

Article

# The Limits of Identity: Running Tuvel's Argument the Other Way

Spencer Case <sup>†</sup>

Bowling Green State University; spencer.jay.case@gmail.com

<sup>†</sup> This article was initially published under the pseudonym of K.Whittaker.

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**Abstract:** Rebecca Tuvel provoked a firestorm by arguing that since we should accept trans\* self-identification, we should accept transracial identification as well. This paper defends Tuvel's conditional claim (if trans\* acceptance, then transracial acceptance) but draws a different conclusion. I argue that reasoning similar to Tuvel's establishes that people who identify as something other than human, and people who identify as physically disabled though their bodies aren't impaired, plausibly also deserve recognition. This *reductio ad absurdum* of her reasoning should lead us to doubt whether we must embrace trans\* self-identification as fully as self-described trans\* allies claim that we must. This shouldn't be construed to mean that trans\* people, or members of any of these other groups, deserve anything less than respectful treatment and compassion as moral persons.

**Keywords:** transgender; trans\*; gender; gender identity; Tuvel; Hypatia; transracial; identity; otherkin; trans-ability

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## Introduction

In her essay, "In Defense of Transracialism,"<sup>1</sup> Rebecca Tuvel argues as follows (though the title and precise construction of the argument here are mine<sup>2</sup>):

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<sup>1</sup> Tuvel, Rebecca. (2017). "In defense of transracialism," *Hypatia* 32(2): 263–78.

<sup>2</sup> The \* signifies inclusion of non-binary identities. Tuvel doesn't use it in her original paper, but her argument is unaffected by this updated terminology.

## Transracial Inclusivity

1. If we should fully accept trans\* self-identification, then we should fully accept transracial self-identification.
2. We should fully accept trans\* self-identification.

Therefore, we should fully accept transracial self-identification.

Tuvel's essay was partly a response to the Rachel Dolezal controversy, which made headlines in 2015. Dolezal, who was the head of the Spokane, Washington chapter of the National Association for the Advancement of Colored People (NAACP), resigned amid accusations that she was a racial imposter. Dolezal was born white but said she identified as black. This generated considerable media attention, much of it unsympathetic. Tuvel viewed Dolezal more sympathetically. She argued that people who identify as races other than those they were born as, perhaps including Dolezal, deserve acknowledgment as members of the racial groups with which they claim membership. Readers will likely be familiar with the so-called "*Hypatia* affair" that ensued upon the publication of that essay in the spring 2017 edition of the feminist philosophy journal, *Hypatia*; but the details are worth recounting.

Shortly after the article appeared, an online petition misrepresenting Tuvel's article and demanding its retraction circulated online. It garnered over 800 signatures of sundry academics. In a widely viewed Facebook post, philosopher Nora Berenstain said that "Tuvel enacts violence and perpetuates harm in numerous ways throughout her essay" and accused her of promoting "harmful transmisogynistic ideology". In response to this and other online expressions of outrage, a group of associate editors of *Hypatia* issued an apology on Facebook for publishing the article and implied that its retraction would be imminent. However, editor-in-chief Sally Scholz distanced herself from the apology and the article was never retracted. Tuvel was also subject to hate mail and calls that she be fired from Rhodes College, where she was an assistant professor.<sup>3</sup>

Tuvel was raked over the coals for, inter alia, "deadnaming" Caitlyn Jenner (noting the widely reported fact that "Caitlyn" had gone by "Bruce" prior to transitioning), and for supposedly failing to cite enough non-white philosophers. But it's hard to believe that such supposed failings could explain the degree of vitriol heaped upon her, or the intensity of the campaign against her. A better explanation is that Tuvel was attacked because she put pressure on a premise that some activists wanted to remain unquestioned and *unquestionable*: that we must always fully accept the proclaimed identities of trans\* people. It's awfully easy to read Tuvel's argument and think of this argument, which Tuvel doesn't endorse, instead:

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<sup>3</sup> Weinberg, Justin. (May 1, 2017). "Philosopher's article on transracialism sparks controversy (updated with response from author)," *Daily Nous*. Retrieved September 29, 2022 from <https://dailynous.com/2017/05/01/philosophers-article-transracialism-sparks-controversy/>; and Weinberg, Justin. (July 21, 2017). "Hypatia's editor and reviews editor resign; authority of associate editors "temporarily suspended," *Daily Nous*. Retrieved September 29, 2022 from <https://dailynous.com/2017/07/21/hypatias-editor-reviews-editor-resign-authority-associate-editors-temporarily-suspended/>; and Singal, Jesse. (May 2, 2017). "This is what a modern-day witch hunt looks like," *New York Magazine*. Retrieved September 29, 2022 from <https://nymag.com/intelligencer/2017/05/transracialism-article-controversy.html?regwall-newsletter-signup=true>.

## Transracialism *reductio*

1. If we should fully accept trans\* self-identification, then we should fully accept transracial self-identification.
2. It's not the case that we should fully accept transracial self-identification.

Therefore, it's not the case that we should fully accept trans\* self-identification.

Although this "G.E. Moore shifted" argument regularly features in discussions of Tuvel's article, it hasn't, to the best of my knowledge, been defended in any academic journal. Such a hole in the literature would be surprising were it not for a hostile climate which discourages frank discussion of trans\* issues. This essay fills that lacuna, and more. It aims to demonstrate that defenses of trans\* self-identification imply that we must also take seriously the identity claims of people who say that they identify as non-human, and people who identify as disabled though they don't meet the clinical conditions for the disabilities they claim to have. So I press the following *reductio ad absurdum*:

## Beyond Transracialism

1. If we should fully accept trans\* self-identification, then we should fully (or in large measure) accept otherkin and trans-ability self-identification.
2. It's not the case that we should fully (or in large measure) accept otherkin, and trans-ability self-identification.

Therefore, it's not the case that we should fully accept trans\* self-identification.

To clarify "acceptance": I understand accepting Caitlyn Jenner's identity as a woman to be a complex stance toward Jenner that bundles together several different attitudes, beliefs, and behaviors, including the following:

- Believing that Jenner is a woman.
- Believing that Jenner's self-identification as a woman is sincere.
- Acknowledging Jenner's identity as a woman whenever it's appropriate to do so (by, for instance, using feminine pronouns).
- Supporting policies and social norms that affirm Jenner's identity-related choices and expressions.
- Encouraging others to adopt the same stances toward Jenner.

To do all of these things is to *fully accept* Jenner as a woman. To do some but not all of them is to *partly accept* Jenner's identity as a woman. We can speak of acceptance of a particular person's identity, such as Jenner's, or acceptance of a more general kind, toward everyone who has an identity claim of a certain sort. To fully or partly take this stance toward trans\* people generally is to fully or partly accept trans\* identity. (Fully accepting some trans\* self-identifications and not others—fully accepting, say, only the identities of those who have undergone gender confirmation surgery—is another way to partly accept trans\* identity in general.) The conclusion of "beyond transracialism" should be understood to mean that there's no general obligation to fully accept or affirm trans\* identities based on self-identification alone.

Note that denying that this is consistent with thinking that we should grant trans\*-identifying people *partial* acceptance. It's reasonable to generally call people by whatever names they prefer, and to be flexible with dress codes where important matters of identity are concerned; it's less reasonable to grant access to sex-specific facilities based on self-identification alone. I also think it's reasonable to call Dolezal by whatever

African-sounding name she wants to go by, and that no one should give her a hard time about how she likes to wear her hair. At the same time, no one is under any obligation to say that she is black, or classify her as black for any official purposes (though I think these purposes should be few).

One final clarification: I set aside cases of trans\* identification that appear to be opportunistic and insincere—for instance, a male, heterosexual sexual predator suddenly announcing that he considers himself female to be placed in a women’s prison—since trans\* allies have principled reasons for refusing to recognize the proclaimed gender identities of such people.<sup>4</sup> Likewise, I set aside transracialism cases in which a mixed-race person decides to identify as a member of a racial group with which he has significant ancestry, since transracialism skeptics might be flexible in cases like this. It’s the paradigmatic cases, and not marginal cases, that are philosophically interesting.

With these clarifications and qualifications in mind, I think both “transracialism *reductio*” and “beyond transracialism” are sound arguments, though convincing my audience of this isn’t my main objective. My aims in this essay are modest. I’d consider it a success if I convince some philosophers to take these arguments as seriously as they take arguments on all sides of debates over empiricism, free will, and other topics. If these arguments deserve to be taken seriously, then no one should face social or professional retaliation for accepting or defending them, any more than they should face such retaliation for advancing arguments for deontology or utilitarianism.

## Sex and Gender

Trans\* allies promote trans\* acceptance: we should fully accept others who identify as men, women, or anything else of the same type. But what’s “the same type”? Two terms are in circulation, *sex* and *gender*. The discourse around them is unfortunately muddled. Sometimes they’re treated as synonyms; since “sex” also refers to copulation, “gender” can be used as a polite alternative. When sex and gender are distinguished, it’s usually on the grounds that “sex” refers to the biological categories of “male” and “female,” whereas “gender” refers to identification with whatever social norms are associated with maleness or femaleness. In 2001, the Institute of Medicine (US) Committee on Understanding the Biology of Sex and Gender Differences published a report on the biological contributions to human health that focused extensively on the nature of sex. That report recommended that:

- In the study of human subjects, the term *sex* should be used as a classification, generally as male or female, according to the reproductive organs and functions that derive from the chromosomal complement.
- In the study of human subjects, the term *gender* should be used to refer to a person's self-representation as male or female, or how that person is responded to by social institutions on the basis of the individual's gender presentation.
- In most studies of non-human animals the term *sex* should be used.<sup>5</sup>

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<sup>4</sup> Some trans\* allies accept self-identification even in these circumstances, and they’ve had considerable success in getting the legal systems of English-speaking countries to adopt their standards. See Joyce, Helen. (2021). *Trans: When Ideology meets Reality*. London: OneWorld Publications, Chapter 8; and Biggs, Michael. (2022). “Queer theory and the transition from sex to gender in English prisons,” *Journal of Controversial Ideas* 2(1): 2.

<sup>5</sup> Wizemann, Theresa M. and Mary-Lou Pardue, (eds.), (2001). Committee on Understanding the Biology of Sex and Gender Differences, Board on Health Sciences Policy, “Exploring the biological contributions

If academics, journalists, and activists had stuck to these recommendations, things would be clearer than they are now. But they've muddied the water. The term "sex assigned at birth" has proliferated, suggesting that sex, when it's applied to humans, isn't entirely biological, but is a partly socially constructed concept, which is why it can be "assigned."<sup>6</sup> Maggie Heartsilver seems committed to saying that humans are so thoroughly socialized that we have no way of referring to purely biological sex in the case of human beings, not even with ostensibly biological terms like "male" and "female."<sup>7</sup> Many trans\* allies resist the idea that there's any non-arbitrary way to draw a line between nature and nurture here, or that any aspect of one's gender identity lies outside of one's "first-person authority"; as Katharine Jenkins puts it, that "a person should be treated as the final and decisive authority on their own gender identity."<sup>8</sup>

If trans\* allies were concerned only with gender as this committee defined it, then they should have no issue with "gender reveal" parties—provided that everyone understands that these reveal unborn children's *biological sexes* (perhaps such events should be renamed)—or with having sports leagues in which only females may participate, or with female-specific bathrooms, changing rooms, or prisons. Yet they regularly denounce each of these things as manifestations of transphobia. Some trans\* ally philosophers explicitly collapse the sex–gender distinction in favor of gender, effectively abandoning sex as a significant category.<sup>9</sup> Berenstain faults Tuvel for even mentioning "biological sex" and "male genitalia."<sup>10</sup> Talia Mae Bettcher writes that "That testicles, penises, XY karyotype, and prostates count as male in the first place is precisely what trans subcultures are contesting."<sup>11</sup> She adds that, on her view,

...a trans woman can say that she is a woman in *all* legitimate contexts because the contexts in which she is not a woman occur in a dominant culture that has been rejected. ... She can argue that the very belief in contexts in which she counts as a man (for example, a context in which genital structure is relevant) rests on the assumption that penises *are* male and is therefore grounded in a vision that marginalizes trans women from the start.<sup>12</sup>

Bettcher doesn't want to concede that trans\* individuals are less than fully women, or men, or whatever they identify as, in *any* significant respect, including biologically, and it seems to be the prevailing view among academic trans\* allies that such concessions shouldn't be made. However, not all trans\* ally philosophers take such an expansive view of first-person authority. Sophie Grace Chappell writes that:

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to human health: Does sex matter?" (bold font removed). National Academies Press, p. 8 ( Retrieved May 24, 2022, from <http://www.nap.edu/catalog/10028.html>.

<sup>6</sup> See, e.g., Dembroff, Robin. (2018). "Real talk on the metaphysics of gender," *Philosophical Topics* 46(2): 21.

<sup>7</sup> Heartsilver, Maggie (pseudonym). (2021). "Deflating Byrne's 'Are women adult human females?'" *Journal of Controversial Ideas* 1(1): 9.

<sup>8</sup> Jenkins, Katharine. (2018). "Toward an account of gender identity," *Ergo* 5(27). Online.

<sup>9</sup> This radical view can be traced to Judith Butler's *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), and through later queer theory. Sociologist Michael Biggs writes that "In short, then, queer theory eradicates sex and enthrones gender" (2022, 4).

<sup>10</sup> Weinberg, *Daily Nous*, May 1, 2017 (italics removed).

<sup>11</sup> Bettcher, Talia Mae. (2013). "Trans identity and the weaning of 'Woman'," in Nicholas Power, Raja Halwani, and Alan Soble (eds.) *The Philosophy of Sex: Contemporary Readings*, 6th ed., p. 240.

<sup>12</sup> *Ibid.*, p. 243.

To be a trans woman, as I understand it and as I've experienced it, is to be born with a male body, and to have a deep and enduring wish to have a female body instead. It's not about gender at all; at least at the most basic level, it's entirely about biological sex. It's not about thinking that you have a Girly Essence or a Lady Brain, or that your mind (or soul?) is female but your body male, or that you were the Queen of Sheba in a previous incarnation, or some dodgy hippy metaphysics like that. You might think that *as well*, of course, but that's not the heart of the matter. At root it's very simply about wanting to be female; female-bodied. But not just wanting it *a bit*; wanting it in a way that is all-consuming, that goes to the roots of your psyche. And that drives you mad if you don't do something about it. <sup>13</sup>

So on Chappell's account, a trans\*woman is a male who yearns to be a female. This theory, though parsimonious, comes with a rhetorical disadvantage: it relinquishes the argument that we should fully accept trans\*women because they *truly are* women in all respects. However, if we follow Chappell, we might have good reason to continue speaking as if that were true. Perhaps the true theory of trans\* identity should remain esoteric: that trans\*women aren't adult human females, which is one of the meanings, if not the primary meaning of the word "woman," is a truth that should be uttered rarely and only in front of enlightened audiences.<sup>14</sup> The slogan "trans\*women are women" is good enough for the unenlightened.

Elsewhere, Chappell makes an extended analogy between transgender identity and adoptive parenthood.<sup>15</sup> Adoptive parents yearn to be the biological parents of their adopted children, according to Chappell. Since this is impossible, society allows them to fill the social role that biological parents usually play, which is the next best thing. Adoptive parenting therefore involves a kind of fiction that we have ethical reasons to go along with. It's discourteous to unnecessarily draw attention to the fact that someone is *merely* an adoptive parent, and extremely rude to deny that someone's adoptive parent is her *real* parent. In the same way, it's rude (if not worse) to deny that a trans\*woman is a woman, even though it's true that *she* isn't female.

Chappell's analysis is dubious. Adoptive parents don't typically modify their bodies to better resemble their children, for starters.<sup>16</sup> But it provides an object lesson in how easily defenses of trans\* acceptance can be converted into defenses of transracism. This analysis of trans\* identity suggests a parallel account of transracism: a transracist is a person of one race who yearns to be a different race. Indeed, if adoptive parents with children of different races desire to be their children's biological parents and they don't desire that their children be racially different, it would seem that they either desire that it be possible for, say, white parents to give birth to black children, or that they themselves be different races. Adoptive parents who have *that* desire would count as transracists on the present view.

The other important takeaway is that Chappell's account demonstrates that being a trans\* ally is in principle consistent with taking the sex–gender distinction seriously, and

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<sup>13</sup> Interview by Jean Kazez, August 14, 2020. "Sophie Grace Chappell talks sex and gender," *The Philosophers' Magazine*, Retrieved September 19, 2022 from <https://www.philosophersmag.com/interviews/219-sophie-grace-chappell-talks-sex-and-gender>.

<sup>14</sup> Byrne, Alex. (2021). "The gender muddle: Reply to Dembroff," *Journal of Controversial Ideas*, 1(1).

<sup>15</sup> Chappell, Sophie Grace. (2021). "Transgender and adoption: An analogy," *Think* 20(59): 25–30.

<sup>16</sup> See Lawford-Smith, Holly, "The adoption analogy revisited." Retrieved September 24, 2022 from <https://hollylawford-smith.org/the-adoption-analogy-revisited>.



with recognizing that first-person authority doesn't literally extend to sex (though maybe we should speak as though it does). This is apparently a minority position among trans\* allies, however. Since trans\* allies generally speak and act as if there were no daylight between these concepts—hence, to identify as a woman is to be one in *all* relevant respects—I'll speak of "sex/gender" together except when the context dictates otherwise.

## Defending Tuvel's Conditional Premise

Both transracialism *reductio* and Tuvel's argument (as I understand it) include the following conditional as a premise:

If we should fully accept trans\* self-identification, then we should fully accept transracial self-identification.

Tuvel argues that we can derive both trans\* and transracial acceptance from the rule that "Generally, we treat people wrongly when we block them from assuming the personal identity they wish to assume."<sup>17</sup> I'll call this *Tuvel's principle*, and we'll return to it later. Tuvel expects her opponents to accept the principle, so the burden is on them to explain why it supports trans\* acceptance but not transracial acceptance. Most of her essay is devoted to rebutting efforts to place wedges between the two identity categories: objections that could impugn transracial acceptance would, if they succeeded, imperil trans\* acceptance, she argues. Hence, if we should accept trans\* self-identification, then we should accept transracial self-identification. I think Tuvel refutes all of the objections to this reasoning that she considers, and even understates her case.<sup>18</sup> Let's revisit four objections that Tuvel responds to in her essay, plus four others for good measure.

### a. Dolezal Has no Experience of Racism

Dolezal, being white, hasn't experienced anti-black racism and, so the objection goes, this disqualifies her from being genuinely black. The implicit principle seems to be: in order to identify as a member of some group, you must have first-hand experience of whatever sort of bigotry members of that group usually face. Or at least your claim of membership is weakened if you lack that experience.

Tuvel notes that race transitioners could be subject to racism post-transition, as Dolezal claims to have been, and that parallel considerations would apply to male-to-female trans\* individuals who haven't experienced anti-female sexism prior to transition. It's also dubious that experiencing racism is essential to black identity. If that were true, then ending racism would entail abolishing black identity. But it's easy to imagine black racial and cultural identity persisting in a post-racist world (isn't it?). Finally, this objection doesn't rule out transitions to races that aren't usually discriminated against.

### b. Society's Understanding of the Concept "Race" Doesn't Allow for Interracial Transition

This objection is straightforward. Tuvel's response should spring to mind immediately: trans\* allies shouldn't be too eager to say that society's concept of race is fixed and

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<sup>17</sup> Tuvel (2017), p. 264.

<sup>18</sup> Christine Overall considered these issues earlier, to much less commotion, in (2004). "Transsexualism and 'transracialism,'" *Social Philosophy Today* 20: 183–93.

non-negotiable. After all, until recently, sex/gender identity was also considered fixed by biology. It might still be so considered by most people and societies; if it's not, then it certainly was until very recently. If sex/gender norms can be renegotiated to allow for transition and non-binary identities, then race norms should also be renegotiable.

### **c. A White Person Donning a Black Identity Is Tantamount to “Blackface” Makeup**

According to this criticism, whites donning black identity is redolent of “blackface” makeup of the sort used in minstrelsy, a now defunct form of American theater that frequently included white performers darkening their skin to caricature blacks on stage in insulting ways. Tuvel insists that there's a difference between donning black identity to mock blacks and sincerely adopting it as one's own identity. Dolezal “is completely different from someone who identifies as white but who pretends to be a black person precisely for the purpose of ridicule and reinforcement of racial stereotypes.”<sup>19</sup>

### **d. Dolezal's Transition Is an Expression of White Privilege**

It's easier for a white person to darken his or her skin than for a dark-skinned person to become lighter-toned. Moreover, Dolezal has the option of reverting to white if the going gets tough. People with more than trace African ancestry generally can't opt out. So Dolezal's transition manifests white privilege. But Tuvel observes that this objection should also apply to male-to-female trans\*women. Moreover,

it is difficult to see how *giving up* one's whiteness and becoming black is an exercise of white privilege. Rather, it seems like the ultimate renunciation of white privilege, if by white privilege we understand an unearned system of advantages conferred onto white bodies.<sup>20</sup>

I'll add that it shouldn't matter whether Dolezal's transition was a manifestation of white privilege. By way of illustration, we can imagine someone who, because of white privilege, has the opportunity to travel the world and explore many different religious options before converting to Zen Buddhism. Her religious identity deserves the same respect as anyone else's, regardless of whether privilege played some role in her conversion story. I see no reason for thinking the same wouldn't be true of Dolezal's racial identity.

### **e. Racial Dysphoria Isn't a Medical Condition**

Sex researcher Debra Soh writes:

Gender identity is an inherent part of who we are, since our experience of gender is dictated by biological influences exerted before we were born. Although race similarly has biological correlates ... the same can't be said for someone who is transracial, because our experience of race is not biologically determined. Liberals will, however, laugh at someone who is transracial, like Rachel Dolezal, when hypothetically speaking, one could expect transracialism to be more common than gender dysphoria because how we experience race is more subjective than how

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<sup>19</sup> Tuvel (2017), p. 240.

<sup>20</sup> Ibid.



we experience gender. Nevertheless, it bears repeating, gender dysphoria is a real condition, whereas transracialism is not.<sup>21</sup>

Although Soh doesn't mention Tuvel or the *Hypatia* affair, it's easy to see a potential challenge to the equivalency between transgender and transracial identity here: only the latter is based on a real medical condition, gender dysphoria.

However, what counts as a "medical condition" depends in part on what's socially acceptable. The medical establishment might come to recognize a racial counterpart to gender dysphoria if enough people came forward claiming to have it, and more people might do this if they thought their identities would be affirmed. More importantly, there's no reason that the legitimacy of transracialism should depend upon medical facts. As Soh writes: "Even if scientific research showed no brain correlates associated with gender identity, adults should be free to do what they want with their bodies."<sup>22</sup>

Moreover, some trans\* allies reject the idea that "gender dysphoria" underlies trans\* identity. Florence Ashley calls the "gender dysphoria model" of treatment "pathologizing." For Ashley, gender transition shouldn't be seen primarily as a way to alleviate dysphoria-induced suffering. It's also a vehicle for the trans\* people to pursue "gender euphoria" and "creative transformation," though the unenlightened culture compels them to say otherwise. Ashley admits to "sanitizing" her narrative to medical authorities, apparently in pursuit of these goals, though without divulging what had to be sanitized:

Gender dysphoria assessments misrepresent trans embodiment and devalue the experiences of those who wish to alter their bodies for reasons other than gender dysphoria. Those who want to take HRT [hormone replacement therapy] because of gender euphoria or creative transfiguration must lie about their fundamental experience of gender or be refused the gendered body they want—something cisgender people almost invariably get to have. I have myself had to sanitize my narratives of trans embodiment to access care, I have seen many others in my community report similar experiences, and instances of lying to meet clinical expectations have also been reported in the academic literature.<sup>23</sup>

Transracialists could say that they should be free to pursue "creative transformation" of a different sort, regardless of whether they have "race dysphoria."

## **f. Racial Transition Would Complicate Reparations**

Robin Dembroff and Lee Payton write that:

Being Black in the United States . . . isn't simply a matter of internal identification; it is also a matter of how your community and ancestors have been treated by other people, institutions, and governments. Given this, we think that race classification

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<sup>21</sup> Soh, Debra. (2020). *The End of Gender*. New York: Simon & Schuster, pp. 120–21.

<sup>22</sup> Ibid., p. 121.

<sup>23</sup> Ashley, Florence. (2019). "Gatekeeping hormone replacement therapy for transgender patients is dehumanizing," *Journal of Medical Ethics* 45(7): 48. In this passage, Ashley cites two sources: Spade, Dean, "Mutilating Gender" in Susan Stryker and Aren Z. Aizura (eds.) *The Transgender Studies Reader*, (Hoboken: Taylor and Francis, 2013), pp. 315–32; and Pimenoff, Veronica, and Pfäfflin Friedeman, "Transsexualism: treatment outcome of compliant and noncompliant patients," *International Journal of Transgenderism* 2011; 13(1): 37–44. doi:10.1080/15532739.2011.618399.

should (continue to) track—as accurately as possible—intergenerationally inherited inequalities. More directly, we need conceptual and linguistic tools for identifying those who are entitled to reparations for racial wrongs, where by “reparations” we mean institutional correction of intergenerational inequality.<sup>24</sup>

In short, they argue that the harms that accrue from race-based injustices accrue over generations, whereas harms that accrue from sex-based injustices don't. Recognizing racial transitions would confound our efforts at restorative justice, but since sexism operates differently, the same isn't true of sex/gender transition. Hence, we have good grounds for recognizing sex/gender transitions, but not race transitions.

The premise that the harms of sex/gender oppression don't accrue over generations seems questionable: a culture in which sexism is more deeply embedded seems worse. Granting that premise, we run into a bigger problem: black people who immigrate to the U.S. aren't entitled to reparations for wrongs that didn't affect them or their ancestors. We could treat people like Dolezal similarly: they could be allowed to racially transition with the understanding that this doesn't entitle them to reparations for crimes committed against other people's ancestors. Dolezal might have to opt out of affirmative action benefits that are supposed to be for restorative justice. On the other hand, if affirmative action exists to promote diversity, then maybe transracialists add racial diversity to a workplace just as religious converts add religious diversity. Thus, neither affirmative action nor potential race reparations pose insuperable problems for transracialism.

Furthermore, Dembroff and Payton's objection only applies to certain racial transitions. There shouldn't be any issue with a white person who wanted to identify as an Asian, or with an Asian identifying as white, in a country in which neither of these groups is owed reparations. This isn't only a hypothetical: white-born British singer, actor, and social media influencer Oli London identifies as both Korean and non-binary.<sup>25</sup> There should also be no issue with a black person becoming white. Whether or not that person would still be entitled to reparations for crimes committed against her ancestors on the basis of race is a bit trickier (I think the answer is yes), but we could decide that question any number of ways without rejecting racial transition altogether.<sup>26</sup>

## g. Appeals to Authority

Tuvel has also been criticized for failing to defer to supposedly relevant authorities: the authority of the trans\* community and the authority of academics who've written on gender issues before her.<sup>27</sup> Sometimes trans\* ally philosophers treat non-deference to these

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<sup>24</sup> Dembroff, Robin and Dee Payton. (November 18, 2020). “Why we shouldn't compare transracial to transgender identity,” *Boston Review*. Retrieved on September 29, 2022 from <https://bostonreview.net/race-philosophy-religion-gender-sexuality/robin-dembroff-dee-payton-why-we-shouldnt-compare>.

<sup>25</sup> Smith, Ryan. (January 29, 2022). “‘Transracial’ influencer Oli London says trolls turned him into a recluse,” *Newsweek*. Retrieved May 28, 2022 from <https://www.newsweek.com/transracial-influencer-oli-london-says-trolls-turned-him-recluse-1673969>.

<sup>26</sup> Tuvel makes some of the same points in “Changing identities: Are race and gender analogous?” Blog of the APA (American Philosophical Association), July 6, 2021. Retrieved September 24, 2022 from <https://blog.apaonline.org/2021/07/06/changing-identities-are-race-and-gender-analogous/>.

<sup>27</sup> E.g., Wyckoff, Jason. (May 3, 2017). “Reflections on the Hypatia affair,” Retrieved May 28, 2022 from <https://jasonwyckoffauthor.com/2017/05/03/reflections-on-the-hypatia-affair/>; Ásta (2017). “To do metaphysics as a feminist: Reflections on feminist methodology in light of the Hypatia affair,” *APA Newsletter on Feminism and Philosophy*, ed. Serena Parekh.

authorities as a moral failure as much as an epistemic one.<sup>28</sup> Objections of this sort don't identify problems with Tuvel's reasoning, but they do suggest Tuvel and her sympathetic readers aren't in a position to recognize what problems there might be.

This is unconvincing for several reasons. We should rarely defer to any group of people when it comes to thorny philosophical questions about human identity. The answers to such questions are rarely manifest in anyone's "lived experience." Moreover, the phenomenology of trans\* experience, and how trans\* people conceptualize that experience, varies widely (recall Chappell's view outlined above in the section "Sex and Gender"). Treating the trans\* community as a univocal authority sidelines minority views. Presumably, not every trans\* person who knows about Tuvel's paper feels oppressed by what she has written; and given the unpleasant atmosphere surrounding these issues, it wouldn't be surprising if people who felt differently didn't speak up. Finally, as Ashley conceded, sometimes trans\* individuals misrepresent their experiences for personal or political reasons; hence, we shouldn't uncritically accept what they say.

As for other academics, not all repudiate Tuvel or her position; many came to her defense during the *Hypatia* affair. Perhaps some groups within academia, experts on queer theory, say, or trans\* philosophy, unanimously reject Tuvel's reasoning. If so, we may question whether their judgments are authoritative. Imagine appealing to the authority of Shi'a Muslim clerics to support the claim that Ali was the legitimate successor to Muhammad. Of course, there's a consensus here, since Shi'a Muslims must accept this. But it's a consensus without epistemic value. Similarly, someone who rejects first-person authority over sex/gender, or even, like Tuvel, says things that might lead others to question it, won't be considered part of the relevant supposedly authoritative group in virtue of this fact. Academics who genuinely have good reasons for rejecting Tuvel's reasoning should explain what those reasons are, and not simply appeal to their own authority.

## h. Appeals to Consequences

Bullying, harassment and hate crimes against trans\* people are a problem. "Erasing" their identities by failing to acknowledge and affirm them exacerbates this problem. Transracialists don't face this problem to nearly the same extent. We must fully accept trans\* people, but not necessarily fully accept transracialists, because the consequences of non-acceptance are different.<sup>29</sup>

Of course, we need good evidence to prove that fully accepting trans\* self-identification is necessary for combating hate crimes and bullying. It's not evident why this should be the case. We can deny transracialists full acceptance and still oppose

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<sup>28</sup> For example, Bettcher writes:

What do we say of the philosopher ... who understands the effect of theories in our lives, and yet who continues to raise pristine questions about whether or not trans people are who we say we are? There's a willful blindness, a patent disregard, that surely should be subject to ethical scrutiny: Why are you *behaving* like that?; Bettcher, Talia Mae. (2019). "What is trans philosophy?". *Hypatia*, 34(4): 661

<sup>29</sup> I'm unaware of anyone who has made this objection to Tuvel, but trans\* allies emphasize the need to combat anti-trans\* bullying. For example, Bettcher (2019, p. 651) suggests that "trans philosophy" is partly a reaction to the occurrence of such violence. So it's easy to imagine that some trans\* ally transracialism skeptic might treat this as the wedge between these two forms of identification.

bullying and harassing them. Even if fully accepting transracialists were the only way to protect them, it could still be true that transracial identification is delusional, though it might be inappropriate to say—or even think—this. David Hume writes:

There is no method of reasoning more common, and yet none more blameable, than to try to refute a philosophical hypothesis by claiming that its consequences are dangerous to religion and morality. When an opinion leads to absurdities, it's certainly false; but it isn't certain that an opinion is false because its consequences are dangerous. That line of argument ought therefore to be avoided, because it doesn't contribute to the discovery of truth but merely makes one's antagonist personally odious.<sup>30</sup>

That goes double for arguments that give scant evidence that the supposedly dangerous philosophical positions are any more harmful than their negations.

This section doesn't exhaust the objections that could be made against Tuvel's conditional premise.<sup>31</sup> We can never rule out the possibility that a critic will find a point of dis-analogy that we haven't considered. Nevertheless, the most prominent objections that came to Tuvel's attention, and that were made later in response to her essay, are subject to convincing rebuttals. That should give us grounds for optimism about its truth.

## Trans-Species Identification

Let's now turn to the second *reductio ad absurdum*, “beyond transracialism,” which includes the premise:

If we should fully accept trans\* self-identification, then we should fully (or in large measure) accept otherkin and trans-ability self-identification.

To begin with “otherkin”: some members of the so-called “otherkin” community identify as partly or wholly non-human. Otherkin may identify as animals, or as mythical creatures such as elves. Some people see this as (mostly online) role playing, but others understand it literally, and a few take steps to transform their bodies to bring them in line with what they take to be their true identities. This community has been the subject of sympathetic popular media articles, as has the distinct, somewhat better known, “Furry Fandom.”<sup>32</sup> There's also a small body of scholarship that takes trans-species identity seriously. It can

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<sup>30</sup> Hume, David. (1748). *Enquiry Concerning Human Understanding*, Liberty and Necessity, part 2, 48. Edited and translated into contemporary English by Jonathan Bennett, 2017 (bullet points removed). Retrieved October 5, 2022 from <https://www.earlymoderntexts.com/assets/pdfs/hume1748.pdf>.

<sup>31</sup> See, e.g., the Winter 2018 *Philosophy Today* 62:(1) special symposium on Tuvel's article. Tuvel responds in “Racial Transitions and controversial positions: Reply to Taylor, Gordon, Sealey, Hom, and Botts” in *Philosophy Today*, 62(1): 73–88.

<sup>32</sup> Furies cultivate animal personas—“fursonas”—online and by wearing fursuits. A substantial minority of furies think of themselves as being not completely human. See Roberts, Amber. (July 17, 2015). “Otherkin are people, too; They just identify as nonhuman,” *Vox News*. Retrieved September 29, 2022 from <https://www.vice.com/en/article/mvxgwa/from-dragons-to-foxes-the-otherkin-community-believes-you-can-be-whatever-you-want-to-be>; Wall, Kim. (February 4, 2016). “It's not about sex, it's about identity: Why furies are unique among fan cultures,” *The Guardian*, Retrieved September 29, 2022 from [http://http://www.theguardian.com/fashion/2016/feb/04/furry-fandom-subculture-animal-costumes?CMP=tw\\_t\\_gu](http://http://www.theguardian.com/fashion/2016/feb/04/furry-fandom-subculture-animal-costumes?CMP=tw_t_gu); Patterson, Thom. (November 14, 2018). “Inside the misunderstood culture of furies,” *CNN.com*, Retrieved September 29, 2022 from <https://edition.cnn.com/2018/11/14/us/furies-culture/index.html>.

be difficult to determine just *how* seriously because the writing sometimes makes this hard to decipher. One academic essay on otherkinity says:

Otherkin are a heterogeneous subculture in which individuals consider themselves to be only partially—or something other than—human. The nonhuman element includes a variety of real and fictional species. Indeed one of the delights of Otherkin subjectivity is the destabilisation of the real–fiction binary their concept of self proposes. Sharp distinction cannot be drawn between the “real” and the “imaginary”. When considering Otherkin engagement with the “animal”, this is not purely a case of an imaginary relation. The type of subjectivity evoked elicits the Animal death of a pure proposition of human or animal. Otherkin’s “other” includes—but is by no means limited to animals—the type of Otherkin focused on herein and known as Therian—faery, machines, media characters, anime characters, vampires and mythological beasts. Otherkin identity can not only be comprised of two-part combinations, but can also be “multiple”, wherein subjectivity is understood to be comprised of numerous parts of different species; for example, rat, human, elf simultaneously. This is certainly no wholly human self. <sup>33</sup>

You might suspect that the writer is taking the subject’s perspective for effect, or for methodological reasons. But he continues to speak of otherkin identity as if it were veridical, and something that we should reshape our notions of “human” and “animal” to accept (e.g., “the prime concern herein is ... to consider the forms of subjectivity being proposed—a ‘subjectivity’ built on the demise of the ‘human’ and ‘animal’ as ontologically distinct categories—and the ethics which emerge.”<sup>34</sup>) Appendix C of David Proctor’s 2019 anthropology dissertation on otherkinity reproduces a brochure by an (apparently now defunct) organization called “Therianthropy Education and Therapeutic Alliance” (THETA), which promoted the idea that species dysphoria is real. The brochure says:

When we’re depressed or anxious, we might feel that we do a poor job of being human beings, and being excluded from society might make us feel “less than human.”

For some people, though, *it’s more than that*. There are a small, but significant number of people in the world who are fully aware that they have human bodies, but *they don’t identify with them*. They feel that they should have been born in some other body. Some people draw comparisons between transgender people, who feel that their bodies do not reflect their gender identity [sic]. In this case, *the issue is not with their gender, but with their species*. <sup>35</sup>

Throughout his dissertation, Proctor intermittently acknowledges that otherkin are “biologically” human. This, however, is mostly to underscore the point that otherkin don’t perceive their biological identities to be their *true* identities: “The central problem for the Otherkin is not that they identify as other-than-human, but that their bodies do not match

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<sup>33</sup> Johnson, Jay. (2013). “On having a furry soul: Transpecies identity and ontological indeterminacy in Otherkin subcultures,” in Jay Johnson and Fiona Probyn-Rapsey (eds.), *Animal Death*. Sydney University Press, ch. 7, 294–95.

<sup>34</sup> Ibid., p. 297.

<sup>35</sup> Proctor, Devin. (May 19, 2019). “On being non-human: Otherkin identification and virtual space,” Dissertation, The Faculty of The Columbian College of Arts and Sciences of The George Washington University, p. 408 (emphasis mine).



that identification.”<sup>36</sup> A few people who identify as otherkin modify their bodies to bring them into greater alignment with their supposed true identities, though most prefer to realize their “true” identities virtually. Proctor seems to think their interpretation of reality is as legitimate as any other:

During the course of my fieldwork, I was frequently asked about the project by other anthropologists at conferences and get-togethers and I often received one of two responses: “Fascinating, but they’re crazy, right?” or “Intriguing, and do you think they honestly believe this or is it some kind of escapism?” What is striking about these responses (especially from other anthropologists) is not only the *shocking lack of relativism* [emphasis mine], but that the questions would never have been asked if I had been doing fieldwork abroad, in some far-flung locale marked by concepts of “indigeneity” and “alterity.”<sup>37</sup>

Outside of this small pro-otherkin literature, the relationship between otherkinity and trans\* identity hasn’t received much discussion in academia, let alone academic philosophy, (although the Spring 2015 issue of *TSQ: Transgender Studies Quarterly* titled “Tranimalities” explores with seeming approval the idea that “the human/nonhuman distinction is inextricably tied to questions of gender and sexual difference.”<sup>38</sup>) The question about whether trans\* acceptance should lead us to accept, or at least take seriously, otherkin identity, however, continues to generate discussion online and in the media.<sup>39</sup> Why shouldn’t LGBTQ+ add an ‘O’ for otherkin? Many trans\* allies will find the association embarrassing, but they’ll find it hard to distance themselves from the otherkin movement for several reasons.

First, they generally reject biological “essentialism.” Some even doubt that “female” is a wholly biological term when it’s applied to humans.<sup>40</sup> It’s easy to see how an otherkin ally might say something similar about the word “human” given that it’s rich with social and moral connotations. Recall that on the traditional sex/gender distinction, gender is the social meaning of sex. To the best of my knowledge there’s no term in circulation (yet) that denotes the social meaning of *species*, though this concept is easily comprehensible. The door is therefore open for otherkin to say that they’re not denying biological facts, they simply wish to be treated socially as something other than human (whatever that means). They might say that they reject their “species assigned at birth.”

Otherkin can also mimic Chappell’s account of trans\* identity, just as we’ve seen that transracialists can. Recall that for Chappell, a trans\*woman is a male who deeply desires something that’s impossible: to be (and to always have been) a female. Likewise, Chappell says that adoptive parents desire to be their adopted children’s biological parents, which is impossible. What’s to stop us from seeing the impossible desires of otherkin, including those who identify as dragons and other mythical creatures, similarly?

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<sup>36</sup> Ibid., p. 4.

<sup>37</sup> Ibid., p. 15.

<sup>38</sup> Stryker, Susan and Paisley Currah. (2015). “General Editors Introduction,” *TSQ: Transgender Studies Quarterly* 2(2): 189.

<sup>39</sup> See the post “Transsexuals and Otherkin” at *Lesswrong.com* by lucidfox July 15, 2011, and the discussion in the comments section. Retrieved on September 29, 2022 from <https://www.lesswrong.com/posts/qByTewnDhgnF3wTem/transsexuals-and-otherkin>; and Graves-Brown, Eliza. (April 18, 2016). “What it means to be trans species,” *Vice*. Retrieved September 30, 2022 from <https://www.vice.com/en/article/yvwknv/what-does-it-mean-to-be-trans-species>.

<sup>40</sup> Heartsilver (2021).



If other impossible desires deserve our acknowledgement and accommodation, what reason is there for thinking that this reasoning can't extend to otherkin?

Finally, the academics and others who are sympathetic to otherkin identification see otherkinity as continuous with trans\* identities. They mimic the language of the trans\* rights movement to emphasize this. The Furry Fandom even has a counterpart to "transphobia": *fursecution*.<sup>41</sup> Here's Proctor again:

This dissertation has a third, slightly more political aim: to aid in the replacement of binaries with spectrums. We see this development at work in the disestablishing of the man:woman binary in feminist and gender studies, and among LGBT+ advocates and activists and an increasing number of young people who identify as nonbinary. ... I see this dissertation contributing to the spectral project in a dual capacity. First, the Otherkin subvert the human:non-human binary by not adhering completely to either identity. Second, I actively work to unseat the virtual:actual binary with the spectrum of virtuality, explained in full detail further below.<sup>42</sup>

To her credit, Tuvel is one of the few trans\* ally philosophers who recognizes and tries to address this problem: "Are we morally required, on my account, to accept the self-identification of otherkin as well, and recognize their entry into a desired animal category of identification?"<sup>43</sup> She continues:

I do not think so. Recall my earlier point that for a successful self-identification to receive uptake from members of one's society, at least two components are necessary. First, one has to self-identify as a member of the relevant category. Second, members of a society have to be willing to accept one's entry into the relevant identity category. At this stage, I think it is reasonable for a society to accept someone's decision to enter another identity category only if it is possible for that person to know what it's like to exist and be treated as a member of category X. Absent the possibility for access to what it's like to exist and be treated in society as a black person or as a man (or as an animal), there will be too little commonality to make the group designation meaningful.<sup>44</sup>

It's an interesting suggestion that avoids reintroducing biological essentialism, but just how difficult is it to acquire knowledge about what it's like to be different? Since Tuvel thinks that sex/gender and race transition are possible, she must think that it's possible for a pre-transition trans\* or transracial person to know *well enough* what it's like to be and be treated as someone of a different sex/gender or race, respectively, despite a lack of lived experience of the relevant kind. So the bar can't be too high. Perhaps it's low enough to leave open the possibility that some people with extraordinary empathy for and interest in animals might have such knowledge.

Temple Grandin, the writer and speaker who has advocated for better treatment of animals (as well as humans with autism), claims to have extraordinary insight into the way animals perceive the world. Grandin, who describes herself as "mildly" autistic, says that she thinks in images, without internal narration, which is closer to how animals such

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<sup>41</sup> "Fursecution," *WikiFur, the Furry Encyclopedia*. Retrieved May 29, 2022 from <https://en.wikifur.com/wiki/Fursecution>.

<sup>42</sup> Proctor (2019), pp. 7–8.

<sup>43</sup> Tuvel (2017), p. 272.

<sup>44</sup> Ibid.

as horses think.<sup>45</sup> There might not be very many people like Grandin, but otherkin are unlikely to be more than a small sliver of the population. It wouldn't be surprising if people like Grandin were overrepresented among them. Perhaps others who want to transition can acquire the requisite mental habits by training.

So I don't see how Tuvel can be sure that it's *impossible* for any humans to have enough knowledge of the lived experience of animals to identify as non-human animals themselves. I set aside the question of what sort of imaginative empathy might be required in order for someone to identify as some sort of a mythical creature, but I don't think that Tuvel can dismiss out of hand the possibility that we might owe at least partial acceptance to such people. Tuvel seems committed to saying that we should be open to the possibility that otherkin identities deserve our acceptance, and maybe no less than transracial and trans\* identities do. This looks like a *reductio ad absurdum* of her position.

## Trans-Ability

Some people identify as physically disabled although their bodies aren't impaired (or they don't meet the clinical criteria for whatever kind of mental disability that they claim to have, but I'll focus on physical disability here). We can fairly ask: if the solution to gender dysphoria is sometimes to undergo "gender affirmation" surgery to bring the body in line with the individual's self-conception, then why shouldn't we be open-minded about the possibility that "disability affirmation" surgery is precisely what these people require? Calling these people deluded seems question-begging. Elizabeth Barnes attempts to give a more satisfying reply:

People who are transabled believe very strongly that in some sense their body *ought* to be disabled. The most familiar presentation is when a person believes that one of their limbs is not a part of their body, but BIID[Bodily integrity identity disorder]/ transability can also manifest as a persistent desire for paraplegia or other specific disabilities. Transabled people are generally in other respects completely psychologically typical, but they will go to great lengths—often endangering their lives—to make their body match their self-conception of the way their body ought to be.

In the case of transability, a person self-identifies (very strongly) as disabled, and typically has done so since childhood or early adolescence. But that self-conception doesn't match up to what their body is like, and so they will make great efforts to get their body to conform to their self-conception. Perhaps controversially, I want to say that people who are transabled want to *become* disabled, and often successfully do so, but that before they undergo a body-altering procedure, they are not disabled. That is, I don't think that their self-identification as a disabled person is sufficient to make them disabled.

To press this point, it's worth noting that people who are transabled don't identify as disabled in the abstract. They identify as people with a *particular* disability—as amputees, as paraplegics, etc. And in general, we don't think people can be

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<sup>45</sup> Grandin, Temple, "Thinking the way animals do: Unique insights from a person with a singular understanding," (originally *Western Horseman*, November 1997, pp. 140–45). Retrieved September 28, 2022 from <https://www.grandin.com/references/thinking.animals.html>.

disabled in the abstract. You're disabled in virtue of having some disability or other. But it would require a fairly extreme amount of conceptual revision to say that, pre-transition, transabled people really are amputees, really are paraplegics, etc. And so I'm inclined to say that, pre-transition, they aren't disabled.<sup>46</sup>

The word "pre-transition" in this context might be more loaded, and constitute a greater concession to trans-ability, than Barnes realizes, since an analogy with gender transition implies that the transitioning person is in some deep sense been "disabled" all along. And that might suggest that there's a legitimate place for surgery to deliberately "transition" people to being disabled without any medical purpose being achieved. Barnes's point about concrete versus abstract identification is no help for the person trying to distinguish transability and other dubious identity categories from trans\* identity. After all, we identify with specific sexes/genders, races, species, etc.

As for conceptual revision: many people think it requires "a fairly extreme amount of conceptual revision" to say that a male who has undergone no surgery and who isn't even female-presenting can count as a "woman" without qualification in virtue of self-identification alone. So why do conceptual considerations justify exclusion in the one case and not the other? What determines how much conceptual revision is too much to tolerate other than linguistic intuitions that many others, and perhaps most people, don't share?

There's a general difficulty here. Trans\* allies need to be significantly revisionist about the concept of gender, especially in order to accommodate non-binary gender identities. Many take the attitude that if our ordinary terms and concepts exclude trans\* identities, then so much the worse for them: we should fix or "ameliorate" them.<sup>47</sup> On the other hand, they don't want others to be too revisionist about our concepts of race, species, or disability. Nor do they allow for such identity categories to count as non-binary gender identifications (which we could, if we're willing to expand our notion of "gender" a bit further). So they're semantic and conceptual revisionists when it comes to gender (e.g., a penis is no more "male" than "female"), while insisting on semantic/conceptual conservatism in other contexts so that they have a free hand in excluding whatever identities they find embarrassing to be associated with.

The stipulation that legitimate disabled identity requires recognition from others would also be no help. *Whose* recognition is needed? Suppose there's a community of people who identify as trans-abled. Would their recognition be enough? If not, then why not? It's question-begging to say: "Because they're not genuinely disabled!" It also seems possible for someone who identifies as disabled to convince the relevant community that they're disabled by fraud. A successful fraud is a fraud no less.

A somewhat better response is to appeal to practical considerations. Parking spaces reserved for the disabled are for those who really have trouble moving around. Allowing anyone to identify as "disabled" threatens to overwhelm these resources at the expense of those who need them. But note that this is similar to worries that gender critical feminists have raised about female-specific spaces, over which there also seems to be a conflict of

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<sup>46</sup> Barnes, Elizabeth. (2016). *The Minority Body: A Theory of Disability*. New York; Oxford: Oxford University Press, pp. 35–36.

<sup>47</sup> For an influential defense of "ameliorative inquiry" see Haslanger, Sally. (2012). *Resisting Reality*. New York: Oxford University Press. For a critique, see Bogardus, Tomas (2020). "Some internal problems with revisionary gender concepts," *Philosophia* 48(1): 55–75.

interest.<sup>48</sup> If those objections aren't fatal to trans\* inclusion, then it's not clear why these objections should be fatal. If limited resources prevent us from fully accepting trans-abled people, then we should at least do our best to accept them. Being trans-abled is very rare. It might remain so regardless of how accepting society is. Perhaps if our concern for the well-being of the disabled were what it should be, we'd have enough resources to accommodate everyone who identified as disabled.

So it appears that we also lack a principled basis for treating trans\* and trans-ability identities in radically different ways. Full acceptance of the former should commit us to partial acceptance—at least—of the latter.

### **Modus Ponens or Modus Tollens?**

So far, this essay has defended conditional claims: if we should accept fully accept trans\* self-identification, then we should fully accept transracial self-identification, and that if we must fully accept trans\* identity, then we must also do what we can to accept people who identify as otherkin and transabled—even if, regrettably, practical considerations prevent us from granting all of these people full acceptance in all contexts. Tuvel is skeptical of otherkin self-identification, and, I imagine, of trans-ability, too (though to the best of my knowledge she hasn't addressed this). Her task is to either explain why we should reject these extensions of her reasoning or to say: "Alright, you've convinced me—let's be *really* inclusive!" What should I say in response to this "bullet-biting" line?

I say that inclusivity shouldn't come at the expense of truth. And the truth is that being a woman, or a black person, or a disabled person, or a non-human, isn't a matter of self-identification. How do I know that? Here I have to appeal to intuition, both about the meanings of words and the things to which these words refer. This is unavoidable. We shouldn't go out of our way to puncture people's self-images or deeply held beliefs, but we also shouldn't affirm what isn't true, and we certainly shouldn't pressure others into affirming it. This isn't simply a matter of asserting the truth for truth's sake: often ignoring the truth has terrible consequences, as it has for those people who feel that ideologically motivated adults rushed them into "gender affirming" treatment as gender dysphoric youths, resulting in sterilization and other severely negative side-effects.<sup>49</sup>

This naive-sounding argument will meet a sophisticated-sounding reply. To borrow an example from Robin Dembroff, it might have been true that black people under Jim Crow weren't eligible voters, but it was *unjust* that this was true. Similarly, it might be true that trans\*women aren't "really" women, but that is only because we need a concept of "woman" that's less exclusionary. In Dembroff's terminology, both disenfranchised African-Americans and transwomen are *ontologically oppressed* because they're excluded from dominant social kinds.<sup>50</sup> (Note that we could just as well say that transracialists, otherkin and trans-abled people are "ontologically oppressed" in virtue of their exclusion from dominant conceptions of race, species, and disability, respectively.)

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<sup>48</sup> See Lawford-Smith, Holly. (2022). *Gender Critical Feminism*. New York; Oxford: Oxford University Press, chs. 5 and 6; Joyce, *Trans: When Ideology Meets Reality*, ch. 8; Stock, Kathleen. (2021). *Material Girls: Why Reality Matters for Feminism*. London: Fleet, ch. 3.

<sup>49</sup> See Cole, Chloe. (September 1, 2022). "My testimony against California SB107 in front of the Senate Judiciary Committee." Retrieved October 5, 2022 from <https://genspect.org/my-testimony-against-california-sb107-in-front-of-the-senate-judiciary-committee>.

<sup>50</sup> Dembroff (2018), p. 35.

The grain of truth here, which conservatives often fail to recognize, is that practical interests, and even moral beliefs, matter to how we carve the world into linguistic and social categories. Even if “male” and “female” refer to natural kinds—adult human males and females, respectively—we can still ask why it’s best to carve up the world along those lines for practical purposes. Our categorizations could be subject to ethical critique. It’s pretty clear how the social category “eligible voter” in the Jim Crow era needed to be reformed. Likewise, it’s easy to see how a society could go from seeing “parent” as a purely biological concept to one that’s purely or partly social (to be clear: what immediately follows is speculation to make a conceptual point, not etymology). As speakers come to recognize that what matters most, outside of medical contexts, is the activity of *parenting*, the word evolves so that the verb defines the noun: a parent is someone who parents, whether the child is biologically related or not. That could be a good development inasmuch as it facilitates cooperation.

It’s one thing to say that our sex/gender categorizations could be ethically critiqued along these lines in principle. It’s another to make that critique persuasively. That’s where trans\* allies have failed. In the “eligible voter” and “parent” cases, the social kinds remain relatively well-defined post-revision. They’re still useful *because there are objective criteria*. If there were no criteria for who counted as a “parent” beyond self-identification, then the word would be useless. That’s effectively what Dembroff wants to do with “gender.” Dembroff wants us to reject “the Real Gender assumption” that “someone should be classified as a man only if they ‘really are’ a man—that is, only if man is a recognized gender, and they meet its membership conditions.”<sup>51</sup> (Note the scare marks around “really are.”)

The problem according to Dembroff is that “man” is a social category with unjust membership conditions. Dembroff never tells us what just membership conditions would be, however, and it seems that Dembroff would consider any definition that constrains self-identification (or anything that would constrain self-identification in a way not to the liking of the trans\* community) as oppressive. But without content that could in principle exclude some self-identified men, it’s hard to see how the concept “man” is meaningful or useful—including to those trans\*men whose self-conceptions *as men* must be meaningful to themselves and each other. The impulse toward inclusivity, taken to this extreme, is thus self-defeating. Once “man” is defined so broadly, there’s nothing substantive left for anyone to identify as. The price of universal inclusivity is vacuity.

Note, too, how *anti-social* this is: to insist on a standard of unlimited self-identification for inclusion in some social category is to give each individual veto power over its content, and thereby to reject all negotiation as to the meaning and significance of the category. If nothing constrains my ability to identify as a man, or black, or human, or disabled, or what have you, then I have no reason to be concerned about the perceptions of anyone else, or even of *everyone* else. My sense of personal identity is the only thing I need to pay attention to when I decide what labels to apply to myself. Thus, not only does this ethical case for unlimited self-identification fail, the practice of adopting unlimited self-identification for some identity category is itself potentially subject to potent ethical critique.

Now we might think that if we can’t leave the definitions of “man” or “woman” (or “black” or “human,” etc.) open-ended, we can at least define them in whatever way is maximally inclusive. Recall Tuvel’s principle: “Generally, we treat people wrongly when

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<sup>51</sup> Ibid., p. 22.



we block them from assuming the personal identity they wish to assume.” The qualifier “generally” implies that there are limits to this, but Tuvel never explains what they are.

Tuvel’s principle is misleadingly stated as an expression of negative duties. In reality, “not blocking people” from assuming the identities they wish to assume requires active participation. Trans\* inclusivity requires female athletes to be willing to participate against male competitors (or leave the field), and for women generally to share formerly female-exclusive spaces with males (or else vacate those spaces). It requires people of all sexes to refer to some males by feminine pronouns and, occasionally, to use non-standard pronouns. Abiding by these language norms might seem like a trivial inconvenience, but they’re sometimes enforced with consequences that aren’t trivial.<sup>52</sup>

If Tuvel’s principle only refers to non-interference, then it goes little distance toward the claim that we owe trans\* people and others full acceptance (unless we’re supposed to understand “non-interference” in an unusually broad way). If we understand it to mean that we have positive duties to affirm others’ identities, then it has a gazillion counterexamples. The crank next door isn’t entitled to have anyone affirm his status as a brilliant musician regardless of how much his self-conception depends upon this belief. Religious believers aren’t entitled to have non-believers affirm their beliefs. This might invite the objection that these things aren’t “identities” of the relevant sort. But specifying “the relevant sort” without trivializing the principle isn’t easy.

Some might think that if Tuvel’s principle places burdens on some of us, at least it lessens the burden on non-conformists. I’m not so sure about this. Trans\* allies, and those on the political Left generally, tend to see repression as the great enemy of happiness. But things can go too far in the other direction. The wider the scope of self-identification, the greater the burden of self-definition placed upon the individual, and the more we have to decide when we decide: Who am I, really? The anxiety that comes with the freedom to consider such questions isn’t an unmitigated blessing.<sup>53</sup> The desire to minimize repression might inadvertently exacerbate anomie. I don’t know whether this is happening, or if so to what extent, but the question deserves to be explored.

## Conclusion

The idea that we must fully accept trans\* self-identification commits us to absurd consequences. Most of us recognize that there are limits to our first-person authority over our own identities. If what I’ve argued is correct, then we need to seriously consider that that the same might be true of sex/gender: whether one is a man or a woman is one of those things over which we lack first-person authority.

I didn’t write this essay with the intention of distressing anyone, and I hope no one will be distressed. I wrote it because the academic discourse about identity, and trans\* issues in particular, is impoverished. Dembroff writes that “the situation in philosophy is,

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<sup>52</sup> Robert Hoogland in British Columbia, Canada, sued to prevent their female-born child from transitioning to being a male (which his ex-wife supported). The court not only ruled against Hoogland, but ordered him to use the child’s preferred name and pronouns: “The lower court also ordered the father [to] use the child’s chosen pronouns, meaning that if the father used his child’s birth name, or referred to him as a girl, it would be viewed as family violence under the province’s Family Law Act.” See Cecco, Leyland. (September 6, 2019). “Court backs trans teen who feared being ‘stranded’ by father’s bid to stop transition,” *The Guardian*. Retrieved September 28, 2022 from <https://www.theguardian.com/world/2019/sep/06/trans-teenager-case-canada-father-halts-treatment>.

<sup>53</sup> See Fukuyama, Francis. (2018). *Identity: The Demand for Dignity and the Politics of Resentment*. New York: Farrar, Straus and Giroux, pp. 55–56.



to be blunt, a massive, complex, and thorny transgender trashfire.”<sup>54</sup> This is correct, but for different reasons than those Dembroff has in mind. The primary problem is that a vocal minority has labored successfully to make the topic radioactive. No one wants the Tuvel treatment. As a consequence, not enough attention has been paid to the limits of our identities. This essay is intended as an overdue correction. If it generates responses that help us think more clearly about sex/gender and other forms of identity, then it will have served its purpose.

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<sup>54</sup> Dembroff, Robin. (2020). “Cisgender commonsense and philosophy’s transgender trouble,” *TSQ: Transgender Studies Quarterly* 7(3): 400.