

Article

Is It Morally Wrong for Transwomen to Claim to Be Women?

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Abstract: Just as black people resisted Rachel Dolezal’s claim to be black, gender-critical feminists (and radical feminists before them) have resisted transwomen’s claims to be women. Their resistance has met with a very different reception: it is characterized as dehumanizing; hateful; transphobic; bigoted; even fascistic. There has been no serious consideration of the gender-critical feminist position—at least, by anyone who isn’t themselves part of the small group of gender-critical philosophers—in the philosophical literature. It is usually ignored. In this paper, I want to engage with one of the gender-critical feminists’ most serious *normative* claims. In their view, it is morally wrong for transwomen to claim to be women (more basically, it is morally wrong for *men* to claim to be women—but transwomen are the only men doing this). My question is, are they right? This is the first philosophy paper to address the normative claim—and thus one of the central tensions between so-called ‘trans-inclusive feminism’ and gender-critical feminism—head on.

Keywords: gender-critical feminism; transwomen; self-identification; meaning of *woman*; feminist politics; sex realism; gender-critical philosophy

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In 2015, Rachel Dolezal became a household name for identifying as a black woman—while white. She became ‘a global hate figure’ (McGreal, 2015). Just as black people resisted Dolezal’s claim to be black, gender-critical feminists (and radical feminists before them) have resisted transwomen’s claims to be women. Yet their resistance has met with a very different reception: *they* are the ones who have become hate figures. Gender-critical speech is characterized as dehumanizing; hateful; transphobic; bigoted; even fascistic. There has been no serious consideration, in the philosophical literature, of the gender-critical feminist position—at least, by anyone who isn’t themselves part of the

small group of gender-critical philosophers.¹ It is usually ignored; sometimes authors will deign to acknowledge that they are ignoring it deliberately for moral reasons.² In my reading, the gender-critical view is not merely that transwomen say something *false* when they claim to be women, but also that they *do something wrong* when they claim to be women. The question of this paper is, are the gender-critical feminists right?

1. Self-Identification in Political Context

With Black Lives Matter established in 2013, and a strong black power movement active since the mid 1960s, Dolezal made her claim into a context characterized by strong anti-racism norms. African Americans in the United States—and black people all around the world—pushed back against Dolezal’s claim to be black, and against the idea of racial self-identification more generally.

Objections put forward by black women, featured in the 2018 Netflix documentary *The Rachel Divide*, include: ‘She didn’t go through the struggle that we went through, and she don’t know, half of the things that we endure’; ‘I have struggled as a black female, and I don’t feel that you share the struggle of being a black female. ... Discrimination in stores, discrimination in school, discrimination among black people and how they feel about one colour versus another. Job discrimination. Racial profiling—being pulled over by the police. That is my experience’; ‘Race in this country is constructed based on a complex and interwoven set of factors. It’s not a hairstyle, it’s not an affinity for music’; ‘She can’t just appropriate persecution just because it’s “cool”!’

These objections point to differences between black and white women in what they experience, raise questions about what a white woman could be identifying *with* when she claims to be a black woman, and flag a social context in which to be an oppressor is undesirable or ‘uncool’ while to be oppressed is desirable or ‘cool’. Even someone who thought she could dispose of these objections would surely agree she’d need to show her working, rather than simply asserting that race is self-identified and declaring ‘no debate!’ on the whole matter. Few would say that asking ‘is it morally wrong for white women to claim to be black women?’ was morally beyond the pale, or dehumanizing of black-identifying white people. If these tactics sound familiar, that’s because they’re commonplace in the structurally similar (non-)debate over self-identification of sex/gender.³

The first clinically-recognized claims by men to be female/women were made in the early 1920s and early 1930s, well before the second-wave feminist movement took off and swept through countries including the United States, the United Kingdom,

¹ Readers interested in gender-critical and gender-critical feminist philosophers’ work more generally are encouraged to consult the philpapers.org entries for Kathleen Stock, Tomas Bogardus, Alex Byrne, Kate Phelan, Moti Gorin, Jon Pike, Holly Lawford-Smith, Mary Leng, Miroslav Imbrisevic, and James Dyer (and also Journal of Controversial Ideas, in which there are some pseudonymous contributions).

² A recent paper on gender identity states ‘Critics question the legitimacy or coherence of the concept of “gender identity”. They argue, for example, that gender is entirely external, that the only relevant features are biological or social in nature, and thus that gender identity is irrelevant or nonexistent. This approach is typically associated with transphobia’, then in an associated footnote the authors say ‘We have avoided citing other arguments here because we take them to be openly transphobic, and we resist giving them more uptake’ (Hernandez & Bell, 2025, p. 1314 & fn 1).

³ I’ll return to the sex/gender distinction, and what exactly is being self-identified, in more detail soon.

Canada, Australia, New Zealand, France, Germany, Spain, and others. The first two so-called 'sex-reassignment surgeries' both took place in Germany. In 1922, an orchiectomy—surgery to remove the testicles—was performed on Dora (previously Rudolph) Richter. In 1931, Richter underwent penectomy—surgery to remove the penis—and later the same year, vaginoplasty—surgery to construct a pseudo-vagina. Between 1930 and 1931, an orchiectomy, an ovarian transplant, a penectomy, a uterine transplant, and vaginoplasty were all performed on Lili Elbe (previously Einar Wegener). Both Richter and Elbe were under the care of the German sexologist Magnus Hirschfeld (Smith & Han, 2019; Bhinder & Upadhyaya, 2021).

In Germany at that time, women were not considered to be full human persons of equal standing to men. Since 1900, the German Civil Code had been in force, regulating marriage and the family and giving 'the final say in all matters of married and family life' to the husband. Women won the right to vote in 1918. In 1923, a year after Richter's first surgery, Germany promoted its first female to full professor. In 1933, two years after Richter's and Elbe's last surgeries, the Nazis came to power and revoked women's voting rights, prohibited women from entering scientific and technical careers, and launched a 'massive propaganda campaign for motherhood'. Men and women in Germany were not declared equal under the law until 1949, 18 years after Richter's and Elbe's last surgeries.⁴

I note this political context in order to emphasize that the male doctors offering so-called 'sex-reassignment surgery' to patients are unlikely to have considered the implications *for women* of constructing—both literally and figuratively—some men as women. These were novel ideas had, and novel desires created and realised, entirely between men.

How might things have gone if, at the time the first claim was made by a man, or suggested to a man by his clinician, that he *identifies as a woman, feels like a woman, really is a woman, that his authentic self is a woman* (or some other variation on that theme), there had been a feminist movement in place, of comparable strength to the anti-racism movement in place when Dolezal made her claim to be black? Might the counterparts of Richter or Elbe in this counterfactual history have suffered a similar fate to Dolezal?

2. Terminological Confusions

In attempting to ask whether it is morally wrong for transwomen to claim to be women, there is perpetual risk of being dragged into a merely verbal dispute. The risk is caused by recurrent conflation between gender and gender terms. Nearly everyone can agree that there are distinctions to be made between biological sex, gender in the second-wave feminists' sense, and gender identity in the trans activists' sense (distinctions may be made between further gender concepts besides—see discussion in Barnes, 2019). Katharine Jenkins, for example, proposes a disjunctive account of gender that incorporates both 'gender as class' (close enough to the second-wave feminists' sense) and 'gender as identity', and uses the term 'woman' to refer to it (Jenkins, 2016).

⁴ All of the facts in this paragraph come from the 'History of Equal Rights in Germany 1789–2007' timeline prepared by the University of Bielefeld. The original link ([link to the article](#)) is now broken, but there is a PDF available at [link to the article](#).

That is, gender is (a specific sort of) class and (a specific sort of) identity, and the gender term is ‘woman’. The problem is that the gender term generally remains fixed while the account of gender—and, crucially, whether it is distinct from sex—varies wildly between different authors. Everyone is using ‘man’ and ‘woman’ and meaning different things.⁵ Some people even use ‘female’ and ‘male’—traditionally the sex terms—as gender terms.⁶

That our target question is stated using ‘transwoman’ makes at least one part of it clearer: we are asking about the claims made by biological males who assert themselves to be women. What we don’t know, yet, is what that claim amounts to. I do not want to stipulate an answer. Those who are gender critical (and most other people besides—see [Jarvis, 2022](#)) use ‘woman’ to mean *adult human female*, but reasons differ between them. Some use it as a sex term and deny that there’s a sex/gender distinction; others use it as a gender term but have an account of gender on which ‘woman’ and ‘(adult human) female’ pick out the same, or nearly the same, group of people, meaning the terms can normally be used interchangeably.⁷ Those who are trans-inclusive aim to use ‘woman’ in a way that respects trans people’s self-identifications, so does not count as women females who do not identify as women, and does count as women males who do identify as women. The intended outcomes of their use of gender terms is clear: inclusion, affirmation, acceptance. What their account of gender is, or what they think is wrong with alternative accounts, is more mysterious.

How to proceed in assessing the moral status of transwomen’s claims to be women? One approach would be to consider all/any interests plausibly affected by transwomen’s claims to be women. That might include gay men’s interests when, as a result of men’s claims to be women being accepted, women’s claims to be men are also accepted, and adult human females claiming to be men start using gay men’s spaces like the sauna. Or, it might include children and adolescent girls’ interests when adult human males claiming to be women start using the women’s bathrooms and changing rooms.

Another, narrower, approach would be to focus on *women’s* interests, not least because if transwomen’s claims to be women are given uptake, that entails a revision to the common understanding of what a woman is, and in turn what the feminist project is and whom feminist politics are for. An advantage of this approach is that it stands to illuminate a conflict of interests that has been poorly understood, and in some cases actively denied. For just one example, a proposal put to the Australian Greens in 2022 ‘enumerate[d] a lengthy list of terms its authors considered indicators of transphobia, including... that “there is active debate in feminism” about the intersection of trans rights

⁵ For a recent discussion of whether the dispute between gender-critical and trans-inclusive theorists is merely verbal, denying that it is, see ([Zhou, 2025](#)).

⁶ Here’s Derek Anderson, for example: ‘On my view, the word “female” is a gendered term—it communicates a relationship with the gender of womanhood’ ([Anderson, 2021](#), p. 282, fn. 7).

⁷ A very small number of males—namely those with the differences of sexual development (DSDs) Complete Androgen Insensitivity Syndrome (CAIS), 5-alpha reductase deficiency (5-ARD), and severe Partial Androgen Insensitivity Syndrome (PAIS)—will have been socialized into femininity on the basis of assumed female sex at birth, and therefore will be in the extension of ‘woman’ but not ‘female’ for those gender-critical feminists who use ‘woman’ as a gender term. For further discussion of disagreement about gender between trans-inclusive and gender-critical feminists, see ([Lawford-Smith, 2023a](#), Ch. 2, and [Phelan, 2025](#)).

with the rights of cisgender women' (Seccombe, 2025).⁸ This conflict of interests deserves to be adjudicated fairly rather than by fiat in favour of transwomen on the basis of denying that there is any such conflict at all. I'll take the narrower approach in this paper. That means stronger conclusions might be justified once all remaining interests are taken into account.

Before we proceed, let me note that while Section 3 will dispense with conceptions of *woman* on which the transwoman's claim to be a woman could be true, the moral case is not intended to rest on the epistemic one. His claim is not wrong merely because it is false: kind lies are false but not necessarily wrong. The transwoman who claims to be a woman might be saying something false that is nonetheless morally neutral or morally good—that's what we're about to find out.

3. The Feminist Case Against Transwomen Claiming to Be Women

The feminist case against transwomen claiming to be women consists of four arguments. The first: it is inconsistent with a feminist understanding of what a woman is. The second: it involves conceptual and linguistic appropriation. The third: it offers an individual solution to a social problem and in doing so neutralizes 'critics and rebels'. And the fourth: it expresses disrespect to women and women's experiences under patriarchy. I'll have the most to say about the first of these arguments, because it is here that we must try to consider the various understandings of 'woman' that are in play when a transwoman asserts that he is a woman.

3.1. It Is Inconsistent with a Feminist Understanding of What a Woman Is

I'll take one desideratum for a feminist understanding of what a woman is to be that it identifies a constituency that is neither gerrymandered nor *ad hoc*, and makes it comprehensible why this group needs focused political advocacy (I'll leave open whether this is for largely historical reasons, or for contemporary reasons). Compare this with something like the idea of being a 'children's rights advocate'. *Children* picks out a clear constituency of everyone below the age of legal adulthood. Arguments at the margins about who is and isn't a child don't affect the obvious point that there are children. Once we know it's children whose rights we're interested in, we can start thinking about the specific vulnerabilities of children and which rights shortfalls they might relate to. And it can be that only a small number of children have their rights compromised, and yet it still makes sense to work for *children's* rights. So too for feminism and women's rights (or women's liberation).

A transwoman's mere *claim* to be a woman may not express very much about what a woman is, beyond that he clearly thinks being a woman is compatible with being male. He might have no particular theory of woman-ness, no particular beliefs about what he and women have in common (or if he doesn't think they have anything in common, what nonetheless makes it the case that they're all women). His claim has expressive content only *together with* other aspects of his presentation, comportment, behaviour, other sex/gender-related claims, and so on (I'll just say 'self-expression' as shorthand

⁸ 'Cisgender' is the term trans activists use for people who are not transgender.

from here on).⁹ When someone visibly male dresses in revealing female-typical clothing and claims to be a woman, he communicates to others a view of woman as sexual object; when he spends all his time performing helplessness/incompetence and claims to be a woman he communicates to others a view of woman as helpless/incompetent.¹⁰

(Another way to put this: he makes a claim to be a member of a *kind*, and the way he makes his claim to membership *reveals* his conception of the kind. There may be as many conceptions of *woman* as there are transwomen making a claim to be members of the kind 'woman'. And, importantly, the transwoman may communicate his conception of the kind to others even if he himself would repudiate it, were it to be presented to him explicitly.)

If the view of woman that he communicates is anti-feminist, or otherwise incompatible with feminist politics, then feminists have reason to reject it. Whatever he's doing is idiosyncratic to him, and nothing to do with women. Feminists will be saying, effectively, *no you are not a woman, because that is not what 'woman' means*. This way of putting things might bring conceptual engineering (or 'amelioration') projects to mind, but if so, that needs qualification. My question is not, which understanding of 'woman' is best from the universal and impartial perspective of social justice?—but something both more limited and more partisan, like, of the conceptions of gender on offer, which one best serves feminist interests? Of course there is some circularity here, because we're trying to assess the way in which a concept that invokes a constituency serves the interests of that very constituency—and different concepts invoke different constituencies.

This is where the desideratum becomes very important: the constituency must not be *ad hoc* or gerrymandered, and must make sense of why that group needs a focused politics. That desideratum makes *female* as a constituency magnetic—because so much of the injustice feminists have been interested in has been *on the basis of sex* (to borrow Ruth Bader Ginsburg's famous phrase). It is not impossible to improve on that constituency, but it offers a useful baseline for measuring what counts as improvement and what counts as loss. If no improvement is found, then this will be a project in *conceptual restoration*,¹¹ not conceptual engineering: reminding people of a useful concept that we once had, and still need.

Considering the self-expression (in the sense just introduced) of some of the transwomen who claim, or have claimed historically, to be women can allow us to generate some candidate views about what a woman is:

⁹ This means there is nothing in this section that speaks to 'stealth' transwomen, who, because they are not detectable as male, do not by the combination of their claim to be women together with their self-expression suggest any particular understanding of woman. This may seem to have the perverse implication that if an adult human male is going to claim to be a woman, he'd better be undetectable as male (that is, he'd better pass as female), rather than that adult human males ought to stop claiming to be women. If the only morally relevant considerations were the feminist ones mentioned here, that might be right. But other moral considerations speak against this, not least that there are good reasons to be cautious about the childhood medical transition—puberty-blockers and cross-sex hormones—that gives boys the best chance of passing as female later on (see, e.g., Barnes, 2023; Cass, 2024).

¹⁰ Here's transwoman Jan Morris in his book *Conundrum*: 'The more I was treated as a woman, the more woman I became. I adapted willy-nilly. If I was assumed to be incompetent at reversing cars, or opening bottles, oddly incompetent I found myself becoming...' (Morris, 1974, p. 149).

¹¹ See also discussion in (Lawford-Smith & Tuckwell, forthcoming).

- a) Some transwomen have claimed to have ‘female brains’ trapped in ‘male bodies’. A woman is a person with a ‘female brain’.
- b) Some transwomen take so-called ‘cross-sex hormones’,¹² and (so) present with some female-typical secondary sex characteristics. A woman is a person with a high-estrogen hormone profile; a woman is a person with female-typical secondary sex characteristics.
- c) Some transwomen adopt a physical appearance that is gender-conforming-female-typical (i.e. feminine) and gender-conforming-male-atypical.¹³ A woman is a person who appears sufficiently feminine.
- d) Some transwomen have so-called ‘sex-reassignment surgery’. A woman is a person with a vagina or pseudo-vagina;¹⁴ a woman is a person with whom a man can have sexual intercourse.¹⁵
- e) Some transwomen would appear to have nothing in common with women beyond the assertion that they are women. A woman is anyone who asserts herself to be a woman (and is nothing more than that).

In the rest of this section, I’ll say a bit more about each of these claims, a) through e), and argue, for each version of the claim, that it should be rejected on feminist grounds. I’ll draw on arguments from the second wave of feminism, given that the third-wave feminists’ pivot from gender abolitionism to gender inclusivity had the effect of suppressing criticism of gender conceived as identity.

- a) Some transwomen have claimed to have ‘female brains’ trapped in ‘male bodies’. A woman is a person with a ‘female brain’.

This understanding of ‘woman’ trades on the idea that there are male and female brains, distinct from male and female bodies (and not in the trivial sense that follows from their being located in male or female bodies). As second-wave radical feminist Janice Raymond put it, ‘A female mind in a male body only makes sense as a concept in a society that accepts the reality of both’ (Raymond, 1979/1994; quoted in Steinem, 1983, p. 227). Daphna Joel and colleagues have shown that there are *not* male and female brains, understood as two distinct types of brain. Rather, there are individual mosaics of traits in each brain (whether we’re talking about brain structure or brain function), some of which are more common in males and some of which are more common in females, but with a very high degree of overlap between males and females for any given trait (see, e.g., Joel & Vikhanski, 2019). If there aren’t female brains, then female brains can’t be the marker of who is a woman.

¹² For criticism of the labelling of estrogen and testosterone as the sex hormones, see (Jordan-Young, 2010).

¹³ This is one way of understanding the claim that being a feminine boy is a marker of transness (on which, see discussion in Bailey, 2003).

¹⁴ Trans activists have mostly moved away from this claim now—according to a 2015 survey only 12% of transwomen had received vaginoplasty or labiaplasty (James et al., 2016)—but transition was linked with the idea of genital surgery for many decades.

¹⁵ This view relates to transwoman Andrea Long Chu’s notorious claim that sissy porn made him trans (Chu, 2019), as well as some things transwomen-inclusive radical feminist Catharine MacKinnon has said recently about why she thinks transwomen are women (MacKinnon, 2023). For commentary on MacKinnon’s view, see also (Norma, 2023) and (Morita, 2023).

It is not merely because this claim about male and female brains is *false* that we should reject it. It is that in making it, the transwoman (and his allies, on his behalf) contributes to the belief that there are male and female brains, and this is bad for women's equality. Because trans people make a claim to being oppressed, progressives are likely to try to accommodate their political demands. Precisely because they are likely to get uptake, it is particularly dangerous for trans people to make demands that set back other groups' interests—here women's interests.

A weaker version of the idea that a woman is a person with a 'female brain' runs into a different problem. Replace the idea of a 'female brain' with the idea of a brain that has a higher proportion of the traits that are more common in female people. That is at least coherent: call the people with majority female-typical trait brains 'women', and the people with majority male-typical trait brains 'men'. On this way of thinking about things, there will be many males who are 'women' and many females who are 'men'. The problem arises with the second part of our original desideratum: 'makes it comprehensible why this group needs focused political advocacy'. What is it that the majority female-typical brain trait group has in common, either historically or in the present, that makes it the case that they need focused political advocacy? Was the majority female-typical brain trait group denied the right to vote, or forced to quit their jobs upon marriage, in virtue of their membership in that group? No. Is the majority female-typical brain trait group routinely depicted in pornography as an object for sexual use? No. (Etc.)

- b) Some transwomen take so-called 'cross-sex hormones', and (so) present with some female-typical secondary sex characteristics. A woman is a person with a high-estrogen hormone profile; a woman is a person with female-typical secondary sex characteristics.

These (related) understandings of what a woman is also buy into the idea that there are two types of persons. Rather than there being two types of brains, though, the first idea is that there are two types of hormone profile, high-estrogen and high-testosterone, and it's these profiles that determine who is a woman and who is a man. A man can achieve female-typical hormone levels by taking so-called 'cross-sex hormones' (what is usually referred to as medical transition).

As Gloria Steinem wrote in an essay titled 'Transsexualism' (quietly excised from the latest edition of her book *Outrageous Acts and Everyday Rebellions*), 'transsexuals are paying an extreme tribute to the power of sex roles. ... anything to win from this biased society—where minor differences of hormones and genitals are supposed to dictate total lives and personalities—the right to be who they individually are as human beings' (Steinem, 1983, p. 227). Understanding woman as a hormone level reifies the idea of the so-called sex hormones as the naturalized basis for categorical 'lives and personalities' sex differences. Feminists are working *against* the idea that there is any such categorical difference and any such naturalized basis, so they must reject the understanding of 'woman' as a person with a high-estrogen hormone level.

As with female-typical hormone levels, some female-typical secondary sex characteristics can be obtained by males through the taking of cross-sex hormones. Taking estrogen can lead to the growth of breasts, a change in the distribution of body fat, and a thinning of body hair. Because this conception of 'woman' is purely physical, the previous worry about reifying categorical claims about psychological and behavioural sex differences disappears. But this understanding of 'woman' runs into the same problem

as the weaker version of a) discussed above. It is difficult to see what the group of people with a high-estrogen hormone profile, or the group of people with female-typical secondary sex characteristics, have in common, such that they need focused political advocacy. Perhaps there are some very specific things: people with large breasts may have in common an increased risk of sexualised street harassment. But this may justify only action against street harassment, or imply that feminist action against street harassment will have beneficial effects *for* males with large breasts, rather than that they are part of the constituency that feminist political action more generally is for.

The extent to which feminists have reason to object to the understanding of 'woman' in terms of hormone profile or secondary sex characteristics depends on whether it is a minimalist claim about physical difference, or something more. Misogynistic men may see women as largely interchangeable 'things' that have these parts—breasts, or a satisfactory waist-to-hip ratio. Feminists work for the understanding that women are full human beings, not just these sexualized body parts. It is not in feminists' interests to accept an understanding of what a woman is that depends on sexualised body parts. That's going to rule out specific secondary sex characteristics like breasts, at least for now.

But what if the physical differences are not sexualised? It may be in feminists' interests to accept an understanding of what a woman is that relies on physical difference where that difference has biological or political implications (e.g. for equality of opportunity). If it's biological implications that are relevant, however, then it will matter whether the high-estrogen hormone profile, or the female-typical secondary sex characteristics, are natural or synthetic (constructed through surgical and medical interventions). If high-estrogen hormone profile is relevant because of a need to manage the effects of menopause, that does not extend to males who have achieved a high-estrogen hormone profile by taking estrogen; if breasts are a marker (albeit imperfect) of femaleness, and femaleness is relevant because it eliminates risk of impregnation (e.g. in a women's prison), that does not extend to males who have grown breasts by taking estrogen.

As a final consideration against this idea of what a woman is, there will be adult human females who, for various reasons, don't have a high-estrogen hormone profile, or who lack specific female-typical secondary sex characteristics. It is more intuitive to say, for example, that an adult human female who had breast cancer and underwent a double mastectomy is still a woman even though she doesn't have breasts, than it is to say that an adult human male is a woman because he took estrogen and grew breasts.

- c) Some transwomen adopt a physical appearance that is gender-conforming-female-typical ('feminine') and gender-conforming-male-atypical. A woman is a person who appears sufficiently feminine.

Setting aside the issue of precisely where to set the threshold for counting as *sufficiently* feminine, here we have the idea that there are two general types of persons, feminine and masculine, and the feminine persons are the 'women', the masculine persons the 'men'. If we divide the world by reproductive biology then we have two categories, male and female, but if we divide the world by gender expression (or something like it) then we have two *different* categories, feminine and masculine, either of which both sexes can belong to. On the former division there are lots of non-feminine women; on the latter division, there are none.

Again we can ask whether this is an understanding of ‘woman’ that feminists should be willing to accept. What is a *feminist* understanding of the relation between femininity and being a woman? Feminists since Simone de Beauvoir have worked to reveal femininity as socialized, and to decouple femininity from femaleness. Fiction writer Joanna Russ in her novel *The Female Man* describes that socialization in colourful terms:

‘There is the vanity training, the obedience training, the self-effacement training, the deference training, the dependency training, the passivity training, the rivalry training, the stupidity training, the placation training. How am I to put this together with my human life, my intellectual life, my solitude, my transcendence, my brains, and my fearful, fearful, ambition?’ (Russ, 1975/2010, pp. 146–147).¹⁶

Second-wave radical feminist Mary Daly argued that the idea of transwomen as ‘naturally’ feminine men reinforces the idea of a natural femininity, which distracts from the fact that femininity is a male construction imposed on female people. She wrote: ‘Male propagation of the idea that men, too, are feminine—particularly through feminine behaviour by males—distracts attention from the fact that femininity is a man-made construct, having essentially nothing to do with femaleness’ (Daly, 1978, p. 68).¹⁷ Germaine Greer memorably said that femininity is ‘the fake version of femaleness. Female is real and it’s sex, and femininity is unreal and it’s gender. It’s a role you play’ (Channel 4 News, 2018).

Of these two understandings of what a woman is, one being ‘a female person no matter what she is like’ and the other being ‘a feminine person no matter what sex they are’, the former is more liberating. It tells every female person that there’s no way she *should* be just because she is female. She can wear any clothes and have any hairstyle and do any job and have any sort of character and she is still a woman. The latter tells a man that if he is feminine he must be a woman, and tells a woman that if she is masculine she must *not* be a woman. But what is the point of that? Is there some pressing reason to recategorize the world into masculine and feminine persons regardless of sex? To return to our desideratum, does at least one of these groups need focused political advocacy? Any instinct to say ‘yes’ is likely quashed by asking whether sex matters in these new groups. If feminine males face a different (mis-)treatment to feminine females, and masculine females face a different (mis-)treatment to masculine males, then ‘masculine’ and ‘feminine’ are not the most relevant political groups in the vicinity of sex/gender.

- d) Some transwomen have so-called ‘sex-reassignment surgery’. A woman is a person with a vagina (or pseudo-vagina); a woman is a person with whom a man can have sexual intercourse.

The understanding of ‘woman’ as a ‘thing to fuck’ has some currency in popular culture. For example, in season 2 of *And Just Like That* (the revival of *Sex and the City*),

¹⁶ Russ has a second-wave understanding of gender (socialisation on the basis of sex) but uses ‘woman’ in a somewhat idiosyncratic way to mean something like female-socialized-feminine. This is the same usage as in Beauvoir, where a female socialized feminine becomes a woman. See also discussion below, especially fn. 18.

¹⁷ Daly’s view seems to me more plausible if ‘femininity’ refers to artificial constraints like contained body movement, vanity, passivity, coquettishness, etc. than to personality traits like warmth, social intelligence, and empathy. The latter surely are natural traits, where the work done by socialisation is to repress them in men and encourage them in women.

a gay male character objects to being penetrated by his lover on the grounds that he's 'not the woman'. This approximates thinking about woman as a very specific social role, dividing people into 'the one who fucks' (man) and 'the one who is fucked' (woman). On this understanding, sexual roles in men's prisons can be taken to distinguish 'men' from 'women'; transwomen sex workers may be considered 'women'.

In discussing the medical approach to trans-identifying males, Greer wrote 'A man who believes that he is a woman trapped in the wrong body becomes a case for gender reassignment when, after living as a woman for 24 hours a day during a certain period of time, his testicles are removed, and his penis flayed, and the skin used to line a surgically constructed cleft that will serve as a vagina. He is then deemed to have changed sex. Though he has neither womb nor ovaries, though he will never menstruate or have anything resembling a menstrual cycle, or a menopause, though he need fear neither cancer of the cervix, nor of the uterus, nor of the ovary, though he will never bear a child or practice contraception, he is a woman and will be treated as a woman—for everything but sport. Which just goes to show what's really important in our culture' (Greer, 1998, p. 124). Some prominent transwomen have been explicit about their desire for sexual subordination—Andrea Long Chu is one example (Chu, 2019; see fn. 15). There is also testimony from 'autogynephiles', men sexually attracted to themselves as women (where a central preoccupation is becoming 'the one who is fucked') collected in Janice Raymond's *The Transsexual Empire*, Michael Bailey's *The Man Who Would Be Queen*, and Anne Lawrence's *Men Trapped in Men's Bodies* (Raymond, 1979/1994; Bailey, 2003; Lawrence, 2013).

Should feminists support this understanding of what a woman is? There's a tension here, because when feminists describe negative stereotypes of women they do so in order to decouple those stereotypes from women and to resist them. Feminists do not believe that a woman really is a 'thing to fuck'; they believe that *some people believe that a woman is a 'thing to fuck'*, and they want to dispel that belief and introduce an understanding of women as full human persons. It's hard to see why they should care that this negative stereotype, which has been so damaging to women, has excluded some adult human males, or why they should make it part of their politics to extend this negative stereotype to some adult human males who want it. The fact that Andrea Long Chu desires sexual subordination does not give women a reason to remain sexually subordinated, so that he can access sexual subordination *by* identifying himself with women.

Perhaps a case can be made that the world should be divided up in terms of sexual roles; perhaps this is useful in coordinating sexual practice. Gay men do this with the concepts of 'top' and 'bottom', for example. But even if that's right, it doesn't justify tying those roles to the concepts 'man' and 'woman'. It is more liberating to say that any person can take any sexual role than to say that anyone who takes a subordinate sexual role is a woman and anyone who takes a dominant sexual role is a man.

Let me say something more general about understandings of 'woman' like this one, which are closely tied to women's subordination.¹⁸ I think what we should say about these

¹⁸ Another example is the understanding of woman as 'helpmate of man'. Second-wave radical feminist Marilyn Frye described women as a category of oppressed people, paired up with men to provide them personal service, sexual service, and ego/emotional service (think of the average 1950s-America wife) (Frye, 1983, pp. 9–10). If we say that woman is the helpmate of a man, then 'woman' is (like in d))

understandings comes down to whether we are happy to be ‘woman-abolitionists’. I am not. I think ‘woman’ is the name of *she who has been stereotyped, socialized, etc.*, and not the name of the successfully stereotyped, socialized, etc. person.¹⁹ I think when we talk about *women’s liberation* we imagine liberated women, rather than no women at all.²⁰

Thinking about gender as a type of social class, following the Marxist tradition, has led some people to think of *woman* in the same way they might think about a category like *slave* (see, e.g., Haslanger, 2000). Of course we are slave abolitionists. So if ‘woman’ is just the name of all the bad stuff that has been done to human females, or all the bad ways that human females have been made to be, then we *should be* woman abolitionists. Only if we reject woman-abolitionism, and retain ‘woman’ as the word for *she who has been stereotyped, socialized, etc.*, can we reject these understandings of ‘woman’ as *feminist*. If we accept woman-abolitionism, then calling someone a woman is just to make a descriptive claim about who is a member of that class, and on some ways of describing the class, there may well be some biological males in it (Catharine MacKinnon has recently expressed a view like this).²¹ I think we should reject woman-abolitionism and so we should reject understandings like d) as *feminist*, but I concede that there is a reasonable disagreement here.

Still: if a transwoman’s claim to be a woman is a claim to be a member of a subordinated class, it had better be true that he is a member of that class, and he had better be lamenting his membership. Suppose ‘woman’ names a person that a man can have sexual intercourse with. Then any transwoman claiming to be a woman had better be a person socialised into being ‘the one who is fucked’, or pushed into being ‘the one who is fucked’ for contextual reasons (imprisonment; sex work). But this doesn’t seem like the right description of what is generally going on, even if it captures the situation of some transwomen. A transwoman might desire sexual subordination and transition because it is the condition of women, not men. But that indicates that he is not, after all, a member of the class, but rather someone outside the class wanting in.

Furthermore, when transwomen say they’re women, this is not usually delivered as a lamentation. Compare someone who is not a Jew but is often assumed to be, declaring that they are a Jew on the grounds they are routinely subject to antisemitism. They would not be celebrating this fact, they would be lamenting antisemitism and seeking an end to both their and Jews’ social mistreatment. Trans identifications, in contrast, are usually celebrated as a finding of one’s authentic self, and generally affirmed. This is not remotely the tone of ‘alas, I too am a slave’.

- e) Some transwomen have nothing in common with women beyond the assertion that they are women. A woman is anyone who asserts themselves to be a woman (and is nothing more than that).

a social role, and some males can occupy that social role. It would be like saying the woman is the stay-at-home-parent and so calling all stay-at-home dads ‘women’.

¹⁹ Kathleen Stock argued persuasively for this point in an early draft paper—no longer available—titled ‘Not the social kind: mistakes in the philosophical history of womanhood’ (draft as at 23rd February 2020). A heavily revised version of the paper is now published as ‘Is Womanhood a Social Fact?’ (Stock, 2024).

²⁰ I’m grateful to Alex Byrne for discussion on this point.

²¹ See the references in fn. 15.

Finally, a popular view of what a woman is, at least among progressives, is that a woman is anyone who claims to be a woman. This is known as the 'self-identification' view. It is attractive because it is inclusive: it counts almost everyone as a woman who wants to be counted as a woman; and doesn't count anyone as a woman who doesn't want to be counted as a woman. It produces the verdict that transwomen are women. But it comes at a high price, namely creating a gerrymandered social category made up of people who have nothing in common beyond what they are willing to assert (additionally complicated by the fact that it is unclear what their assertions *mean*) (see also criticism in [Bogardus, 2022](#)). This view thus violates the desideratum that we started with for a feminist understanding of what a woman is.

Feminists have an interest in a constituency that has something in common, in order for there to be a political project worth pursuing. That does not mean that every woman must have experienced the same treatment, but it does mean we need to be able to pick out *whose treatment* we are interested in, and offer articulations of that treatment. One clear and consistent way to do this is to take the constituency of feminism to be female people. This is a group of people who have something in common, namely their sex. Feminists can talk about how this group has been treated throughout history, and why, and fight for better treatment through political activities. (Compare the earlier description of a 'children's rights advocate'). What could be the justification of a politics for the group of anyone who identifies as a woman?

Another objection to the self-identification conception of 'woman' is that as implemented in law and policy in multiple countries it is eroding the important distinction between sex and gender identity. A man who identifies as a woman is not female, but in some countries that distinction is impossible, or very difficult, to draw. In multiple states of Australia, for example, any man with a 'woman' gender identity is taken to be legally entitled to the protections of the opposite sex.²² This is a problem in practice rather than in principle: the relevant state's Equal Opportunity and Human Rights Commission *could* maintain a distinction between sex and gender identity, and indeed, Victoria's has affirmed in writing that there is no hierarchy of protected attributes (*p.c.*). But in practice, they take the comparator class for a transwoman to be females rather than other males, with the upshot that a transwoman appears to be discriminated against if he is treated any differently from 'other women'. The assumption seems to be that he is *unfairly* discriminated against for being trans, rather than *fairly* discriminated against for being male.

Whether this is good, bad, or neutral for women has been hotly contested, but it raises questions about conflicts of interest for a range of previously sex-separated spaces. The most serious questions arise for prisons, sports, hospital wards, lesbian dating, and support groups, e.g., domestic violence, trauma, and addiction recovery groups ([Stock, 2021](#); [Joyce, 2021](#)). If it is not in women's interests to have adult human males in women-only spaces, then there is not a feminist reason to accept transwomen's claims to *be* women.

So much for the first argument, that transwomen's claims to be women are incompatible with a feminist understanding of what a woman is. The most plausible

²² He can also change his legal sex by statutory declaration, which is an alternative form of self-identification that makes him legally female.

understanding of what a woman is, compatible with feminist politics—at least, assuming we reject woman abolitionism—is the claim that a woman is an adult human female. She, the adult human female, can be *any which way she likes*, and she'll still be a woman. Transwomen's claims to be women are both false (he is not an adult human female, so he is not a woman) (Byrne, 2020), and objectionable on feminist grounds, indicating a view of 'woman' that women have good reason to reject.

3.2. It Involves Conceptual and Linguistic Appropriation

The second argument is that transwomen's claims to be women (and trans allies' claims that transwomen *are women*) involve conceptual and linguistic appropriation.²³ The sex/gender distinction was one of the most important conceptual innovations of the second wave of feminism.²⁴ It allowed feminists to separate woman as she really was or could be from woman as she had been made to be under patriarchy. Theorizing gender meant theorizing the social construction of femininity, and the ways in which it has shaped women in men's interests (see, e.g., Rubin, 1975). Rejecting gender meant rejecting and trying to dismantle this social construction—hence some second-wavers calling themselves 'gender abolitionists', or 'gender eliminationists'.

When trans activists come along and collapse the distinction between gender and gender identity, insisting that gender *is* gender identity, they turn a crucial political concept that has been used to advance women's liberation into something very different. They undercut abolitionism by remaking the thing that has oppressed women into a thing that is indispensable to the self-conception of another minority. This is confusing for progressives: should they be *against* gender because it is bad for women; or *for* gender because it is important to trans people? This false dichotomy forces people to choose, and because some progress has been made on feminism, and trans people are a smaller and more novel group, trans people are likely to do well out of that forced choice. The remaking of gender as identity is against women's interests and so something feminists have reason to reject. (Which makes it all the more surprising that so many have instead generally accepted and embraced it.)

The same point can be made about the terms related to the sex/gender distinction, namely 'female' and 'woman'.²⁵ If it's important to make the distinction then it's important to have words to make it with. If 'female' tracks sex and 'woman' tracks gender in the second-wavers' sense, then virtually no male people are woman, because virtually no male people have been socialized into femininity on the basis of female sex, because,

²³ I do not mean to object to appropriation per se here, but rather to note the hypocrisy of those who take cultural appropriation seriously, and who worry about hermeneutical injustices, yet appear blind to the appropriation of feminists' terms, and the hermeneutical injustice of defanging the central concept of feminist liberation politics.

²⁴ As noted already, but again for emphasis: making this distinction is a separate matter from which terms we use to name each part of the distinction. It has been typical to use 'female' for sex and 'woman' for gender, but this has caused considerable confusion, including giving rise to the thought, mentioned already, that we should be 'woman abolitionists'.

²⁵ Here's Robin Dembroff and Catharine Saint-Croix explicitly defending the revision of 'woman': 'That is, by changing who will be seen as a woman, we affect our everyday concept of what a woman is, shifting it away from a biological concept toward an identification concept' (Dembroff & Saint-Croix, 2019, p. 588).

at the risk of stating the obvious, most males are correctly observed male at birth, not incorrectly observed/assumed female, and therefore raised female (see also fn. 7).

3.3. It Offers an Individual Solution to a Social Problem and in Doing So Neutralizes ‘Critics and Rebels’

Janice Raymond’s argument in *The Transsexual Empire*—one of the most vilified books of the second-wave—was that trans politics has turned a social problem into an individual one. The social problem was gender: stratifying people on the basis of sex into narrow behavioural categories. The individual solution was to designate those most unable to live with that stratification as ‘transgender’, offering medical and surgical interventions to enable a small number of people to switch categories (Raymond, 1979/1994). Steinem wrote of Raymond that she ‘mourns the loss of individuals who might have acted as critics and rebels in this sexually stereotyped society. Instead of accepting the idea of “a female mind in a male body” ... they might have challenged the very idea that there *is* such a thing as a female or male mind. They might have demonstrated that sex is only one of many elements that makes up each unique individual’ (Steinem, 1983, p. 227).

This gives us a third argument against transwomen claiming to be women. The claim pacifies an adult human male who would otherwise have been a critic and a rebel against masculine gender norms for males. It turns him from a gender non-conforming man into a gender-conforming ‘woman’; it makes him an ordinary ‘woman’ rather than an extraordinary man.

This is a point about the loss of *trans people* as critics and rebels against gender, but the same point can be made about women, once we notice that the flipside of the man’s claim to be a woman is the woman’s claim to be a man. Gender non-conforming women who might have acted as first-movers in loosening the constraints of femininity for all women are reinterpreted under gender identity ideology as trans—and this includes lesbian and bisexual women who reinterpret themselves under that ideology as nonbinary or as men.²⁶ Feminism loses critics and rebels. Because it is in women’s interests for there to be a strong feminist movement, and because a strong feminist movement needs to keep its eye on the social problem, it is not in feminists’ interests to accept the claim that a gender non-conforming or otherwise gender atypical woman is *not a woman*. The feminist must insist that there’s no right way to be a woman, not accept that some ways of being a woman, e.g. masculine presentation or same-sex attraction, make you a man.

3.4. It Expresses Disrespect to Women and Women’s Experiences Under Patriarchy

Finally, the fourth argument is that transwomen, and indeed any men, claiming to be women express disrespect to women. Male/female and man/woman are antagonistic categories in feminist analysis. He is the ‘oppressor’ and she is the ‘oppressed’ (or, for those wary of that terminology, as I am beginning to be: he is the ‘advantaged’ and she is the ‘disadvantaged’; he is ‘dominant’ and she is ‘subordinate’; he is the ‘majority’ and she is the ‘minority’). (Note that this is an axis-specific rather than an all-things-considered

²⁶ For an attempt at listing the core commitments of gender identity ideology as promulgated by trans activists, see (Lawford-Smith, 2025).

claim—he might be advantaged when it comes to sex and disadvantaged when it comes to race.) So when a male claims to be female, he is an oppressor claiming to be the oppressed. When Jessica Williams said on *The Daily Show* ‘she can’t just appropriate persecution just because it’s “cool”!’, she was making reference to this general antagonism between an oppressed group and those who oppress them.²⁷ Dolezal is white, so she is a ‘persecutor’ *appropriating* persecution.

Kajsa Ekis Ekman expresses this point more forcefully for transwomen’s (although she uses earlier terminology) appropriation of womanhood:

‘A transsexual can demand that everyone call him a woman and at the same time have absolutely no understanding of women’s issues. ... The oppressed is keenly aware of the humanity of the privileged. For the privileged, on the other hand, the oppressed is an enigma living in a magical, half-human world. The fantasy of the privileged is having the ability to wallow in this world. He wallows around and shouts: I am just like you! I am the slut, the junkie and the factory worker! He buys the same clothes at the same shop but wears them wrong, he picks up a few slang words but says them at the wrong times, he thinks that everything is a festive orgy. It is so embarrassing to watch that you have to look away’ (Ekman, 2010/2013, pp. 39–40).

(I am sure that readers sympathetic to transwomen’s claims to be women will find this quote offensive. That’s fine—I find men claiming to be women offensive. I am in the process of trying to persuade you that my offense is just as legitimate as yours.)

Anything a transwoman can identify with or desire that a woman has and he lacks is either straightforwardly impossible for him to have (e.g. the capacity for pregnancy), or confuses what she has been constructed to be under patriarchy with what she really is. For example, suppose he desires to be pretty and decorative, and to be gazed at by men as a beauty object; that he is envious that women can have these experiences and men cannot. If he desires to be a woman for that reason, then he confuses her patriarchal construction as a beauty object with her real nature as a full human person. He sees women not as fully human, with possibilities equal to his own, but as ‘different’, as though the distortions of patriarchy are her real self. This is demeaning and offensive to her.

More generally, it is offensive for those who have the social power to avoid (the risk of) a specific type of negative treatment to nonetheless choose it and then claim to be equally affected by it. *She* did not have the luxury to opt in or out of that treatment.²⁸ That is what some of the black women quoted earlier were talking about when they referred to Dolezal not sharing their ‘struggle’. (To be clear, an adult human male who claims to be a woman may face struggle, for example *as trans*, or *as gender non-conforming*, but that is not the same thing as the struggle women face *as women*).

Or from a *Washington Post* article about Buffy Sainte-Marie—a white American woman who identified throughout her long and successful music career as Canadian

²⁷ [link to the article.](#)

²⁸ For one example: a transwoman philosopher said at a conference I was at that he takes off his wig when he walks home from the train station late at night. He seemed to be presenting this as an anecdote about how he cannot always ‘be who he truly is’ because it’s not safe. But he did not seem to realize how this was received by all the women in the room, who do not have the option of discarding their woman-ness whenever it is not convenient to them, for example in order to make themselves safe walking alone late at night.

First Nations—a critic said ‘it articulates an attitude where people think it’s okay to take everything from us: land, resources, spiritual practices and now our very souls through identity’ (Coletta, 2023). Feminists could make the same point about men and women. Throughout history women’s labour has been appropriated by men. As Ti-Grace Atkinson put it, ‘Our time and activities are used ... as parts and additions to other individual’s ends’ (Atkinson, 1970/1974, p. 110). Claiming to *be* women is just one more way of taking *from* women.

4. Self-Identification in Political Context Revisited

In Section 1, I invited readers to consider a counterfactual history in which transwomen had first started claiming to be women when there was already a robust feminist movement in place, and to consider how that difference might have changed the uptake of—and specifically, *resistance to*—transwomen’s claims. In making this parallel, I took it for granted that transracialism and transgenderism involved structurally similar claims made into dissimilar contexts.²⁹ Those who feel protective of transwomen’s claims to be women are likely to deny that similarity, and perhaps to take it as a reason to be less receptive to my subsequent emphasis on what the second-wave feminist political movement had to say about sex and gender.

Mostly, the two types of self-identification are not addressed together. Many of those who have attempted to argue against racial self-identification (transracialism) have tended to focus on race alone, overlooking the extent to which their arguments can be redeployed against gender self-identification. In his doctoral thesis, James Dyer worked through a number of the arguments that have been offered as to the moral wrongness of transracial identification, and showed that with minor word changes to make them about gender rather than race, they are equally compelling (Dyer, 2025, Ch. 5). These include that what makes black identity valid is black experience (Sealey, 2018); that transracial claims misrepresent the connection between genetic ancestry and the social significance of that ancestry (*ibid*); that white identification as black undermines white allyship (*ibid*); that identifying as another race is offensive, and outsiders have no right to dismiss the offense of insiders (Botts, 2018); and that identifying as black is an exercise of white privilege (*ibid*). Consider one of Dyer’s examples. Kris Sealey (2018) wrote that ‘the white person who attempts to shed her white identity becomes blind to the racial privilege that she cannot opt out of, and therefore runs the risk of perpetuating the very structural racisms against which an ally ought to fight’ (Sealey, 2018, p. 27). Dyer replaced ‘white’ with ‘male’, ‘racisms’ with ‘sexisms’, and adjusted the pronouns accordingly: ‘the [male] person who attempts to shed [his male] identity becomes blind to the [male] privilege that [he] cannot opt out of, and therefore runs the risk of perpetuating the very structural [sexisms] against which an ally ought to fight’ (Dyer, 2025, Ch. 5, Sec. 5.2.3, his replacements). That arguments against transracialism can be so minorly adjusted *and remain persuasive* counts in favour of structural similarity, and so the aptness of the parallel.

Katharine Jenkins, to her credit, did at least address the parallel, noting near the end of her recent book that a ‘presumption of equivalence’ is common in conversations

²⁹ Rebecca Tuvel accepted the structural similarity and argued for acceptance of transracialism—suffering considerable backlash as a result (Tuvel, 2017).

about race and gender. Her response was that ‘two kinds might be ontologically similar in the sense of being constituted by very similar sorts of constraints and enablements, but nevertheless one may be ontologically oppressive and the other may not, because the normative status of those constraints and enablements may be different’ (Jenkins, 2023, pp. 234–239). Still, the *mere possibility* of a difference in normative status does not suffice to establish that there is in fact this difference. Jenkins defends a radically pluralistic view of gender kinds on which *not all* the constraints and enablements of gender are oppressive. If this were the correct view of gender then it could well be that gender self-identification and racial self-identification are (normatively) dissimilar, but in virtue of its radical pluralism Jenkins’ view fails on the desiderata for a feminist understanding of ‘woman’ that we started out with, so offers us no reason to resist the parallel between race and gender.

Robin Dembroff and Dee Payton, too, address the parallel. They write ‘we think there is a deeply important asymmetry between Jenner’s claim to be a woman and [Dolezal’s] claim to be Black. We also think that, as a result of this asymmetry, transgender identities deserve social uptake and so-called “transracial” identifications as Black almost always do not’, arguing that the asymmetry is based in the fact that there are ‘intergenerationally inherited inequalities’ when it comes to race (Dembroff & Payton, 2020). Yet they also acknowledge that:

‘When considering whether to revise the rules for gender or race classification, we think that there are important considerations at both the population level and the individual level. While it is important and good to value a person’s autonomy and respect their identifications, we also think this good must be weighed against the population-level effects of revising our classifications. In cases where revising a classification would have negative sociopolitical impact that outweighs the good of respecting how an individual identifies, we think that the classification should not be revisited’ (*ibid*).

They worry about interference with reparations for intergenerationally inherited racial inequalities, mentioning ‘affirmative action in employment and education; compensation for past economic and personal exploitation; debt-cancellation for affected populations; medical, home buying, and college aid; institutional apologies for past harms; and the creation of a standardized curriculum which explicitly addresses the role of racial oppression in state-building’ (*ibid*). Such interference is certainly one type of population-level effect, but it’s hardly the only type. So as long as there are population-level effects of revising sex/gender classifications, we might get ‘negative sociopolitical impact that outweighs the good of respecting how [a trans] individual identifies’, in which case, just as they think is the case for most *transracial* identifications, the *transgender* individual’s identification should not be respected.

In sum, although progressives commonly treat sex/gender self-identification as good and race self-identification as bad—which suggests there is some important difference between the two—it remains unclear that there really is any such difference. The question of how things might have gone differently for transwomen’s claims to be women retains its force, and our reason to consider the second-wavers’ view of gender and gender terms, and the implications for transwomen’s claims, remains in place.

5. How Wrong Is His Claim, Really?

My question has been, is it morally wrong for transwomen to claim to be women? I've argued that whatever transwomen express *about women* in making their claims to womanhood, we have reason to reject on feminist grounds; their claims, in making a revision to the concept of gender and the meaning of terms thought to be gender terms, like 'woman', are conceptual and linguistic appropriation; they contribute to the dissemination of an ideology that neutralizes the political by making it a matter of the individual; and finally, they express disrespect to women and women's experiences under patriarchy. So my answer is yes, it *is* morally wrong for transwomen to claim to be women.

Still, we might want to know, what types of wrongs are these, are how wrong are they, really? This is a question I have frequently when I get to the end of more recent papers in moral and political philosophy, and it seems only fair that I answer the question myself that I wish others would ask.

Working backwards, expressing disrespect to women is an expressive or symbolic harm. Neutralizing critics and rebels is a counterfactual harm: political progress made in the counterfactual is compared against political progress not made in the actual. (Counterfactual harm is a typical form of harm, so this is a straightforward type of wrong.) Appropriating conceptual and linguistic resources is a hermeneutical injustice, and a form of silencing. This may translate into counterfactual harm if there are things that *should have been said* and so political progress that *would have been made* had the conceptual and linguistic resources not been appropriated. Finally, the fact that a transwoman's claim to be a woman, together with his self-expression, suggests an anti-feminist understanding of what a woman is, is at best a *contribution to* a causal harm. Unless he claims to be a specific woman (which may be humiliating to her),³⁰ the effects of his claim are not directed at any particular woman.

None of these wrongs, then, are harms in the act utilitarian sense of an individual man's claim to be a woman being a difference-maker in causing at least one woman to be made worse off. There are aggregates of individuals at both ends: all transwomen, the trans activist movement and its allies, the feminist cheerleaders for gender as identity, and the trans activist celebrity influencers, on one side; all women, on the other side. *Even if* the aggregate causing the harms were organized, it is notoriously difficult to argue for responsibility for harms that are so diffuse in terms of their victims (climate change and its harms to people in low-lying territories, the global poor, and future generations being a case in point). But that aggregate is not organized, so there is no agent to attribute responsibility *for* the diffuse harm. When it comes to the question of harm, it seems that our individual transwoman who claims to be a woman is morally on a par with our Sunday driver when it comes to climate change, or our restaurant steak-eater when it

³⁰ For a real example: the Edinburgh-based trans activist 'Cathy Brennan' taking the name of American radical feminist lawyer Cathy Brennan (Davidson, 2019). For a hypothetical example: a male offender adopting the name of one of his female victims. Interestingly, law in one state of Australia, relating to both change of name and 'acknowledgement of sex' applications, includes a provision for serious offenders to have their applications refused if 'the change of name would, if registered', or 'the alteration of the record of sex or the issuing of a document acknowledging name and sex would', 'be reasonably likely—(a) to be regarded as offensive by a victim of crime or an appreciable sector of the community' (Serious Offenders Act, 2018, pp. 203 & 207).

comes to factory farming (see, e.g., Kagan, 2011).³¹ Contribution to aggregate harm is still *something*, as are the other expressive and language-related wrongs, but it should be acknowledged they are among the weaker types of claims that an allegation of *moral wrongdoing* can consist in.

What the transwoman *does* on the basis of his claim to be a woman may cause harm in the act utilitarian sense. He might *physically injure* women when he competes with disproportionate physical strength in women's sport; he might cause *psychological injury* to women prisoners when his placement in the women's prison puts them into a state of constant fear and vigilance; he might cause *counterfactual harm* to women when he applies for and takes a job advertised as women-only, or wins funding or prize money aimed at improving women's representation. (These are good things that, *but for him*, she would have had.)

But we might want to say that the main problem here is the social uptake of his claim to be a woman, not the claim itself. It is the uptake, not the claim itself, that gives him legal and/or social status as a woman (via sex self-identification laws; anti-discrimination protections for gender identity, the implementation of which conflates sex and gender identity; and affirmation-only approaches to assertions of gender identity). This is particularly clear in the case of conceptual and linguistic appropriation, because if everyone just *ignored* trans activists' idiosyncratic conception of gender and usage of gender terms, their appropriation would be entirely harmless. It could be wrong to *accept* a transwoman's claim to be a woman, without him being wrong to make the claim. This would preserve his liberty to make whatever claims he likes, while putting responsibility in a better place, namely with the social institutions and the voters who create and sustain them that have failed to properly consider women's interests. Perhaps it is the hugely influential legal academic Catharine MacKinnon, with her transwomen-inclusionary radical feminism,³² who deserves the most feminist ire when it comes to transwomen's claims to be women. (Thinking about uptake opens up a new line of inquiry for thinking about moral wrongness, too, namely the propagandists constantly asserting that if he is not affirmed he will commit suicide, which works as a form of emotional blackmail in securing uptake of his claim.)

It is also relevant that for any individual transwoman who claims to be a woman, even if he is wrong to do so, that wrong may be excused. It may be excused on grounds of ignorance, not least because almost the entire feminist movement is on his side, and how is *he* supposed to perceive that his claim is anti-feminist if *feminists themselves* don't even perceive this? He might have been encouraged always, and discouraged never, by any woman. This is the difference between the reaction to Rachel Dolezal and Buffy Sainte-Marie by the African American and First Nations Canadian communities respectively, and the reaction to, e.g., Caitlyn Jenner by women on the other. (This is just

³¹ Many philosophers have argued valiantly that what may appear to be only a contribution to causal harm is in fact itself a harm; as applied to individual greenhouse gas emissions, see e.g., (Broome, 2012). Perhaps a similar line could be run here.

³² Radical feminism is centrally about sex, but because MacKinnon is a social constructionist about sex, she is able to countenance some men as female/women in a way that other radical feminists are not. Because she is one of the most-recognized radical feminist names today, this idiosyncrasy has been taken to be more representative of the radical feminist position than it should have been (see also Lawford-Smith, 2023b).

to acknowledge that in making the argument of this paper I am fighting an almost vertical uphill battle, not just against the trans activist movement but against almost all the other feminists too.) The transwoman may also be excused on grounds of disproportionate costs: suppose he experiences severe gender dysphoria (as some, but not all, trans people do), such that it would be disproportionately costly for him *not* to make his claim. Given the rather minor contribution that he makes to the aggregate harm, it doesn't take much to meet the bar for disproportionate cost.

Given the structural similarities between race and sex self-identification, and yet the wildly different responses to each of them, I think it's important to have been able to ask the question 'is it morally wrong for transwomen to claim to be women?' I have argued that it is. It is wrong in ways that many people take seriously—sometimes extremely seriously—when they hurt groups other than women. But I've also conceded that the kinds of wrongs involved are among the weaker on offer in moral philosophy, and that if we're really interested to diagnose the moral wrongness in the vicinity of trans activism, we'd probably do better to focus on the more influential contributors to the aggregate harm, and on the social uptake given to transwomen's claims to be women, rather than transwomen's claims themselves.

New questions to ask, for those who want to join the small band of 'hate figures', might be: is it morally wrong to affirm transwomen's claims to be women?; should the law allow change of legal sex?; and, how should law- and policy-makers understand the relation between sex and gender identity as protected attributes in anti-discrimination and anti-vilification law? I don't know what my answer to the first would be, but my answer to the second would be 'no',³³ and to the third 'they should understand the protected attributes as distinct, and with the clear understanding that an adult human male's gender identity does not change his sex or supersede the fact of his sex'.

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³³ Or more accurately, 'yes for someone with a difference of sexual development whose sex was recorded inaccurately at birth, and no for trans people'.

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