, externalism.

## 1 Introduction

My focus in this paper will be on the question of what determines the gender kind(s) one belongs to. My claim is that having a given gender identity is both a necessary and sufficient condition for being a member of the corresponding gender kind. This entails that, for instance, the women are all and only those people that have a female gender identity<sup>1</sup>.

This automatically raises the worry that the view might not be informative, or even that it might be circular [Jenkins, 2018]. For how are we to understand what it is to have a female gender identity aside from how agents self-identify as women (say, by affirming or thinking to themselves “I’m a woman”)? And if to have a female gender identity is simply to self-identify as a woman, then we have no independent hold on what constitutes the kind *woman* that one self-identifies as a member of.

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<sup>1</sup>Throughout the paper I’ll be referring back to the gender kind *woman* as a case study. The reason for this is how this kind has received special attention in the literature, and how we should perhaps pay special attention to it in our feminist, ameliorative, projects. Given that by doing so we run into the risk of proposing an account that doesn’t suit other gender kinds, especially non-binary and resistant gender kinds [Dembroff, 2020], I will later consider the extent to which the account can accommodate other, diverse, genders.

29 I take this to be a serious worry. In reply, I suggest that we should take  
30 great care to differentiate the notions of having a given gender identity, and of  
31 self-identifying as a member of a given gender. The former, I argue, while still  
32 psychological, is external and therefore might be non-transparent to the agent<sup>2</sup>. I  
33 distinguish the two notions and present further reasons to do so in Section 2. In  
34 that section, I further argue that self-identification views on what gender is are  
35 inadequate exactly because self-identification is transparent and requires self-  
36 consciousness. Having zoned in, still in Section 2, on what (I will have argued) is  
37 a natural but robust externalist account of gender identity, in Section 3 I present  
38 positive reasons for thinking that one's gender simply is one's gender identity. I  
39 further draw and argue for some desiderata that theories of gender should meet.  
40 In Section 4, I argue that notable extant positions on the metaphysics of gender  
41 are unable to meet all the desiderata previously put forward. In Section 5, I  
42 consider a challenge to my account, Haslangerian in flavour, to the effect that  
43 it doesn't explain gender-based oppression. Finally, in Section 6 I wrap up and  
44 conclude, arguing along the way that we should accept this theory of gender  
45 given general principles of theory choice.

## 46 2 Self-identification, identity, awareness and 'eggs'

47 Having in mind the circularity worry for self-identification views, let us attempt  
48 to differentiate between self-identification and gender identity. I start by doing  
49 this while characterizing gender identity in rough terms. Then, after taking a  
50 look at some cases, I'll present a precise definition of gender identity.

51 Starting with the notion of self-identification, I believe an apt way to think  
52 about this concept is in terms of questions and how individuals would reply to  
53 them<sup>3</sup>. Namely, if one were to be asked what one's gender is, what would one  
54 say if one were to reply sincerely? This, I take it, tells us directly how someone  
55 self-identifies. One way to define self-identification is, thus, as follows.

56 SELF-IDENTIFICATION: A given agent *A* self-identifies as a member of a  
57 gender kind *G* if and only if, were *A* to sincerely answer the question "Are you  
58 a member of *G*?", *A* would reply affirmatively.

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<sup>2</sup>See Williamson [2000] for arguments against the transparency (or 'luminosity') of several mental states. An external mental state is a mental state which is not solely individuated by what goes on 'inside the head'. A transparent mental state is a mental state such that the individual who has it is capable of individuating it and telling they are having it once they are having it. There is a tight connection in the literature between mental states being external and them being non-transparent, as agents might fail to properly assess the reality outside the head that helps to constitute their mental state.

<sup>3</sup>... asks whether this characterization of self-identification does not render the notion non-transparent as well, for one might only realize what answer one would give upon being asked a given question. I think this is completely right. Still, in the counterfactual cases I wish to consider below (in which one is fully aware of one's psychological relation to the gender norms), I find the assumption that self-identification is transparent much more natural. Nonetheless, I don't technically need it: one can still distinguish between the two notions even if self-identification in such scenarios is not completely transparent.

59 As for gender identity, which will very briefly get a sharper characterization,  
60 for now let us say that an agent has a  $G$ -gender identity if they have an appro-  
61 priate internal (i.e. psychological) relation to the gender norms that do indeed  
62 apply to the members of  $G$ . Here’s an example. Nancy is a trans woman who  
63 has recently started her transition, and she feels gender euphoria in a number  
64 of contexts in which she’s perceived to be a woman and female gender norms  
65 apply to her<sup>4</sup>.

66 Here, note that for someone to bear such a psychological relation, it need not  
67 be that the norms are the direct object of one’s psychological relation. It might  
68 be that an agent has a given relation to a given general gender norm simply by  
69 being, say, fine-tuned in a particular way to its instances<sup>5</sup>. An example might  
70 help here as well. Suppose Nancy, having recently started her transition, always  
71 feels happy when someone addresses her with “she/her” pronouns. It need not  
72 be that she feels happy about the general gender norm that women should be  
73 addressed with “she/her” pronouns, in the sense that this is the object to which  
74 her mental states are directed. Rather, it seems we could describe the relevant  
75 gender norm as being, say, agreeable for Nancy in virtue of the fact that she feels  
76 in such-and-such ways whenever the norm is enforced and people use “she/her”  
77 pronouns to refer to her.

78 Furthermore, note that like many psychological relations, I’m not presup-  
79 posing that one’s gender identity must be transparent to an agent. It might  
80 very well be that an agent is unaware of what one’s psychological relations are  
81 to given gender norms. This bears a special connection to the last point: it  
82 might be that one is only aware of particular facts about how one feels and re-  
83 acts to certain situations in which the norms are being applied, without thereby  
84 being aware of the patterns of such feelings and responses. One can be obli-  
85 vious about various features and facts concerning oneself and one’s surroundings.  
86 These notably include facts about one’s own feelings and mental dispositions.  
87 Many psychologists and counsellors would suddenly find themselves with a lot  
88 less clients were this not the case, for precisely one of their roles is to help their  
89 clients gain a better, i.e. more compassionate and informed, understanding of

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<sup>4</sup>... notes that this condition is presented in a schematic way, being ambiguous between a relation to some, most or all norms. I find the schematic presentation a necessary evil, for I also think that whether it is some or most will depend on the individual. But minimally, I would say that the agent has to bear a relation to *some* of the gender norms. Requiring a relation to all gender norms would be too demanding.

<sup>5</sup>This psychological agreeableness of the norms to the subject is merely an instance of how the subject might relate to them, which would also be an idealized way to describe anyone’s way of relating to their gender. One’s relation to one’s own gender is often more complex than that. What I want to explicitly allow for is that someone might be, say, a man even if one has a negative reaction or rejects many of the norms that define masculinity, and even if one does not have any positive relation to any of the norms. As we’ll see, all that matters is that whatever one personally feels in relation to the norms must be so as to grant self-identification as soon as one is aware of such feelings. In this way, my account approximates to some extent Jenkins’s [2018] norm-relevancy account. As Witt [2023] put it: “An adequate account of social role normativity should be able to distinguish the case where the social norm simply does not apply to the individual at all, and the case where the individual rejects or modifies or fails to fulfil the norm they stand under”. Thank you to ... for asking me to clarify this point.

90 their own inner lives.

91 It is therefore not in principle implausible that one can also be unaware of  
92 what the facts are about one's relation to given gender norms. Here's three cases  
93 where this lack of awareness seems to be at play. The first case is of a cis person<sup>6</sup>  
94 who does not experience any discomfort when it comes to their relationship to  
95 the prevailing gender norms. The gender norms in the society this person is  
96 inserted in fit them like a glove, as it were. Furthermore, let us suppose that  
97 gender norms are not discussed or mentioned in any of this person's social  
98 contexts. For this person, there are no specially prevalent feelings towards the  
99 prevalent gender norms, much like someone with a healthy and well-functioning  
100 respiratory system does not seem to harbour any particular feelings or thoughts  
101 about breathing. It's simply something one does, without paying any mind to  
102 it.

103 The second case is an adaptation of one presented by Barnes [2022]. It  
104 seems plausible that some severely cognitively disabled people still bear specifi-  
105 fiable relations to gender norms and that they have genders. After all, they  
106 are subjected to gender-based violence. But some severely cognitively disabled  
107 people who suffer such violence are not able to become aware of what are often  
108 complex gender norms, much less of their own relation to them<sup>7</sup>.

109 Finally, the third case involves someone who might not be aware of what  
110 one's relation to given gender norms is, simply because one has mistaken beliefs  
111 about one's gender. The process of coming to terms with one's gender identity  
112 can be long and full of traps for a lot of trans people<sup>8</sup>, given that the contexts in  
113 which one explores one's identity are by and large cishnormative<sup>9</sup>. This can lead  
114 to the effect of someone denying that they're "really trans", claiming instead  
115 that they "just..." (and then you may insert here your favourite alternative  
116 that is not as "bad" as being trans). For instance, a common one for binary  
117 trans people is "I'm not really trans, I just wish I was a boy/girl" (where, read,  
118 they've been assigned the "opposite gender" at birth). Given the prevalence  
119 of such cases, in trans communities a term has been coined for people who *are*  
120 trans, but who don't know it yet, or who know but are in denial (say, because  
121 of the major life repercussions that being trans implies): "eggs". The picture is  
122 that these are, in fact, trans people: they do have a gender identity that differs

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<sup>6</sup>Throughout the paper I use "cis" to qualify any person whose gender identity matches the one assigned to them at birth. Similarly, the adjective "trans" will qualify any person that isn't cis, i.e. whose gender identity does not match the gender assigned to them at birth. As I understand it, gender assignment at birth does not presuppose the existence of a sex or gender identifier on one's passport, identification document or birth certificate, but simply a socially shared conception of a person as a member of a given gender kind. In what follows the distinction between what gender someone is as opposed to what gender someone is assigned will play an important role.

<sup>7</sup>This case is especially worrying for accounts where gender identity is defined in terms of what gender norms one takes to be relevant to oneself, as in [Jenkins, 2018].

<sup>8</sup>In [REDACTED] I have argued that in certain circumstances, one might be led to a prolonged state of gender questioning, and that this constitutes a hermeneutical injustice affecting trans people.

<sup>9</sup>That is, contexts in which one is assumed to be cis and is expected to comply with norms especially designed to favour cis people.

123 from the one assigned to them at birth, it's just that they haven't "broken out  
124 of their shell yet".

125 There are different factors involved in these three cases, and a good theory  
126 ought to tell them apart. However, they all tell us something important about  
127 gender identity and its relation to self-identification.

128 Let us start with the first case. Plausibly the cis person would self-identify  
129 as a member of the gender assigned to them at birth: when asked, they would  
130 say that they are indeed a member of the relevant gender kind. This also seems  
131 to be a case where there is a matching gender identity, albeit one is not aware  
132 of it, as the norms are so well aligned with one's psychology. The importance of  
133 this case is to stress that gender identity does not seem to need to be a conscious  
134 experience or even to be associated with strong feelings of what one might call  
135 gender euphoria and dysphoria, even in a broad non-medical understanding of  
136 the terms. So even though something akin to gender euphoria was our first  
137 example in the case of Nancy, gender identity does not require that experience.  
138 In this case, perhaps the psychological relation to the gender norms would more  
139 aptly be described in terms of feeling well-attuned, or not feeling obstructed by  
140 the gender norms.

141 In the second case, we might or might not have self-identification, depending  
142 on the details, for instance whether it is a severe cognitive disability that bars one  
143 from the use of language or not. Let us suppose that it is of the more extreme  
144 sort (I omit potential details), and so that we don't have self-identification.  
145 Like in the first case, there is no awareness, and in this case perhaps even more  
146 determinately so as the agents are simply not able to consider how they relate  
147 to the given gender norms. Still, I'd say that we have in this case nonetheless  
148 gender identity: something which it is like for that individual to be with respect  
149 to given gender norms. And this only requires the existence of the gender  
150 norms on the external side, and the existence of a conscious individual that  
151 bears relations to these norms, on the other<sup>10</sup>.

152 In the third case, self-identification and gender identity go in opposite di-  
153 rections. One self-identifies as the gender one was assigned at birth, but one's  
154 relation to the gender norms actually points to one having a different gender  
155 identity: it's just that one is in denial or is not aware of this fact.

156 Hopefully these last paragraphs give the reader a feeling as to how gender  
157 identity, as I'm understanding it, diverges from self-identification. Further, we  
158 can take from the preceding discussion two arguments against self-identification  
159 views, aside from the circularity objection. These are the following. According  
160 to self-identification accounts, severely cognitively disabled people would not  
161 have genders, but they do have genders, for they suffer gender-based violence  
162 and there is something which it is like for them to be subjected to certain gender  
163 norms; and according to self-identification views, some "eggs", who are trans,  
164 would be classified as cis and not trans.

165 At this point the reader would justifiably complain that while I have shed

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<sup>10</sup>Which is not to say that they bear *conscious* relations to these norms, or even that there exists consciousness of a self.

166 some light on the fact that I want gender identity to be distinct from self-  
167 identification, I haven't said enough to make it clear what gender identity *is*,  
168 or that what I have said is too vague. What are these internal relations that  
169 one bears to gender norms? How do they manifest? How to know if someone  
170 meets the conditions? Can we impose any conditions, given how heterogeneous  
171 a group of people share given gender identities?

172 To assuage such worries, I now present a formal definition of gender identity.

## 173 2.1 Gender as Gender identity

174 I agree that what I have said is too vague. However, in part, I believe this  
175 is a necessary evil: for different agents what will matter when it comes to  
176 the determination of their gender will be very different. Let us take again  
177 the example of the gender kind *woman*. For different women, what matters  
178 when it comes to their being a woman will vary wildly. For some, it will be  
179 facing oppression under a patriarchal system, for some it will be their sexual  
180 characteristics, for some it will be femininity norms (in how one speaks, or  
181 dresses, and so on), and other various possible axes. As women, they'll be  
182 subjected to the plethora of gender norms that apply to women, which will  
183 encapsulate all of the different dimensions that are relevant for different women.

184 For this reason, I shouldn't privilege any way of feeling or any experience  
185 of being a woman over any other. And in general, any experience of being a  
186 member of a given gender kind.

187 Still, we might improve on the view presented above: regardless of what  
188 experiences one has involving the gender norms that apply to the members of  
189 the gender kind one has a gender identity of, the psychological relations to the  
190 gender norms that matter are the ones that are jointly significant for the agent.

191 We can in turn make sense of being significant for the agent in terms of the  
192 notion of self-identification, as follows.

193 GENDER SIGNIFICANT PSYCHOLOGICAL RELATIONS: a given set  $R$  of psy-  
194 chological relations to the gender norms of gender kind  $G$  are jointly significant  
195 for  $A$  if and only if, were  $A$  aware of  $R$ , then that would be enough for  $A$  to  
196 sincerely self-identify as a member of  $G$ .

197 We can now present a definition of gender identity:

198 GENDER IDENTITY:  $A$  has a  $G$ -gender identity if and only if  $A$  has a non-  
199 empty set of psychological relations  $R$  to  $G$ 's gender norms, and these are GEN-  
200 DER SIGNIFICANT PSYCHOLOGICAL RELATIONS for  $A$ .

201 This is the notion of gender identity I'll be making use of throughout the  
202 rest of the paper. I also take it to be a natural one, insofar as, like other mental  
203 phenomena: it need not be transparent to the agent; it allows for a big diversity  
204 in how it is particularly realized by different agents – and we know that agents'  
205 grounds for their own gender identities vary wildly; and it bears nonetheless a  
206 close link to self-identification.

207 Taking gender to be gender identity, and further gender identity to be, put  
 208 in an alternative, slogan format, what would ground, together with awareness,  
 209 accurate gender self-identification, makes it clear why we should advocate for  
 210 the right for self-determination of gender. After all, even if one does not have  
 211 an epistemically privileged access to one's internal life (though for discussion  
 212 see Turyn [2023]), one should still be able to have ethical first-person authority  
 213 over it [Bettcher, 2009].

214 The account also promises to do right by at least some non-binary experi-  
 215 ences. The account predicts that some agender people simply do not have a  
 216 gender identity, for there might not be any psychological relations that they  
 217 bear with any gender norms of any gender kinds that would be enough for  
 218 them, upon becoming aware of them, to sincerely self-identify as a member of  
 219 any given gender kind. Similarly, one can see how non-binary gender kinds are  
 220 as a whole defined in a negative, resistant way [Dembroff, 2020]: on this account  
 221 someone will be non-binary if one is not psychologically aligned in such a way  
 222 that, were one aware of it, one would self-identify as (only) a member of the  
 223 gender kind *woman* or *man*.

224 What should we remain fixed in the closest possible worlds where one's  
 225 awareness of one's relation to the gender norms has changed, and more wor-  
 226 ringly, wouldn't one's psychological relation to the gender norms thereby change  
 227 as well? This leads me to a more explicit characterization of the view. The  
 228 counterfactual scenario is not one where the agent is now aware of whatever  
 229 psychological relations they might have at that world. It is also built into the  
 230 construction of the counterfactual that whatever jointly significant psychological  
 231 relations the agent bears in such a counterfactual scenario are the same as the  
 232 ones they experience in the actual world. Everything else might be minimally  
 233 changed to make the counterfactual come out true<sup>11</sup>.

### 234 3 Why Identity

235 I think there are further reasons why one should think that gender is gender  
 236 identity. In this section I argue for and present some desiderata that theories of  
 237 gender should meet, and show how the theory of gender here developed meets  
 238 them.

239 The first desideratum states that trans people are members of the gender  
 240 kinds that matches their gender identity. So, for instance, all trans women are  
 241 women, and all trans men are men.

242 I take this desideratum as a given. I take it that any account that implies  
 243 that some or all trans people are not members of the gender kinds that they  
 244 have a gender identity of is therefore at least faulty. My account clearly does  
 245 not have this problem: gender always matches gender identity. And the cases  
 246 where it doesn't match self-identification are justified by the fact that human  
 247 agents are not ideal knowers, even about themselves.

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<sup>11</sup>Thanks to ... for raising this issue and making me get clear on what the exact contours of the view are.

248 The reader might be unhappy with this desideratum: isn't this blatantly  
249 question-begging? Aren't we assuming with this desideratum that unless our  
250 account of gender isn't an account of gender as gender identity, then it will be  
251 incorrect?

252 My first reply is that not exactly, but merely that any account will have  
253 to at least include or be implied by a gender identity account, for all that was  
254 needed for a trans woman to be a woman was a female gender identity, and so  
255 this condition is at least sufficient for membership in the gender kind. But it  
256 might be that being a woman is actually even less demanding than having a  
257 female gender identity, or that some people are women even if they don't have  
258 a gender identity. These last two stances are compatible with the claim that  
259 gender identity is sufficient for gender kind membership.

260 My second reply is that if we reject this desideratum, that is, if we accept  
261 its negation – that some trans people are not the gender they identify with  
262 – we seem to be led to a transphobic position in which we deny people their  
263 own gender identity. And this for me is non-negotiable: my aim is ameliorative  
264 [Haslanger, 2012] and here I strive for trans liberation, so that a concept will  
265 be inadequate if it reinforces trans oppression or does not contribute to trans  
266 people's struggle for liberation.

267 The present theory clearly meets this desideratum: gender identity is taken  
268 to be both necessary and sufficient for gender kind membership, so automatically  
269 all trans people will be members of the gender kinds they identify with.

270 Furthermore, this gives us a reason to prefer this theory: it provides an  
271 easy explanation for why it is the case that all trans people's gender identities'  
272 are accurate: because gender *just is* gender identity. And it does so while  
273 not complicating further the theory of gender. For instance, it does not make  
274 it disjunctive (as in Jenkins [2018]), so that some women are women because  
275 they're perceived or imagined to have certain sexual characteristics [Haslanger,  
276 2000, 2012], while other women are women because they have a female gender  
277 identity [Jenkins, 2018, 2023].

278 The second desideratum concerns the order of explanation between norma-  
279 tive facts about what gender one should be assigned and what one's gender is. It  
280 states that the normative facts concerning what gender one should be assigned  
281 (if any) should be weakly grounded in non-normative facts about what one's  
282 gender is.

283 A possible alternative way to cash out this desideratum is to state that part  
284 of the reason why one should classify trans people as the gender they identify  
285 with is that they are members of those genders. This assumption is often referred  
286 to as the real gender assumption [Dembroff, 2018].

287 This assumption has recently become controversial in the contextualist and  
288 pluralist literature on gender kinds [Dembroff, 2018, Jenkins, 2023], that recog-  
289 nize hegemonic and oppressive gender kinds. I prefer to say that such ways in  
290 which we might be classified do not constitute genuine gender kinds (more on  
291 this later). Still, notice that the second desideratum simply states that what  
292 one's gender is, is a *weak* ground (i.e. part of the metaphysical explanation for)  
293 what the normative facts are concerning what gender one should be assigned.



294 What this desideratum is meant to exclude is that there are primitive norma-  
295 tive facts concerning what gender one ought to be assigned: these should be  
296 grounded presumably also in other normative facts, but at the very least, it is  
297 claimed, also in the fact of what one’s gender *is*.

298 The theory here proposed can also easily meet the second desideratum. Sup-  
299 pose that a particular trans man, Gustav, ought to be assigned the gender *man*.  
300 This can depend on the fact that Gustav is a trans man, plus a general norma-  
301 tive principle as to the fact that individuals should be assigned the genders that  
302 they are<sup>12</sup>.

303 The third and fourth desiderata are adaptations from earlier points to the  
304 effect that “eggs” exist (third desideratum), and that people with severe cog-  
305 nitive disabilities have genders (fourth desideratum, and here I simply defer to  
306 Barnes [2022]).

307 The account can accommodate both cases. It is possible for someone to be  
308 mistaken about one’s gender identity, and to therefore self-identify as a gen-  
309 der that one doesn’t appropriately relate to. Furthermore, we didn’t impose  
310 that to be related to the gender norms, one would need to be conscious of  
311 the gender norms one is related to. Importantly, note that the connection to  
312 self-identification was counterfactual: one need not be aware of one’s psycho-  
313 logical relation to the norms, but if one were, that would be enough for sincere  
314 self-identification. So even though severely cognitively disabled people are not  
315 actually able to entertain gender norms, it is only required that they could in  
316 some other possible world have become aware of this fact, and in the closest such  
317 worlds, that they would then self-identify as members of those given genders.

318 As we will now see, extant views of gender fail to meet at least some of the  
319 four desiderata just given.

## 320 4 Extant Views

321 The first view I would like to consider is Haslanger [2000, 2012] external ame-  
322 liorative account of gender, according to which, following Jenkins’ [2018] sum-  
323 marization of the view, one is a woman if and only if one is classed for social  
324 subordination on the basis of perceived or imagined sexual characteristics that  
325 play a female’s role in biological reproduction.

326 As Jenkins [2018] notes, this account fails to characterize a number of trans  
327 women as women. Here’s two kinds of cases where the account fails. In the  
328 first kind of case, we have trans women who don’t “pass” and are therefore not  
329 perceived or imagined to have the same sexual characteristics as those that play  
330 a female’s role in biological reproduction. In the second case, we have trans  
331 women who pass, but who are “out” as trans (i.e., their status as trans women  
332 is known in the given social contexts we’re interested in). Then they likewise  
333 won’t be perceived or imagined in such contexts to have the required features.

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<sup>12</sup>This has been called into question. For instance see Dembroff [2018] and Jenkins [2023] for disagreeing voices about what Dembroff calls the “Real Gender Assumption”.

334 In both instances, some trans women would not be members of the gender kind  
335 *woman*.

336 For the same reason, this account fails to give a correct account of what  
337 goes on for the majority of “eggs”. They will be classified as members of the  
338 genders that they self-identify as, not the ones they are in denial about or aware  
339 of being.

340 While it is true that Haslanger’s account was never meant to encapsulate  
341 all women, insofar as it was meant as an ameliorative concept, I believe Jen-  
342 kins [2018] successfully shows that trans women are a group that is particularly  
343 targeted by oppression in the intersection of patriarchal and cisnormative sys-  
344 tems. Therefore, we should hold to the first and third desideratum and reject  
345 this account of gender, at least if it’s meant as an all-encompassing ameliorative  
346 account of gender.

347 The second view I would like to consider is Jenkins’ [2018] norm-relevancy  
348 account of gender identity. If generalized to an account of gender membership  
349 in general, then the account would yield that to be a member of a given gender  
350 kind, is to experience given norms as relevant to oneself.

351 This view is much closer to my own, and I think it gets a lot of things  
352 right. For instance, I agree that one’s gender identity should be a matter of  
353 one’s relation to gender norms. Yet, on Jenkins’s account, this relationship  
354 is specified in such a way that plausibly one is only able to be related in the  
355 appropriate way to the gender norms, if one has some awareness of the given  
356 norms and of oneself. For otherwise, how would one be able to take them as  
357 relevant for oneself? Yet, both self-consciousness and awareness of gender norms  
358 might be inaccessible for severely cognitively disabled people [Barnes, 2022]. So  
359 according to this adaptation of the view, severely cognitively disabled people  
360 would not have a gender, failing one of the other desiderata.

361 It’s further not entirely clear that the view would be able to accommodate all  
362 cases of “eggs”. Perhaps the ones “about to break out of their shells” already  
363 take the norms of the genders matching their gender identity as relevant to  
364 themselves, but the ones who are more closeted, who only make such claims as  
365 that they “wish” they were born a different way, might not in any meaningful  
366 sense consider the norms relevant to themselves. Still, they might nonetheless  
367 have certain longings, feelings of happiness, sadness and so on that match in  
368 the relevant way with the norms, such that if they were aware of those patterns,  
369 they would, if sincere, answer affirmatively if asked whether they’re members of  
370 the target gender.

371 Finally, I would like to consider in general the contextualist approach of  
372 Dembroff [2018] and the pluralist approach of Jenkins [2020, 2023]. According  
373 to the former, we can’t simply claim that agents are members of given gender  
374 kinds, without specifying the contexts in which they’re inserted. Rather, first we  
375 specify a context, then we look at the way individuals are perceived and treated  
376 in that context, and from those facts we can determine the individuals’ genders.  
377 In some contexts the facts about how individuals are treated and perceived will  
378 track perceived or imagined sexual characteristics, in other contexts they will  
379 track gender identity. But there is no one-size-fits-all that works for all contexts.

380 On Dembroff [2018] proposal, one’s gendered profile carries along from con-  
 381 text to context, so even if one is a man (in the context of a conservative village),  
 382 one is still a woman if one is a woman (in the context of a trans-inclusive pub).  
 383 In this way, seemingly this account would satisfy the first desideratum: all trans  
 384 people are the genders they identify with, for there are contexts in which they  
 385 are perceived and treated in ways that align with their identity.

386 Or are they? [Cosker-Rowland, 2023] Suppose Beth lives in the 1700s, has  
 387 a female gender identity, but is perceived by others in the contexts she inhabits  
 388 as a man, and further that there are no trans-inclusive contexts. It would seem,  
 389 then, that Beth would be classified as a man on this approach. That is, unless  
 390 we include contexts from far into Beth’s future, far after her lifetime. But are  
 391 those contexts relevant for Beth? And would it be reasonable for Beth to claim  
 392 she was a woman because contexts far in the future would validate her identity  
 393 [Cosker-Rowland, 2023]? Another unpalatable conclusion that contextualism  
 394 would have us draw is that when someone in a dominant context claims “All  
 395 women are adult human females”, there is a sense in which they are right, for  
 396 when they say “women”, they are talking from the point of view of the dominant  
 397 context, in which being a woman is to be an adult human female. This is not  
 398 directly a failure of the first desideratum in its entirety. But it sounds very much  
 399 like a failure of the desideratum in all but name. We would have it that while  
 400 in some contexts (for Dembroff [2018]) or in some sense (for Jenkins [2023])  
 401 all trans women are women, in other contexts or senses no trans woman is a  
 402 woman.

403 How to decide between these senses or contexts? In the literature, we find  
 404 invariably an appeal to normativity (Díaz-Leon [2016], Ásta [2018], Dembroff  
 405 [2018], Jenkins [2023]). We should prefer one of these senses of being a member  
 406 of a gender kind simply for moral and political considerations. And while for  
 407 some authors this plays a role in what that gender kind is (so there is moral  
 408 encroachment on the metaphysics like for Díaz-Leon [2016]), for others, this has  
 409 no bearing on what gender kinds are out there. Some gender kinds simply are  
 410 oppressive, and that’s the reality we have to deal with.

411 Here, however, we seem to be faced with a dilemma when confronted with  
 412 the question of how to explain the truth of the normative claim that we should  
 413 prefer some ways of constructing gender kinds instead of others. What grounds  
 414 such a normative claim? Either we don’t say anything, and we accept primitive  
 415 normative facts, which are objectionable in their own right<sup>13</sup>, or we tell a story.  
 416 If we do, we’ll presumably say something like ‘it is the needs of trans people  
 417 for physical and psychological well-being’ (this is, I think, in line with what  
 418 Jenkins [2023] argues for), instead of the ontological claim (made earlier) that it  
 419 is (partly) ‘the fact of what trans people’s gender is’. Then how should we argue  
 420 against a transphobic standpoint that would claim we should instead invest on  
 421 better and ever more refined forms of conversion therapy<sup>14</sup>. Presumably, the

<sup>13</sup>To see why, consider that if the normative is not even weakly grounded in the descriptive, then there’s no reason why two descriptively identical situations might not have distinct normative properties.

<sup>14</sup>That is, forms of therapy that would have it that trans people would live ‘happily’ as the

only answer we would be able to give is that such therapy is not feasible and would do more harm than good. But suppose we were in a different possible world in which there existed a painless, instantaneous form of conversion therapy and where transitioning kept being as much of a struggle as it is in the actual world for so many of us. What could we possibly say then if we kept rejecting ontology so? The mere suggestion that one should then opt for conversion is appalling. And I think other trans people would agree with me that they would likewise opt for transitioning. Because that's what we *are*<sup>15</sup>.

I think we should reject, therefore, based on desideratum 2, what we might call 'normativity-first' accounts of gender. Instead, we should think of what gender we ought to assign someone as being determined partly from what their gender is, plus other normative facts.

Having evaluated a number of alternative views, I now turn to a challenge to the view considered here, to the effect that our account of gender ought to explain gender-based oppression.

## 5 Gender and Oppression

Both Haslanger [2012] account, as well as contextualist and pluralist [Dembroff, 2018, Jenkins, 2023] accounts of gender can easily accommodate the factivity of gender oppression that so many of us face.

Starting with Haslanger's view, the account was precisely tailor-made to call attention to the fact that women (if we focus on that case) have historically (and continue to be) subordinated in patriarchal societies. Furthermore, Haslanger seems to get right the genealogy of such oppression: at least initially, the group of individuals selected for such oppression seems to have been those that shared or were perceived and imagined to share, certain bodily features associated with the female role in reproduction.

On the contextualist and pluralist accounts, on the other hand, we recognize that some gender kinds are in fact oppressive, and so individuals might be constructed in ways that are unjust. So for instance if the norms governing the gender kind *woman* are unjust and the gender kind even oppressive for its members, then no one ought to be assigned the gender *woman*. Or, to put it in terms that more closely resemble Jenkins [2023], one is wronged simply by being constructed as a woman<sup>16</sup>.

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gender assigned to them at birth.

<sup>15</sup>As ... warned me, what Jenkins [2023] actually claims is that constructing people in such-and-such ways is wrong because it violates their dignity. But that a given situation violates someone's dignity seems to clearly be a normative claim. So if we take this route, we are left with primitive normativity once again: what makes misgendering trans people and conversion therapy wrong aside from the primitive fact that it violates their dignity? I'm not here disagreeing that it does indeed violate their dignity: my claim is simply that such violation is in further need of explanation. It is also the case that Jenkins [2023] argues in favour of a trans positive bathroom bill on the basis of trans people's needs. So I find some textual basis on which to ground my conjecture that she might argue in a similar way against conversion therapy.

<sup>16</sup>Of course, Jenkins is a pluralist, so there are multiple gender kinds falling under the

455 The worry for my proposal is that it has troubles coming up with a similarly  
456 suitable story for how people suffer gender-based violence and oppression. After  
457 all, gender identity is often a vehicle of trans liberation that provides some  
458 private wiggle room from an oppressive and surveilling external eye. Another  
459 way to press this worry, as Jenkins [2023] does it, is that we seem to be funnelled  
460 into saying that gender identity does all the work that we traditionally ask  
461 gender to do for us.

462 Let us start with the last point. I agree that gender identity cannot do  
463 all the work that gender has traditionally been called on to do. Yet, what I  
464 would reject is that we want a single notion to do all that work. On the face of  
465 it, authors like Jenkins would agree: that’s why they pursue a pluralist route.  
466 Yet, they would still call all the different concepts they provide us with “gender  
467 kinds”. This entails, however, that the concept of gender kind in more abstract  
468 terms covers all that we want gender to do. It is this last claim that I want to  
469 reject: no general conception of gender kind can do the work. What I’m inclined  
470 to say is that, as hinted at above, it is important to distinguish between the  
471 practices of gender assignment and the facts about what gender kind one is a  
472 member of, and that various facts we want to explain in terms of gender kind  
473 membership are better explained in terms of gender assignment.

474 It has been claimed that because gender is social, or at least has a social  
475 basis, then one’s gender should in part be determined by the facts concerning  
476 how one’s gender is assigned. But this is too quick! On gender identity accounts,  
477 gender is still social, given that one is psychologically related to norms which  
478 are themselves socially constructed, upheld and enforced. Even if the account  
479 is primarily psychological, it still very much has a social basis, and one is still  
480 constrained and enabled by gender norms. It’s just that on the one hand we  
481 have the gender norms, which indeed materially apply on the basis of gender  
482 assignment, and on the other hand the individual’s gender, which might have  
483 some disconnect or a different special connection to how the gender norms are  
484 applied.

485 A different argument against my view goes roughly as follows: gender-based  
486 oppression is effected on the basis of gender assignment, not gender identity;  
487 so one’s gender should at least partly be determined by the gender assignment  
488 facts, not solely gender identity. I take this to be a better argument. However,  
489 it only works if the best explanation for why one suffers gender-based oppression  
490 is because one has a given gender. But this assumption is question-begging, for  
491 we can easily see that if we accept that, then we can’t have a single concept of  
492 gender that works for all cases. For instance, say Carla is a trans woman that is  
493 not yet out to anyone, and that she is perceived as a man. Plausibly, she faces  
494 some oppression as a trans woman: perhaps she hasn’t come out because she  
495 fears great repercussions. On the other hand, since she is perceived by everyone  
496 else as a man, she does not face oppression that other women do due to being  
497 perceived as such. It would seem that trans women like Carla would need their

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umbrella term “woman”, like hegemonic and identity kinds. Only some of them will be unjust or oppressive in this way.

498 unique gender kind, for they feel some shared oppression as trans women, but  
499 not some of the most common kinds of oppression as women. This, of course,  
500 is not the same as Carla's gender identity, which is that of a woman. *Trans*  
501 *woman* is not a third gender kind<sup>17</sup>.

502 Given that we cannot do all the work that gender is called on to do (min-  
503 imally, account for trans people's gender identities, and for experiences of op-  
504 pression) with a single gender kind, a natural reaction is to multiply gender  
505 kinds. But if one is able to do all the explanatory work with only one gender  
506 kind and an appeal to gender assignment practices, why do so? Going back to  
507 the example above, we would say that really Carla is just a (trans) woman, not  
508 also a member of a special third gender kind. However, the oppression she faces  
509 is unique compared to most other women given that she isn't recognized as a  
510 woman by any other individual, and that most forms of oppression are based  
511 on gender assignment, not gender kind membership.

512 This seems to me to be part of a general methodological approach that does  
513 not seem *prima facie* uncontroversial once we step outside loaded discussions  
514 on gender. Whether someone is good at swimming or not will partly depend  
515 on things like the average human speed, technical quality and so on. These  
516 facts are all social in nature: they're determined by what humans there are,  
517 by their interests (suppose everyone got really invested in swimming, then the  
518 statistical numbers would likely go up), and so on. However once the averages  
519 are set, whether one is good at swimming or not is not itself by and large a  
520 social matter<sup>18</sup>, but is rather up to one's physical ability.

521 Making the case sillier, suppose that people were socially benefited or op-  
522 pressed based on how good they were at swimming. Furthermore, suppose that  
523 back in school I managed to avoid swimming classes because of conflicting ap-  
524 pointments and at the same time: i) that I'm terrible at swimming; and ii) that  
525 I'm very good at fibbing. So I manage to convince everyone that I'm actually  
526 quite good at swimming. I am then able to get some benefit, in spite of actually  
527 not being able to swim for dear life.

528 Intuitively, I don't think we need any new kind alongside *good swimmer* that  
529 would then apply to me and explain why is it that I am getting the benefit that  
530 I did get. Rather, the kind *good swimmer* does the job well enough: I got the  
531 benefit because people thought I was a member of this last kind. To think we  
532 need a new kind to provide an explanation is, I think, a very metaphysically

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<sup>17</sup>There is a venerable tradition in queer studies according to which *trans woman* is indeed a third gender kind. I do not have the space to fully address the view, but even though it promises to be liberatory for trans people, I fear it has the reverse outcome and makes (in this case) trans women even more excluded from womanhood. Namely, I fail to see how it avoids the transphobic claim that trans women are not women (even if one adopts a non-standard logic). Of course, here I am taking the claim that *trans woman* is a third gender kind to imply that it's a kind different from *woman*. If the claim were simply that *trans woman* is different from *cis woman*, then that point is basically mute: one can easily admit them as different species of the same genus. The interesting question would then simply become whether the distinction between the two species is relevant, or for what purposes it is relevant or not.

<sup>18</sup>It might still be contextual and dependent on a contrastive class, for instance. Here I'm simplifying the case and taking "good" to simply mean "above average".

533 heavy-handed way of going about this case<sup>19</sup>.

534 My claim is that being a member of a gender kind is like being a good swim-  
535 mer. The gender norms are out there in the social world, defined by the usual  
536 social structures, in the way that Haslanger [2012] and others have described  
537 them. Yet, once those have been fixed, one's gender is not a social matter or  
538 a contextual matter. It is for this reason that I believe we should further push  
539 back on the idea that because social kinds are determined via constraints and en-  
540 ablements [Jenkins, 2023], that thereby one's gender is given by the constraints  
541 and enablements one is subjected to in a given context as well.

542 Having said all this, my account is not committed to the claim that all  
543 gender-based oppression or injustice stems from gender assignment. In fact, I  
544 believe there are interesting cases of interplay between the internal and external  
545 dimensions, as it were, of gender injustice. I'll present two cases, exploring how  
546 the two dimensions might relate.

547 First, consider a scenario in which Carla, from the example above, is having  
548 dinner with her family. An older uncle of Carla makes a sexist remark and  
549 some of the men in the room laugh. Carla feels insulted and reconsiders once  
550 again coming out to her family, as well as transitioning. Other women in Carla's  
551 family jump at her uncle for his sexist comment, reporting on life experiences  
552 that disprove what he just said. Carla is unable to replicate that, given that  
553 she's not out and that she's perceived as a man.

554 Experiences such as this seem to be commonplace among members of trans  
555 communities. One first thing to note about it is how this instance of gender  
556 injustice, even if it was *targetted* at people who are in that context assigned  
557 the gender *woman*, ends up hitting a broader target<sup>20</sup>. Furthermore, the way  
558 Carla suffers this injustice<sup>21</sup> is different from how the women who are assigned

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<sup>19</sup>I have been confronted by ... with the hypothesis that every cluster of properties forms a kind, and so to say that hegemonic gender is a kind would not be metaphysically heavy-handed, as it would be just to say that there are some properties corresponding to it. Instead, ... argues, we should claim that these putative alternative gender kinds are not gender, not that they are not kinds. I think such a stance has the risk of trivializing the notion of a kind: I think minimally kinds are meant to feature as parts of explanations, as we say that two things of a given kind share given features exactly because they are members of the same kind. This seems to hold regardless of whether we are talking about natural features and similarity in the case of natural kinds, or about those individuated by human interests in the case of social kinds. To allow any cluster of properties to be a kind would undermine such explanations in terms of kind-talk.

<sup>20</sup>Of course one could say that Carla is also assigned the gender *woman*, given that she internally identifies as a woman. But this does not seem to be the same context: one is the context of the dinner, the other the internal world of Carla. In one of them Carla says to herself that she's a woman, suppose; in the other, if pressed she would pretend to be a man and say she was so.

<sup>21</sup>One might question whether an injustice did in fact take place in this scenario: after all, the uncle only made a remark and is not supposed to occupy a position of power where, say, he decides what Carla's work conditions are going to be like. Still, I think it is proper to speak of there being an injustice in this scenario. First, as I think there is a thin notion of injustice, following along the lines of Jenkins [2023], whereby one might suffer an injustice even if how one is wronged is not as substantial as oppression properly speaking. And second, it isn't uncontroversial that cases such as these are as innocuous as they might seem. They contribute in a very direct way to Carla's potential decision to postpone her transition, after

559 a female gender identity in this context suffer it: Carla is not able to share her  
560 experiences, and this comment leads her to question her process of transition.

561 What my theory would say about this case is that all women (regardless  
562 of whether they are assigned such a gender or not) suffer an injustice in this  
563 case, but that there might be particular facts concerning how the injustice is  
564 felt depending on whether one is also assigned the gender or not.

565 Second, consider a scenario in which every woman except for Carla, who  
566 again is not out, is cis. Suppose that the topic of the conversation is gender,  
567 and that the speakers are ferociously defending the sex-based conception of what  
568 it is to be a woman.

569 Plausibly in this case, the only woman that suffers an injustice in such a  
570 scenario is Carla, who is coincidentally the only woman who is not assigned a  
571 female gender in this context.

572 My account would imply the claim that, again, in this scenario there is  
573 interplay between gender assignment and gender. The person who suffers the  
574 injustice is the person of the required gender for which the (unjust) practice of  
575 gender assignment proves inadequate.

576 So gender identity can feature in the explanation of certain forms of gender  
577 oppression. In fact, it might be that in some scenarios (like the second one)  
578 the only people who more obviously suffer gender injustice are the ones that  
579 precisely are not assigned in that context the given gender.

## 580 6 Conclusion

581 I take it, then, that there are good reasons to accept that gender simply is gender  
582 identity, understood as a set of relations that one bears to gender norms where  
583 these are jointly significant for the agent. A given relation or set of relations  
584 is significant, in turn, if and only if awareness that they hold is a sufficient  
585 condition for self-identification as a member of a given gender kind.

586 Before wrapping up, I would like to summarize the view by pointing out  
587 some advantages it has that give it an edge once we bring to the fore general  
588 considerations concerning theory choice.

589 The first is that the account is simple and flexible: gender is simply gender  
590 identity. Sure, this is then further complicated as gender identity is not simply  
591 a matter of self-identification. I don't take this, however, to be much of a  
592 loss, as accounts like that of Jenkins [2018] were already of similar complexity.  
593 Furthermore, I take it that any account that attempts to preserve the wide  
594 variety of experiences that trans and non-binary people have with their gender  
595 identities will have to be as non-specific as I have been here.

596 Secondly, unlike pluralist [Jenkins, 2023] or dual-property [Jenkins, 2018]  
597 accounts of gender, the view here presented is not disjunctive, giving a unified  
598 account of what people's genders are that is stable across contexts. Furthermore,  
599 it does so in an ontologically "economical" way, without positing more gender

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all. So I'm still happy to classify this as a case where an injustice has taken place.



600 kinds than is necessary. Many facts concerning gender oppression are relegated  
601 rather to an interplay between gender assignment practices and gender identity.

602 Thirdly, it helps make sense of why it is that gender identity should play such  
603 a big role in policy-making, and why is it that gender self-determination (i.e.  
604 based on gender identity) is such an important demand from trans activists.  
605 Gender identity is deeply significant exactly because it constitutes, for each of  
606 us, our own gender.

607 Finally, the account is truth-tracking: it gets the genders right for trans  
608 people, including closeted, confused and questioning individuals. It further  
609 allows for severely cognitively disabled people to have their genders respected  
610 and recognized.

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