

# Philosophical Analysis of Gender

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**UNIVERSITY OF RIJEKA**  
**FACULTY OF HUMANITIES AND SOCIAL SCIENCES**

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# **Philosophical Analysis of Gender**

**(MASTER'S THESIS)**

**Rijeka, 2022**

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**FACULTY OF HUMANITIES AND SOCIAL SCIENCES**  
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# **Philosophical Analysis of Gender**

**(MASTER'S THESIS)**

Graduate double major study program of English language and literature and  
Philosophy – teaching track

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**Rijeka, 9 September 2022**

## **STATEMENT OF AUTHORSHIP**

I hereby declare that I am the sole author of this master's thesis, titled "Philosophical Analysis of Gender". I further declare that I have not used any sources other than those listed in the bibliography and identified as references.

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## **Abstract**

Gender is one of the most permeating aspects of human life. On an individual level, it affects how we think, feel and behave. On a social level, it affects legislation, healthcare, labor market, politics, education, and everyday life. However, there are many misconceptions about gender that negatively impact all of us, regardless of whether we are aware of its influence. In the past twenty years, trans\* people have been increasingly discriminated against based on an aspect of their gender, called gender identity. Gender identity is an individual's inner sense of their gender, which may be the same as or differ from the sex they were assigned at birth. While some people are supportive of the term and trans\* people's fight for basic human rights, others oppose it. By looking at several gender theories, their roots, foundations and arguments, this thesis analyzes gender and gender identity from a philosophical perspective. It provides critiques of the traditional binary gender theory, and counterarguments to movements and groups which surfaced as backlash against trans\* people and gender identity. Finally, this thesis suggests an account of gender identity that should be adopted to ensure that all individuals – regardless of their anatomy and gender identity – are recognized, protected and supported in all aspects of society.

**Keywords:** gender, gender identity, sex assigned at birth, trans\*, transgender, gender theory, psychoanalysis, phenomenology, trans-exclusionary radical feminism

# 1. Introduction

My motivation for choosing to write about gender stems from various reasons. Quite early on in my life, as a child faced with a world full of strange arbitrary systems, norms and other peculiarities, I started entertaining thoughts about many things around me. I would ask myself questions, which I would later find were quintessentially philosophical in their nature. Why do people behave the way they do, why are certain clothes forbidden for certain people, what happens when we die, why does politics make people so angry, who or what is God and why can't we unravel the mystery of his/her/their paths, why does society put pressure on men to act one way and women another? These things occupied my mind daily, the last question coming up more often as time went by. Gender has always been an interesting topic to me. It is so vast of a concept, and it affects so many areas in life; it dictates how we behave, how we think, how we feel and how we act. I learned a lot about gender from my own experience with not fitting into the mold. Later on, I started volunteering in organizations and associations that fight for gender equality, LGBTIQ+ rights and human rights. I was learning more about how layered gender, gender inequality and other related issues are. I wanted to dedicate more of my time to studying gender and all its layers and forms. During my six years at university, we did not discuss gender much in philosophy classes. Choosing it as the topic of my thesis allowed me to investigate gender to a greater extent, to delve into aspects I had not yet considered, and apply both my knowledge in philosophy and every bit of insight I have gathered through personal experiences. Last but definitely not least, with so much misinformation proliferating in modern society, especially in social media and politics, which recently started having incredibly damaging legislative consequences on the lives of women and trans\* people in the U.S. and many other countries, this proved to be a crucial time to contribute to the steadfast and courageous work of those who fight to protect the oppressed.

In a similar vein, the reasons why I chose to write specifically about trans\* and gender non-conforming people are many. First, they were responsible for raising awareness about both overt and covert forms of gender inequality, discriminatory and sexist gender norms, and illuminating harmful ways society treats the “other”, the “divergent”, the ones who are different, individuals who dare to step outside the norm. Second, as trans\* and gender non-

conforming people receive more attention from the public, more and more misinformation circulate mass media, causing fearmongering, discrimination, growth of conservative rhetoric in politics targeting trans\* and gender non-conforming people, and a number of other harmful acts detrimental to trans\* people's human rights, health, well-being, and overall quality of life. This year has been one of the most damaging years for trans\* and LGBTIQ+ people. In just the first week of 2022, seven U.S. states proposed laws that would significantly limit the rights of trans\* youth (Laviertes, 2022). Since then, more than 300 anti-LGBTIQ+ bills and more than 130 anti-trans\* bills have been introduced and enacted, surpassing 290 anti-LGBTIQ+ bills and over 140 anti-trans\* bills in 2021 (Brousseau, 2022). These bills would harm trans\* youth of all ages in many ways. They would be unable to use the restroom that aligns with their gender identity, even if they medically transitioned. This would mean that trans\* boys would have to use the girls' restroom and vice versa just because they were assigned a certain sex at birth. In some states, teachers would be obligated to publicly announce that a student is trans\*. In several parts of the U.S., parents no longer have control over their child's hormone therapy because the bills proposed demand that this be fully in the hands of the state. The recent overturn of *Roe vs. Wade*, a landmark in the history of women's rights, will negatively impact trans\* people's lives as well, especially trans men, non-binary people, and any other trans\* person able to give birth. Trans\* and LGBTIQ+ rights are plummeting in other parts of the world, too. Countries such as Hungary, Poland, United Arab Emirates, Malaysia, and others, have introduced draconian laws in the past two years targeting trans\* and LGBTIQ+ people (Knight & Gall, 2020; Human Rights Watch). My final reason for choosing to write about trans\* and gender non-conforming people is my seven years' involvement in volunteer work in various non-governmental organizations promoting and advancing LGBTIQ+ rights. This experience allowed me to hear the stories of many trans\* people and work closely with trans\* individuals from different backgrounds, which helped me expand my horizons, gain invaluable knowledge on the lives of trans\* people, and in turn filled me with even more passion and drive to make trans\* people one of the focal subjects of my thesis.

Part of the reason behind the backlash against gender identity and trans\* identities is one of the most common obstacles humanity continues to face – lack of knowledge. Terms



like *gender* and *gender identity* have been buzzwords for several years now. While *gender* used to be a synonym for *sex*, through a series of events in relatively recent history, *gender* and *sex* have become separate concepts. In the early stages of this process of separation, changes were visible almost exclusively in terminology, while discrimination was still deeply rooted in practice. Even though people were using *gender* and *sex* separately, mostly in academia and as a result of feminist theorists popularizing the term, they would still equate gender with sex and continue to hold a binary view of both concepts. This lack of understanding led to a lot of discrimination based on an individual's biological makeup. The effort to have trans\* and gender non-conforming people recognized in society as a whole was – and still is – an ongoing battle for human dignity and human rights. However, this fight is not separate from other human rights movements. The fight for trans\* equality is directly connected to feminism, anti-racism, disability rights movement, and other movements fighting for rights of marginalized groups.<sup>1</sup>

Nowadays, when people discuss gender identity or encounter this term somewhere, it will usually be in relation to trans\* people. Consequentially, some – arguably most – people's minds naturally form a link between gender identity and trans\* people, in that it seems that gender identity is a concept exclusively applied to and characteristic of trans\* people. There will be more discussion later on whether this is actually the case. Regardless, if we take recent events into account, the formation of this association is of no surprise. Trans\* people are increasingly becoming the center of media attention, articles, documentaries, movies, and TV series.<sup>2</sup> As they become more visible, they also become a target for those who do not agree with values and beliefs underpinning the trans\* liberation movement. As such, trans\* and gender non-conforming people have become victims of many forms of discrimination, including hate crimes, discriminatory and harmful

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<sup>1</sup> One of the best examples of how these movements are interrelated is the concept of identity. A transgender woman of color of a lower socioeconomic status is much more likely to be exposed to discrimination in all areas of life compared to a white, middle-class, cisgender woman. *Cisgender* is the opposite of *transgender*, a term describing someone whose gender identity is congruent with their sex assigned at birth.

<sup>2</sup> Some examples include Netflix shows such as *Euphoria*, *Our Flag Means Death*, *Pose*, *Dead End*, *She-Ra and the Princesses of Power*; movies such as *Hedwig and the Angry Inch*, *All About My Mother*, *Boys Don't Cry*; books such as *The Black Flamingo* by Dean Atta, *Pet* by Akwaeke Emezi, *All Out: The No-Longer-Secret Stories of Queer Teens throughout the Ages*, edited by Saundra Mitchell; and documentaries such as *Disclosure*, *The Trans List*, *Passing*, and *The Death and Life of Marsha P. Johnson*.

legislations and policies, police brutality, denied access to quality healthcare and jobs, inability to provide for themselves due to discrimination in the workplace. In addition, they are frequently ostracized by their communities and disowned by their families. The third edition of *Trans Legal Mapping Report*, a research project by ILGA World, details the impact of laws and policies on trans\* people across the world. Another source of vital information on this subject is *Transgender People and the Law*, a document provided by American Civic Liberties Union (ACLU), which covers topics such as discrimination in public spaces, housing, employment, schools, and prison. Augustus Klein and Sarit A. Golub conducted a study<sup>3</sup> which – unsurprisingly – found that family rejection was related to increased odds of suicide attempts and drug and/or alcohol abuse. The study used data from the 2011 National Transgender Discrimination Survey which found that 41% of the respondents attempted suicide, while 86% experienced serious or catastrophic levels of discrimination, including loss of job, eviction, physical or sexual assault, and denial of medical service, all due to bias. They also experienced school bullying, teacher bullying, homelessness, incarceration, and loss of relationship with partner or children, all directly linked to their gender identity/expression.

Luckily, many trans\* people grow stronger in the face of adversity. There are numerous associations, organizations and collectives committed to creating safe and inclusive spaces by advocating for trans\* rights and promoting the visibility of trans\* people. Some examples include the Transgender Law Center, which offers many resources and guidelines on their website. ACLU has published a guide for “school administrations, teachers, and parents about how to provide safe and supportive environments for all transgender students, kindergarten through twelfth grade” (“Schools in Transition”, ACLU, 2022). Lambda Legal also offers guidance on topics such as identity documents, workplace rights, restroom access rights, transition-related healthcare, and immigration issues. In Croatia, kolekTIRV fights for trans\* and intersex equality. WPATH (World Professional Association for Transgender Health) is an international organization committed to understanding and treating gender dysphoria, a condition marked by unease,

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<sup>3</sup> Klein, Augustus, and Golub, Sarit A. “Family Rejection as a Predictor of Suicide Attempts and Substance Misuse Among Transgender and Gender Nonconforming Adults”. *LGBT Health*, vol. 3, no. 3, 3 June 2016, pp. 193-199, doi: 10.1089/lgbt.2015.0111.

distress and discomfort due to the incongruence between an individual's gender identity and sex assigned at birth<sup>4</sup> (“Dysphoria”, TransHub, 2021). Similar organizations have emerged even in the more conservative and politically radical countries, such as Kenya, Uganda, Morocco, Tunisia, Iraq, Taiwan, and India.

This thesis will analyze the notion of gender from a philosophical perspective. It will cover different social circumstances and practices in which trans\*<sup>5</sup> and gender non-conforming people experience discrimination: legislation, politics, labor market, healthcare, education, and everyday life. Through the examination of these social practices, this thesis aims to shed light on deep-seated issues in our society regarding gender and sex. Furthermore, by critically dissecting the concept of gender and the seemingly innocuous ways it permeates our lives, it aims to reveal issues that concern and affect us all, regardless of our gender identity.

To achieve its aims, this thesis will look at several theories of gender. As an introduction to the topic, it will cover the etymology of the term ‘gender’, then present a historical overview of gender as a social concept. Next, it will provide an outline of the traditional binary theory of gender, looking at its background, development, foundations, and arguments. This section will also present critiques of the traditional theory of gender mainly based on counterarguments and alternative approaches in the liberal theory of gender, as well as liberal practices in different cultures regarding gender and gender expression. Throughout the whole thesis, movements and groups which surfaced as

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<sup>4</sup> *Sex assigned at birth* is a term which refers to an individual's sex at birth. Other terms that are still in use include *biological sex*, *natal sex*, *birth sex* or *sex*. These terms are gradually becoming outdated, and “assigned at birth” is used to signify that sex assignment involves no agency from the individual being assigned a sex, especially since sex assigned at birth is often conflated with an individual's gender, and since it is usually determined by looking at the child's external anatomy, which is only part of someone's biological makeup.

<sup>5</sup> I use the asterisk next to the word ‘trans’ because it is used as an umbrella term which applies to all individuals “whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth” (“What does trans mean?”, Stonewall, 2019). It is frequently assumed that trans\* people identify as the opposite gender, which is true for some, but false for others. Since trans\* identities are diverse, and people use many labels and words to describe themselves, the term *trans\** was invented in the 1990s as a way to “cover a wide range of identities” that do not conform to “traditional notions” about gender” (Steinmetz, 2018). The word was added to the Oxford English Dictionary on April 3, 2018, with the following definition: “trans\*: originally used to include explicitly both transsexual and transgender, or (now usually) to indicate the inclusion of gender identities such as gender-fluid, agender, etc., alongside transsexual and transgender” (Steinmetz, 2018). It is for this reason that I chose to use *trans\**, since my intent in this thesis – and in life – is to be as inclusive as I can be.

backlash against trans\* identities and gender identity theory will be discussed, such as the anti-gender movement and trans-exclusionary radical feminism. Finally, this thesis ends with a summary and an attempt to suggest an account that should be adopted in theory and practice to ensure that all individuals – regardless of their anatomy and gender identity – are recognized, protected and supported in all aspects of society.

## 2. Etymology and history of ‘gender’

Before we start discussing the many facets of gender and its role in society, it is important to mention the etymology and history of the term ‘gender’. The word *gender* comes from the Middle English *gender* or *gendre*, which was borrowed from Anglo-Norman and Middle French *gendre*, which was taken from the Latin *genus*. They all denote *kind, type* or *sort* (Wikipedia contributors, “Gender”, 2022). In 1882, The Oxford Etymological Dictionary of the English Language described gender as *kind, breed* or *sex*. However, by 1990, this original meaning was considered outdated, as noted in the first edition of the Oxford English Dictionary (Wikipedia contributors, “Gender”, 2022).

Despite how pervasive gender may seem in today’s society, especially in the humanities and social sciences, the concept of gender is a relatively recent one. The term ‘gender’ had almost exclusively been linked to grammar (Haig, 2004, pp. 87-96) and grammatical categories (Udry, 1994, pp. 561-573) for most of human history. As Holmes (2012) states, people in Ancient Greece and Rome were not exempt from discussions on the categories of male, female, masculine, feminine, and differences between genders and sexes. They argued and hypothesized both in ways differing from and similar to ours. However, their concept of gender was much different from the one present today in the humanities and social sciences (Holmes 2012, pp. 1-2). It was only in the 1950s that the concept of gender slowly started taking the shape we recognize today (Holmes 2012, pp. 3-4).

Up until the mid-20<sup>th</sup> century, the prevalent use of gender was similar to what Henry Watson Fowler, in *A Dictionary of Modern English Usage*, stated about the definition of *gender*:

Gender [...] is a grammatical term only. To talk of persons [...] of the masculine or feminine [gender], meaning of the male or female sex, is either a jocularly (permissible or not according to context) or a blunder.” (Fowler, 1965, p. 221)

This line of reasoning, aside from being reductive, seems to imply that assigning masculine or feminine gender to inanimate objects makes more sense than assigning it to human beings, which is surprising and nonsensical. Even when looking at *gender* in its

original meaning (*kind, type, sort*), it seems perfectly acceptable to assign gender to humans; they possess self-consciousness, deliberately choose to build their character and express themselves in a certain way, and are multifaceted beings. It is important to note here that we tend to categorize everything around us based on innumerable factors, and that categorization also applies to humans. From cultural and religious background, ethnicity, skin color, socioeconomic status and class, to things like music taste, hair color, subculture, zodiac signs, and so on.

Given that assigning gender to inanimate objects in that respect makes complete sense, by the same logic, it also makes sense to assign gender to human beings. By this, I mean that, like beauty, femininity and masculinity are not an inherent quality of inanimate objects; they should not be seen as an inherent quality of animate beings. Gender originated in the animate world, more precisely among humans. It is a characteristic that we then project onto the world around us. Therefore, grammatical gender had to have come from our conception of gender as it had then existed in society. Speaking from this perspective, it makes far more sense to assign feminine or masculine gender to human beings than inanimate objects. Of course, some may claim that gender in humans is entirely based on sex assigned at birth, and often conflate the two. This idea will be discussed later.

There is a lot of speculation about the origin of grammatical gender, especially related to inanimate objects. One of the suggested answers postulates that the system was shaped by people's view of certain objects as masculine and others as feminine and/or neutral based on somewhat sexist views of men and women. Even if we assume that this is true, some inconsistencies and contradictions arise. For example, the noun *table* is a feminine noun in French, Spanish and Arabic, among other languages. On the other hand, it is a masculine noun in German, Russian and Croatian. These kinds of differences exist in many languages and for many objects. It would appear that languages belonging to the same or similar culture, language family or geographic region assigned different genders to the same objects. As might be expected, this could be related to how speakers of these languages used these objects, or who typically used them (a man or a woman). Still, the inspiration for grammatical gender seems to have been found in gender roles and gender stereotypes or norms. The discussion gets even more complex when we consider that only 25% of the world's languages actually have grammatical gender. Some languages have

more than three categories of grammatical gender, going up to as far as twenty different genders.<sup>6</sup> Hence, it is possible that different ways of categorization occurred because different cultures and nations had – and continue to have – different views of gender.<sup>7</sup>

After he analyzed over 30 million academic article titles between 1945 to 2001, David Haig discovered that the use of *gender* was massively outnumbered by the use of *sex*, and *gender* was used mostly as a grammatical category (Haig, 2004, pp. 87-96). However, by the end of this period, uses of *sex* started declining, and *gender* gained more popularity, particularly in the arts, social sciences and humanities. Feminist scholars only started using the term *gender* in the 1970s, to distinguish between what were considered “socially constructed” aspects of differences between men and women (gender) from aspects that were regarded as determined by biology (sex) (Haig, 2004, pp. 87-96). In the 1980s and 1990s, the use of *gender* in academia experienced a rapid rise, which can be ascribed to feminism’s increasing influence. However, many science publications still featured *gender* as a synonym for *sex*, most likely due to the confusion around the distinction made in feminist theory. Haig himself stated that the reasons he had to opt for *gender* instead of *sex* were his “desires to signal sympathy with feminist goals, to use a more academic term, or to avoid the connotation of copulation” (Haig, 2004, pp. 87-96).

So far, we have discussed gender primarily as a grammatical category and the prevalent ways it was used in language until the end of the 20th century. In the next subsection, we shall briefly examine gender as a social role, which will serve as an introduction to an overview of the traditional binary theory of gender.

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<sup>6</sup> Some examples are Bantu languages, Czech, Polish, Slovak, and Worrorra, to name a few. In addition to languages with more than three grammatical genders, there also exist languages with no grammatical genders, or ‘genderless’ languages. Examples of these include Afrikaans, Armenian, Estonian, Finnish, Hungarian, many Austronesian languages, and some Turkic languages.

<sup>7</sup> In fact, for all of recorded history, numerous cultures spanning across nearly all continents have readily accepted and incorporated more than two genders, both in society and language. However, Western culture and colonizers decimated these cultures, imposed their own binary view of gender, and attempted to erase anything that was different. More will be discussed on this topic in later sections.

## 2.1. Gender as a social role

As we have learned in the previous section, gender in the context of social roles dates back to 1945, and as such was brought to popular attention by the feminist movement in the 1970s. In summary, feminists posited that human nature is epicene<sup>8</sup> at its core, and that all social distinctions based on sex assigned at birth are arbitrary. In this sense, issues brought about by this social construction were regarded as issues of *gender*.

However, the first time the term *gender role* was used in print was in 1955, coined by a famous psychologist John Money. In his seminal paper he defined it as “all those things that a person says or does to disclose himself or herself as having the status of boy or man, girl or woman” (Money, et al., 1955, pp. 301-319). Despite having pioneered research on gender roles, John Money was directly involved in studies that were morally and ethically corrupt. The most notable of such experiments was the gender reassignment controversy known as the “John/Joan” case. In the 1960s, Money supported the gender reassignment of David Reimer, who was assigned male at birth, but suffered severe damage to his penis during his infant years due to a botched circumcision. Money convinced his parents that they should raise their son as a girl. While David was still an infant, they subjected him to surgery to construct basic female genitals, and were giving him female hormones during puberty. David’s parents did not tell him he was assigned male at birth until he was 15 years old. During his childhood, David visited Money regularly to allow him to track the progress of his gender reassignment. Without his knowledge, David served the purpose of an experimental subject in Money’s highly contentious research on sex reassignment surgeries. Infants born as intersex<sup>9</sup> or had genitalia that were considered abnormal, were – and still are – regularly subjected to such surgeries. David had a twin brother who also participated, acting as a “control subject”. In 1997, David started speaking publicly about

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<sup>8</sup> Epicene refers to the lack of gender distinction. This can include, but is not restricted to, androgyny, gender-neutral approach in policies, social institutions and language. In linguistics, *epicene* denotes a word with the same form for female, male and other referents.

<sup>9</sup> *Intersex* is an umbrella term that refers to people whose bodies i.e. reproductive or sexual anatomy do not conform to the male-female binary. The state of being intersex is a variation that naturally occurs in humans, and in most cases, does not require medical intervention. However, the practice of assigning a binary gender and performing surgeries on infants to make their bodies fit social and gender norms is still present. Individuals born with intersex traits will often be unaware they are intersex, which can cause severe psychological, emotional and physical trauma (Planned Parenthood, 2022).



the details of the time he spent with Money, describing it as “torturous and abusive” (Colapinto, 2000). Contrary to Money’s notes, David stated he did not identify as a girl and was experiencing severe gender dysphoria. Gender dysphoria feels different for everyone. However, it can often lead to serious depression, self-destructive behavior, and have grave consequences on a person’s quality of life. For David, this meant that:

At the age of thirteen, [he] threatened to commit suicide if his parents took him to Money on the next annual visit. Bullied by peers in school for his masculine traits, [he] claimed that despite receiving female hormones, wearing dresses, and having his interests directed toward typically female norms, he always felt that he was a boy. (Gaetano, 2017)

After his father told him about what had happened to him during infancy, David “assumed a male identity [and] by age twenty-one, (...) had received testosterone therapy and surgeries to remove his breasts and reconstruct a penis” (Gaetano, 2017). Despite his many attempts to live a “normal life”, he tried to commit suicide twice in his twenties.

[H]is adult family life was strained by marital problems and employment difficulty. Reimer’s brother, who suffered from depression and schizophrenia, died from an antidepressant drug overdose in July of 2002. On 2 May 2004, Reimer’s wife told him that she wanted a divorce. Two days later, at the age of thirty-eight, Reimer committed suicide by firearm. (Gaetano, 2017)

Money’s claim that David’s gender reassignment case was a successful one led to an overwhelming amount of sex reassignment surgeries performed on intersex or other infants with variations in their reproductive and sexual systems. However, David’s decision to speak out publicly of the atrocities and the subsequent trauma he had gone through, raised awareness about gender identity and challenged the practice of subjecting infants and children to sex reassignment surgery.

In his academic work, Money was a passionate supporter of the idea that gender is a social construct, and as such can be easily influenced and deliberately shaped from early childhood. In her essay on Vatican’s long, worldwide war on “gender ideology”<sup>10</sup>,

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<sup>10</sup> *Gender ideology* is a term used by proponents of the “anti-gender movement”. It is not clear what it refers to and it does not have a coherent definition, and has therefore been described as an “empty signifier” (Mayer & Sauer, 2017). In addition, scholars have described it as a “moral panic” (Careaga-Perez, 2016; Žuk & Žuk, 2019). However, it could loosely be defined as “the “imposition” of a system of beliefs that

Professor Mary Anne Case contends that Money’s understanding of gender “gave ammunition to the opponents of ‘gender ideology’ through his fraudulently deceptive claims about the malleability of gender in certain patients who had involuntarily undergone sex reassignment surgery” (Case, 2019). The next subsection will provide a brief overview of the anti-gender movement and its connection to the conservative theory of gender.

## **2.2. Anti-gender movement**

The anti-gender movement is a transnational movement which fights against what it labels as *gender ideology* (Kováts, 2016, p. 175). The movement traces its roots to Catholic theology which began in the 1990s. However, it was only a decade ago that the movement gained traction with its protests (Kuhar & Paternotte, 2017, p. 12).

There are several theories about the details of the movement’s origins. One such theory suggests that its conception was in the 1990s, as the Catholic Church was seeking to oppose the decisions made during the UN’s 1994 International Conference on Population and Development, and the 1995 World Conference on Women, namely the decision to start recognizing sexual and reproductive rights (Kuhar & Paternotte, 2017, p. 9; Kováts, 2016, p. 178). In the eyes of the Holy See<sup>11</sup>, this decision was a gateway to have abortion become a human right, motherhood be delegitimized, and homosexuality normalized. The term ‘gender’ “was understood by the Holy See as a strategic means to attack and destabilize the natural family” (Kuhar & Paternotte, 2016, p. 9). Despite his seemingly more liberal views, at least compared to his predecessors, Pope Francis accused ‘gender ideology’ of attempting to undermine the Catholic Church’s view on gender complementarity, going so far as to liken the foundation of trans\* rights to nuclear weapons, calling them “Herods [that] destroy, that plot designs of death, that disfigure the face of man and woman, destroying creation” (Lopez, 2015). As Corredor (2019) aptly states:

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threatens “Christian values” and corrupts society” (Gallo, 2017). This “imposed, threatening system of beliefs” are actually reforms intended to maintain and improve women’s rights and LGBTIQ+ rights. This concept will be further discussed in the thesis.

<sup>11</sup> The Holy See, also called the See of Rome or Apostolic See, is the universal government of the Catholic Church and as such under the jurisdiction of the Pope as the bishop of Rome. It includes the Diocese of Rome and the Vatican City (Ostberg, 2022).

The Holy See's perspective deeply depends on a stable and predictably correlated relationship between biological sex, gender identity, and heterosexual orientation, which is expressed in the Church's terms as the one and only natural unity of mind, body, and soul. Because this unity is believed to be rooted within natural and divine law – as a direct creation of God – it transcends political, historical, and social arrangements shaped by man. (Corredor, 2019, p. 621)

In addition to ongoing support from the Catholic Church, in recent years, the anti-gender movement has been excessively propagated throughout the right-wing. The movement had developed its ideas by 2003, although protests related to its mission began in most European countries in 2012 (Kuhar & Paternotte, 2017, p. 12). Members of this movement vehemently oppose various reproductive rights, most of all abortion, as well as LGBTIQ+ rights, and some efforts against gender-based violence (Kováts, 2016; Rawłuszko, 2019). Moreover, they sometimes oppose sex education in schools, gender studies, and anti-bullying initiatives (Corredor, 2019; Kováts, 2016; Abdou, 2021).

The anti-gender movement's values are primarily drawn from the traditional theory of gender. By this, I am referring to the widespread theory which is mainly rooted in conservative, binary gender roles, and the claim that there are only two genders which correspond to the two sexes assigned at birth. The male/man, a figure of authority, dominance, action, reason, rationality, strength, physical superiority, stands diametrically opposed to the female/woman, a figure representing sensuality, sensibility, submission, emotion, subjectivity, passivity, physical inferiority, nurture (Keating, 2022). Women and men are seen as biologically determined to think, feel, act and enter relationships in such a way that corresponds to their "biological nature". Additionally, these two concepts complement each other and as such form the foundations of a traditional, nuclear family. To restate Corredor's words, this conception is regarded as an unmediated creation of God, the only natural unity of mind, body and soul as written in the natural and divine law, above any political, historical and social arrangements brought about by humans (2019).

Gender roles, which prescribe how women and men are supposed to behave, are largely based on the set of biological and psychological characteristics perceived outwardly (Lorber & Moore, 2007). That is to say that biological traits and behavioral patterns observed in the early days of humankind, brought about by various cultural, geographic,

and evolutionary circumstances, gave rise to patriarchal societies and gradually cemented binary gender roles. These gender roles would over time evolve to be more nuanced and implied and become part of different social systems and cultural beliefs (Keating, 2002; Nadal, 2017). Many studies have been conducted on cisgender men and women to try to discern the nature of the connection between biological traits and gender roles. In other words, there have been many attempts to see if and how the biological makeup of a cisgender woman or man determines their psychological makeup. Some studies did find a correlation between the two (McLeod, 2014), however, there is an increasing number of studies that show there are exceptions to the majority (Costa, et al., 2001). Furthermore, isolating biology from social, cultural, economic, religious, and other factors has proven to be challenging, at the very least (Parker, Horowitz & Stepler, 2017). It is also worth considering that objectivity partially depends on the scientists conducting the research. Cognitive bias<sup>12</sup> is almost inevitable and inextricable from science, despite the application of high standards, acting in accordance with rigorous protocol, and the use of the scientific method (Fanelli, Costas & Ioannidis, 2017).

The body of work written on the topic of gender and biological and psychological sex and gender differences is vast and impossible to cover in one paper. Instead, I will focus on a handful of essays and books written about gender, mainly from a conservative and philosophical perspective. I believe they represent well the origin points of modern conservative thought on gender and sex, while simultaneously offering a summary of the main arguments and their theoretical basis. In the next section, I will offer critiques of the traditional gender theory and look more closely into some of its philosophical and psychological foundations, which turned out to be highly influential on its development.

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<sup>12</sup> Cognitive biases are instances of systematic cognitive inclinations or tendencies in the human mind that are often incongruent with the tenets of logic, plausibility, and probability reasoning. Some claim that these dispositions are intuitive and subconscious, a result of evolutionary adaptation, and as such are at the core of human judgement, decision-making, and consequent behavior (Korteling & Toet, 2021).

### 3. Critiquing the traditional theory of gender

In the past seventy years, many authors have argued against the traditional theory of gender. Despite my wish to acknowledge every single writer who has contributed to the fight for parity, in trying to name everyone I would inevitably leave a number of them out. However, I would like to name a few who have influenced and shaped my thinking on the topic, and provided inspiration and theoretical backing for this part of my thesis. The first is, of course, the venerated Judith Butler – an indispensable author on this subject – having significantly contributed to feminist and trans\* struggle for equality. Other authors include trans activist Julia Serano, academics such as Amy Marvin, Eliza Steinbock and Zowie Davy, and other non-fiction and fiction authors such as Jack Halberstam, Torrey Peters, Shon Faye, Vivek Shraya, Grace Lavery, Mia Violet, Juliet Jacques, Laura Kate Dale, Caspar J. Baldwin, and Laura Jane Grace, among others.<sup>13</sup>

I would like to begin my analysis and criticism of the traditional theory of gender by looking at a field of science which was – according to certain authors – one of the crucial factors in molding the conservative outlook on gender and as such detrimental to both trans\* and cisgender individual’s freedom of existence and self-expression. This field of science is psychoanalysis.

#### 3.1. Psychoanalysis

Psychoanalysis has long thought of trans\* identities as psychotic<sup>14</sup> and unnatural. This stance was particularly evident in its early stages. Naturally, different authors vary in approach and details of their argumentation, but adopting normative models of interpretation within psychoanalysis can result in exceedingly transphobic treatment of trans\* people (Elliot, 2014, p. 165). As Patricia Elliot puts it:

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<sup>13</sup> In terms of authors specific to the region I come from, the Balkans, I am grateful to Aleksa Milanović, Jovan Ulićević, Daša Duhaček, Brigita Miloš, and many more, for contributing to both my understanding of gender and the intersectionality of oppression, as well as the ways they both manifest in this region.

<sup>14</sup> A good example of the meaning behind *psychotic* is “Catherine Millot’s (1990) assumption that transsexuals occupy a “psychotic” position based on the fantasy of a sex that is not lacking, a sex that is complete and outside sexual difference” (Elliot, 2014, p. 166).

Psychoanalysis is a theory and practice of interpretation directed to making sense of otherwise unconscious sexual desire, sexual pleasure, and the gender identities of human beings. Neither a biological nor a social determinist theory, psychoanalysis theorizes human subjects as psychic entities inscribed in language, discourse, and social relationships, all of which are primarily unconscious either necessarily or through a process of repression. Despite its justifiably contested history with regard to transsexuality, many psychoanalytic thinkers argue that psychoanalysis offers tools for thinking about the complexity and particularly of any subjectivity, including transsexual subjectivity (Elliot 2010). They do so in full awareness that trans persons have been negatively affected by transphobic attitudes and practices, especially when psychoanalysis adopts normative models of interpretation.<sup>15</sup> (Elliot, 2014, p. 165)

Granted, psychoanalysis came into existence before trans\* people ended up in the public eye, and before scientists began conducting research on trans\* people to learn more about the nature of trans\* identities. For this reason, psychoanalysis was constructed around cisgender men and women, and around a binary model of gender and sex. An additional issue of psychoanalysis – and other medical practices – is the pathologizing<sup>16</sup> of trans\* identities. The following paragraph provides a summarized explanation of the classic Freudian position<sup>17</sup>.

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<sup>15</sup> *Transsexuality* is generally regarded as an outdated term, although some authors and trans\* people still use it, the former group usually due to lack of understanding and the latter group typically because of the desire to reclaim what was once used as pejorative language. It was originally used to refer to those trans\* people who were looking to start medically transitioning or have gone through gender reassignment surgery and hormone therapy to align their body with their gender identity. However, this usage is outdated, incorrect and harmful to trans\* people because it 1) implies the inexistence and invalidity of non-binary and gender non-conforming people, 2) emphasizes only those trans\* individuals who have “fully” transitioned, and 3) perpetuates the notion that all trans\* people should strive to adopt a cisgender appearance, also known as “passing”. In reality, there is not just one and only way to be trans\*. Some trans\* people only transition socially (using a different name and/or pronouns), some decide to take hormones, while some decide to undergo different surgical procedures. In any case, no matter how a trans\* person decides to transition, all trans\* people are equally valid, and their diversity should be celebrated, not smothered or erased.

<sup>16</sup> Pathologizing refers to the psychological treatment of regular behavior as if it were a mental disorder. In the context of trans\* identities, this is viewed as a negative practice, since it implies that being trans\* is a mental disorder that requires treatment and is ideally “cured”. This is why trans\* people who want to change their gender marker on their documents, start hormones or get surgeries and other medical procedures done to feel aligned with themselves on the outside, need to go through a period of psychological assessment, where they visit a psychologist and psychiatrist over a course of several months or even years. These visits are often marked by a transphobic approach, invasive questions, discrimination against non-binary and gender non-conforming people, and other harmful attitudes (American Psychological Association, 2015).

<sup>17</sup> It should be noted that Freud’s theories changed greatly between *Melancholy*, published in 1917, and his book *The Ego and the Id*, published in 1923, where he introduced the *superego*. However, interpreted by

Psychoanalysis, from a Freudian perspective, holds the belief that gender development occurs between three and six years old, which is the third stage of Freud's psychosexual theory of personality development, which he called the 'phallic' stage. Freud claimed that at this age, the child's libido is focused on their genitals. In addition, since personality development is different for girls and boys, little boys will experience what is known as the 'Oedipus complex', identifying with their father and therefore assuming a male gender role, while little girls will develop an 'Electra complex', which will lead them to identify with their mother and assume a female gender role (Bullock & Trombley, 1999).<sup>18</sup> During the following stage, called the 'latency' stage, which occurs in children ages six to twelve, Freud claimed that children lose all sexual interest, which results in same-gender groups, boys pairing with boys and girls pairing with girls. In the final, 'genital' stage, which occurs at the onset of puberty, sexual drive supposedly reawakens and "unfulfilled desires from infancy and childhood can be satisfied during lovemaking" (McRaney, Bridley & Daffin, 2021, p. 117). McRaney, Bridley & Daffin add that:

Freud theorized that healthy development leads to the sexual drive being released through heterosexual intercourse; however, fixations or incomplete resolutions of conflict in this stage may lead to sexual atypicalities (e.g., preference for oral sex rather than intercourse, homosexual relations, etc.; McLeod, 2008). Again, (...) there is an underlying assumption that healthy development equals heterosexuality, which is a major criticism of Freud's theory (...). (McRaney, Bridley & Daffin, 2021, p. 119)

Many authors, scientists and academics have disputed and discredited Freud on multiple aspects of his theory. Firstly, research has shown that the 'phallic' stage is fundamentally inaccurate, specifically the assumption that children do not have a sense of gender identity

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many psychologists, philosophers and others alike, his theory undoubtedly swayed psychology and psychiatry to adopt a more conservative outlook on gender and trans\* patients, and – by the same token – their approach to treating such individuals. This is not to say that psychology and psychiatry remain utterly conservative and transphobic. However, fragments of Freud's writing continue to echo in modern-day theory and practice.

<sup>18</sup> Freud postulates that little boys develop 'castration anxiety', the fear of being both literally and figuratively castrated or emasculated by their own father. Conversely, little girls, according to Freud, develop 'penis envy'. Evidently, Freud's entire psychosexual theory of personality development revolves around gender, sex, genitalia and sexual desire. Psychologist Karen Horney rightfully opposed this theory based on the argument that it is demeaning to women. Furthermore, she posited that men are the ones who experience feelings of inferiority because they are unable to be pregnant, give birth, nurse and raise a child, a concept she dubbed 'womb envy' (Britannica, "Karen Horney", 2022).

before this age. Kristina Olson, a psychologist at the University of Washington, published a longitudinal study<sup>19</sup> on trans\* children, where she tracked their health and well-being:

Since the study's launch [in 2013], Olson has also heard from the parents of gender non-conforming kids, who consistently defy gender stereotypes but have not socially transitioned. (...) Those parents asked whether their children could participate in the study. Olson agreed. (...) as she kept in touch with the families over the years, she learned that some of those children eventually transitioned. "Enough of them were doing it that we had this unique opportunity to look back at our data to see whether the kids who went on to transition were different to those who didn't," Olson says. By studying the 85 gender non-conforming children she recruited, her team has now shown, in two separate ways, that those who go on to transition do so because they already have a strong sense of their identity. (Yong, 2019)

This study is of immense importance, since long-term data on this subject are rare, and particularly since many parents are concerned about whether and how to support their children in wanting to transition at an early age. Olson does not mean to imply she is in favor of having children undergo surgeries or start hormone therapy – neither do most authors and trans\* rights activists – rather, she implores parents and caretakers to support their children in experimenting with their identity, using a different name and/or pronouns, wearing different clothes, playing with different toys, and other aspects of gender and gender roles, since it is fairly clear from her study that most children are not confused or going through a phase. Quite the contrary, children know themselves better than adults might (want to) think.

Secondly, when it comes to the 'latency' stage, it is easily observable that children often spend time in mixed-gender groups and develop crushes on peers, regardless of gender. Research has shown that children display interest and curiosity towards their bodies and sexuality, and may be inclined to engage in various activities and behavior to explore that aspect of life, alone or with peers. This is normal behavior, and as such it should be

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<sup>19</sup> Olson, Kristina R., Key, Aidan C., and Eaton, Nicholas R. "Gender Cognition in Transgender Children". *Psychological Science*, vol. 26, no. 4, 2015, pp. 467-474.



approached with careful, but open communication, depending on the child's age (The National Child Traumatic Stress Network, 2009).<sup>20</sup>

It is not difficult to see in what ways Freud's theory was harmful to not only trans\* individuals, but cisgender women and men as well. Placing (hetero)sexual desire and sex assigned at birth as the focal points of his theory which act to determine an individual's personality development and course of life, alienated anyone who for any reason did not fit within the confines of cisheteronormativity<sup>21</sup>, and further perpetuated conservative views on gender and sex. However, there have been alternative approaches to Freud's and Lacan's theory of gender and sex, as well as attempts to redefine aspects of psychoanalysis to allow room for trans\* identities.<sup>22</sup>

Gayle Salamon, professor of English at Princeton University, offers such an interpretation of psychoanalysis in her work *Assuming a Body: Transgender and Rhetorics of Materiality*, published in 2010. Salamon explores the subject of the materiality of the body – often overlooked in feminist theory – and sexual difference, where feminist theory often fails to give an account which does not alienate the experiences of trans\* and intersex people. She attempts to “enrich and broaden the mostly gender normative accounts of bodily materiality offered by psychoanalysis and phenomenology” and “understand

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<sup>20</sup> A frequent worry of parents and other concerned individuals is that talking to a child about matters related to gender, sex, and sexuality will encourage them to become sexually active. This is factually wrong. There have been numerous studies and surveys conducted in the past 20 years which all yield the same results – talking to your children in an age-appropriate way about these topics actually makes it “easier to delay sexual activity and prevent unwanted pregnancy if [children are] able to have “more open, honest conversations” with their parents on these topics” (Albert, 2004; see also Ryan, 2000; Ortega, 2020). By having honest conversations with children about sexual topics, we can provide them with the tools necessary for them to exercise good judgement when it comes to their safety, their body, relationships and intimacy (The National Child Traumatic Stress Network, 2009).

<sup>21</sup> Cisheteronormativity is a term that describes a “pervasive system of belief (on an individual, systemic, and ideological level)” that centers and naturalizes heterosexuality and a binary system of sex/gender assigned at birth, and “associated ways of being in the world (life-path, material desires, family/kinship structures, political/social goals, etc.)” (definition taken and adapted from The Gender and Sexuality Campus Center and Amherst College). The term is a combination of *cisnormativity* and *heteronormativity*.

<sup>22</sup> One such example is Patricia Gherovici, a psychoanalyst and theorist who tries to reconcile Lacan's theory with support of trans\* identities through her interpretation of Jacques Lacan's psychoanalysis approach in her book *Please Select Your Gender: From the Invention of Hysteria to the Democratizing of Transgenderism*. Other psychoanalysts who have started looking into Lacan's theory of sexuation to explore sexuality, subjectivity, and desire in relation to trans\* identities include Gayle Salamon (*Assuming a Body: Transgender and Rhetorics of Materiality*), Shanna Carlson (*Transgender Subjectivity and the Logic of Sexual Difference*), and Patricia Elliot (*Debates in Transgender, Queer, and Feminist Theory: Contested Sites*).

[transgender] bodies as embodying a specificity that is finally not reducible to the material” (Salamon, 2010, p. 8). Admittedly, the language Salamon uses is clear and engaging, however, without the proper background knowledge of the theoretical positions and debates this text might become challenging.

In the first chapter, “What is a Body?”, Salamon reexamines two Freudian concepts, 1) his critique of the binary model of sex in discussions on intersex people, and 2) bodily ego. Bodily ego is, essentially, a “felt sense” of the body. Here I would like to focus primarily on the bodily ego, since, despite his discussion on intersex people, which he incorrectly refers to as “hermaphrodites”<sup>23</sup>, Freud’s position remains narrow-minded. Regarding the bodily ego, Salamon states:

The concept of the bodily ego is of particular use in thinking transgender because it shows that the body of which one has a “felt sense” is not necessarily contiguous with the physical body as it is perceived from the outside. That is, the body one feels oneself to have is not necessarily the same body that is delimited by its exterior contours, and this is the case even for any normatively gendered subject. (Salamon, 2010, p. 14)

Salamon discusses authors such as Jay Prosser, Didier Anzieu and Paul Schilder. It is Schilder’s commentary on the bodily ego and his account of body image that is the most interesting because of its compatibility with trans\* identities, and so will be discussed here.

Schilder’s body schema essentially “presents us with (...) the notion that the *body can and does exceed the confines of its own skin*. That is, the body is not an envelope for psyche, and the skin is not an envelope for the body: both body and psyche are characterized by their lability rather than their ability to contain” (Salamon, 2010, p. 28). To quote Salamon’s summary of Schilder’s argument:

(...) [We] only have recourse to our bodies through a body image, a psychic representation of the body that is constructed over time. The body image is multiple (any person always has more than one), it is flexible (its configuration changes over time), it arises from our relations with other people, and its contours are only rarely

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<sup>23</sup> *Hermaphrodite* is an outdated and offensive term for intersex people, for it carries a strong connotation of abnormality and sensationalism. In addition, it is stigmatizing and misleading, since a hermaphrodite denotes an organism with two kinds of reproductive organs that are able to produce both gametes associated with the male and female sex. This does not apply to human beings.

identical to the contours of the body as it is perceived from the outside. (Salamon, 2010, p. 29)

In other words, body image is the production of a shape, a process that never ends, a series of different models existing through space and time. It is not something we have unmediated access to, but something that has to be, as it were, built from the ground up. In his account, Schilder aims to emphasize this process of construction of the body image and, by extension, the body, “that always takes place in the social world (...) [and] is always contextually situated, in relation to other bodies and to the world” (Salamon, 2010, p. 29). It would seem obvious to glean from Schilder’s argument that the body is much more than something biologically given to us. Before all parts of the body are “assembled” or constructed, we cannot speak of a body.

This argument is compatible with trans\* identities, since trans\* people’s body image is in some way always different from their physical body, or that which is visually perceived on the outside. Furthermore, Schilder’s account clearly leaves more room for self-identification, mutability and autonomous creation of the self. In addition, it applies to everyone, regardless of gender identity and sex assigned at birth. Although, the claim that our body image arises purely from interactions with others is one that I would not fully agree with. I do not mean to deny the obvious influence of interaction and society on our body image and identity. However, I do believe that some parts of our body image are innate, and are simply discovered through interaction, rather than shaped by it. Also, it is not clear how long this body image construction lasts. From Schilder’s account, we can assume that it would last at least all through to adolescence, since this is usually the period where we most frequently interact with others and experience the most changes. Given that children develop a sense of their gender by the age of three, it would not seem like there is much room for conscious construction during that time. Hence, I would argue that gender identity, trans\* and cis, is simply revealed to us through our participation in the social world, and that it is, in its core, innate.<sup>24</sup>

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<sup>24</sup> In terms of trans\* identities I am referring to the lived experience, the state, or condition of being trans\*, not the label we have ascribed to it. The label arose from our interactions with others simply because *cisgender* had already been established as the norm, which everything non-normative would then be measured against. By taking this further, we could postulate that *trans\** exists because of the Other, and

When I say our gender identity is revealed to us through our participation in the world, I am referring to the confirmation (or lack thereof) which we receive from our immediate surroundings, and which relates to our gender identity. The way trans\* people usually realize they are trans\* is through conflict, one that arises from existing outside of the norm. Trans\* people, like everyone else, are born into a cisheteronormative world, with many expectations and gender norms forced upon children since birth, sometimes even before that. By opposing these norms from an early age – often unintentionally – trans\* people immediately become aware of a certain tension that is caused by their deviation. This tension amplifies their “felt sense” of their body, or their gender identity. Gender identity, understood in this way, is like a skeleton. We cannot “feel” our bones in the full sense of the word, but we definitely know when a bone is broken. For cisgender people, their “skeleton” is intact, meaning that they receive confirmation about their gender identity since it does not differ from the norm.<sup>25</sup> This allows them to participate in the world without giving much thought to their gender identity, unless it is in the context of gender inequality, sexual harassment, and other contexts. Nevertheless, I would argue that gender identity exists both in cis and trans\* people; the only difference is in the way it is discovered.

To elaborate on this, it is good to ponder our relationship with our body and our gender. If we attempt to dissect this “felt sense” of our body, we may not encounter clear answers about our gender. In fact, the concept of “feeling” our gender identity is something we could refer to as gender qualia, a sort of qualitative experience of gender and gender identity. If we ask ourselves, ‘what does it mean to feel like a man or a woman’, the answer might not be as easy to verbalize as it might seem. For some this feeling is strong, for others weaker and less relevant. Remember, gender is not equal to sex assigned at birth, and it comprises many facets, from one’s internal sense of self (gender identity) to social norms and subliminal messages about the “proper” way to think, feel and behave as a member of a certain gender. It is difficult for most people to extricate the latter from the former.

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that, had people, primarily in the Western world, contextulized gender as a spectrum, perhaps the label would not exist, or would exist in a different way.

<sup>25</sup> Of course, not all cisgender people adopt normative ways of gender expression, but here the focus is on gender identity.

Psychoanalysis was not the only field concerned with illuminating and understanding the human mind and its relationship to the body and the world. A branch of philosophy concerned with experience also tried to account for trans\* identities, since they are undoubtedly part of human experience. In the following subsection, I will look at authors such as Maurice Merleau-Ponty, Gayle Salamon, and others who have contributed to the field of phenomenology. I will dissect specific parts of their most famous works, discussing both the physical and metaphysical body, the mind, and their relation to the Other. This will by no means constitute a comprehensive analysis of their theory, rather, I shall focus on the sections that concern gender and trans\* identities, both from a conservative perspective and a more liberal one.

### **3.2. Phenomenology and gender identity**

Phenomenology is a branch of philosophy that studies experience. According to phenomenology, the core of meaning and value is found in the human lived experience. Therefore, “the task of the philosopher (...) is to describe the structures of experience, in particular consciousness, the imagination, relations with other persons, and the situatedness of the human subject in society and history” (Armstrong, “Phenomenology”). What follows is a brief explanation of phenomenology’s roots to better understand how it is connected to interpreting trans\* identities, and understanding which perspective it holds.

The modern founder of phenomenology is Edmund Husserl, a German philosopher who endeavored to find foundations that would ensure the certainty of knowledge. With this purpose in mind, he proposed that all assumptions lacking proof (about e.g. the existence of objects) be discarded in reflection, and that philosophers instead should describe only what is given in experience. Phenomenologists have been skeptical about the idea of reflection free of presumption, partially due to Husserl’s take on the composition of knowledge, which he himself saw as subjective and incomplete:

According to Husserl, consciousness is made up of "intentional acts" correlated to "intentional objects." The "intentionality" of consciousness is its directedness toward objects, which it helps to constitute. Objects are always grasped partially and incompletely, in "aspects" (Abschattungen) that are filled out and synthesized

according to the attitudes, interests, and expectations of the perceiver. Every perception includes a “horizon” of potentialities that the observer assumes, on the basis of past experiences with or beliefs about such entities, will be fulfilled by subsequent perceptions. (Armstrong, “Phenomenology”)

Based on Husserl’s account of consciousness, Martin Heidegger postulates that “understanding is always “ahead of itself” (sich vorweg), projecting expectations that interpretation then makes explicit” (Armstrong, “Phenomenology”). In *Being and Time*, published in 1927, Heidegger states that a certain “forestructure” is an innate part of understanding, and that it comprises assumptions and beliefs which direct interpretation.

Even though this kind of approach to learning more about the human experience might appear flawed, since it seems like we could never reach full understanding of the world around us, or even ourselves, French philosopher Maurice Merleau-Ponty embraces this ambiguity and rejects the aim of fully transparent understanding. In other words, Merleau-Ponty rejects idealism, and in his famous work, *Phenomenology of Perception*, published in 1945, situates consciousness in the body:

His notion of “perception” as the situated, embodied, unreflected knowledge of the world rejects splitting the mind off from the body or treating the body mechanistically as a mere object. Consciousness is always incarnate, he argues, or else it would lack a situation through which to engage the world, and Merleau-Ponty’s awareness of the necessary situatedness of existence makes him emphasize the inescapability of social and political entanglements in the constitution of subjects. The experience of embodied consciousness is also inherently obscure and ambiguous, he finds, and he consequently rejects the philosopher’s dream of fully transparent understanding. Reflection cannot hope for a complete, certain knowledge that transcends the confusion and indeterminacy of unreflective experience. The activity of reflecting on the ambiguities of lived experience is always outstripped by and can never ultimately catch up with the fund of preexisting life it seeks to understand. For Merleau-Ponty, the primacy of perception makes philosophy an endless endeavor to clarify the meaning of experience without denying its density and obscurity. (Armstrong, “Phenomenology”)

A modern-day author who also contributed to phenomenology is Gayle Salamon. In *Assuming a Body: Transgender and Rhetorics of Materiality*, Salamon upsets certainties many people have about their body, namely, the belief that the material reality of our body

exists without question and that its inherent nature leads to an epistemological truth about gender, sex and identity. Through her exploration of trans\* embodiment from the perspectives of psychoanalysis, phenomenology, and queer theory, Salamon shows the value of trans\* experience. In summary, she suggests that the difference between cisgender and trans\* identities is not material. In fact, Salamon claims that gender is created in the “disjunction between the “felt sense” of the body” and the perception of the body’s physical boundaries. Moreover, she states that this process should not be seen as pathological. Salamon looks at how the body comes to exist and how it becomes one’s own, from which she builds a framework for pondering what “counts” as a body (Salamon, 2010, pp. 1-3).

In the second chapter of her book, “The Sexual Schema”, Salamon offers an interpretation of Merleau-Ponty’s *Phenomenology of Perception*. Here I will comment on her reading of Merleau-Ponty and her arguments for materiality and trans\* identities, since I find her approach to phenomenology and psychoanalysis interesting, and her contribution to gender studies and trans\* studies refreshing.

The central question which Salamon poses in her book is what it means to be embodied. For Merleau-Ponty, similar to Schilder’s account of body image, it is our relation to the world that gives us a body. While for psychoanalysis “the body is available to a subject only through a complex set of mental representations, of psychic images, designated alternately as the bodily ego or the body schema” (Salamon, 2010, p. 4), Merleau-Ponty shifts the capacities of the unconscious “from the domain of the mind to the domain of the body” (Salamon, 2010, p. 47). Despite the fact that Merleau-Ponty has received criticism for his masculinist approach, Salamon maintains that his emphasis on sexuality as crucial for grasping the human body at least opens a space for new ways of conceptualization which would align with feminist theory and trans\* studies. She adds:

In Merleau-Ponty’s work there is something essentially ambiguous in sexuality. I suggest that this ambiguity need not be read, as it most often has been, as a phobic or hostile “avoidance” of sexual difference, but rather as a more purposeful confounding of that category. There is something enabling in this philosophy of ambiguity; it is precisely the ambiguity attending sexuality that can become the means for understanding bodies, lives, and especially relationality outside the domains of male or female. (Salamon, 2010, p. 44)

Merleau-Ponty offers an account of the sexual schema, which is fairly similar to the body schema. Its presence is inescapable and exists in different temporalities, always dependent upon or directed both towards the past and the future. For Merleau-Ponty, the sexual schema is created in part by desire, our desire for others and their desire for us. It extends forward inasmuch as that which animates one's body through desire depends upon previously experienced sensations. In other words, our history shapes our desire. The sexual schema extends backward, too, as all our previous experiences merge into a coherent whole which we can then weave into a narrative. The combination of these two processes creates a sexual self (Salamon, 2010, pp. 44-45). According to Merleau-Ponty, the body comes to be through desire. In the following passage, Salamon comments on Merleau-Ponty's description of sexuality:

Sexuality is a matter not of seeing but of sensing, which takes place below and beyond the threshold of the visible: "The visible body is subtended by a sexual schema, which is strictly individual, emphasizing the erogenous areas, outlining a sexual physiognomy, and eliciting the gestures of the masculine body which is itself integrated into this emotional totality" (...) In this description, sex is not simply compared with or analogized to proprioception: sexuality is proprioceptive (and so, too, is sex, (...)). There is the visible body, the body for-itself as viewed by others, the material stuff of flesh that is animated and inhabited by a sexual schema. That sexual schema delivers to the subject a sexual physiognomy, just like the body schema delivers to her a bodily morphology. We might even say that the sexual schema in this moment exists prior to the bodily schema: Merleau-Ponty begins with a body, visible but vaguely defined, and then moves to a consideration of the sexual schema beneath it, only after which the physiognomy of the sexual regions of the body become delineated. It is only after that delineation wrought by desire that gender appears, first as a bodily fact ("the masculine body") and finally as an emotional one. (Salamon, 2010, pp. 47-48)<sup>26</sup>

Claiming that "it is only *after* this delineation wrought by desire, that gender appears" seems unusual. If we take gender identity to be part of the sexual schema, like it is with the body schema, then this would mean that sexual desire, in some unexplained way, gives rise to our gender identity. This appears contrary to the relationship between sexuality and gender identity, which we know are not related in this way. Furthermore, it does not

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<sup>26</sup> *Proprioception* is a term used in phenomenology, carrying the same meaning that *bodily ego* has in psychoanalysis, a "felt sense" of the body.



account for asexual people, who feel little to no sexual desire. Perhaps most importantly, knowing that gender identity is evident at three years old, it seems to tread close to Freud's claim that children this age (and younger) have sexual desire.

Immediately after, Salamon adds:

An insistence that phenomenological experiences of the body and the subject are individual rather than categorical situates the subject differently, temporally and socially. In terms of social organization, this insistence on particularity frustrates categorical summary; it means that neither sexual embodiment nor situatedness nor expression can be predicted by membership in any particular category of gender or sex. The implications of this disarticulation are more profound than the comparatively clearer decoupling of sexed identity (male or female), gendered identity (man or woman, femme, butch, or trans), and sexuality (lesbian, gay, bisexual, or heterosexual). (Salamon, 2010, p. 49)

While I believe Salamon is supportive of this individuality, I found this passage interesting, since it is reminiscent of the conversation surrounding labels. Why are there so many popping up all of a sudden? Are they really necessary? How are we supposed to keep up with so many identities? The answer is simple. Human beings are multifaceted creatures, and their experience and identity transcend language. The concept of a *man* and *woman* was originally falsely based on externally visible anatomical features. The gradual progress in learning about gender and sex brought the opportunity for a more inclusive, rich language, one that accommodates all experiences and backgrounds. Since humans tend to ascribe labels to virtually everything with the desire to categorize things to make life simpler, many new experiences result in new words or categories, made possible by the inherent flexibility of language. It does not seem worth sacrificing human freedom, expression, and ultimately rights, all for the sake of linguistic economy. Even trans\* people exist in many different ways, despite being categorized under a single umbrella term. So, really, all that is happening is that trans\* people are finally finding their place in language – and the world.<sup>27</sup>

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<sup>27</sup> There is, of course, a downside to labels in general, because even though they may give individuals a sense of realization, freedom and (collective) identity, they may also be limiting in their (sometimes) rigid definitions. For example, a man identifying as heterosexual may occasionally experience attraction to other men, but this attraction might be a lot weaker, or just be romantic but not sexual. This man may want to call

In the section called “Sex and Transcendence”, Salamon offers a more straightforward description of how phenomenology can be used to include trans\* identities as valid and natural. In phenomenology, one’s own perceptions, or phenomenological mode of embodiment, are the ultimate means of determining truth. This does not mean that hallucination falls under the same category, or that we alone construct the whole truth. Rather, it means that:

[My] experience of my body, my sense of its extension and efficacy, the ways that I endeavor to make a habitable thing of it, and the use I make of it (...) are my necessary relation to whatever materiality I am. (Salamon, 2010, p. 56)

Understood in this way, Merleau Ponty’s account provides a materialist way of conceptualizing the subconscious which simultaneously acknowledges both the role of cultural meaning in our bodily interpretation, and the body’s materiality, as well as our “felt sense” of our body, which transcends the binary system present in society.

Salamon’s interpretation of Merleau-Ponty – a philosopher with a masculinist approach, who most likely did not intend to write about non-normative genders – represents a supportive exploration and understanding of trans\* identities. Kathleen Stock, author of *Material Girls: Why Reality Matters for Feminism* (2021), takes on a different approach. Her main argument is that when it comes to complex issues regarding feminism and trans\* rights we need to ground ourselves in ‘reality’, the nature of which she attempts to illumine in her book. In the next section, I will be analyzing parts of Stock’s book and critiquing her position from multiple angles. Finally, I will provide suggestions as to what gender theory should be adopted in political, economic, medical, religious, social, and other contexts – not only for the purpose of ensuring that all people have the right to bodily autonomy and self-determination, but also for the goal of preventing sex- and gender-based discrimination, and ultimately opening a much-needed space for other human rights movements to establish beneficial policies that would advance overall quality of life.

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himself something other than heterosexual, since he feels that this label does not fit him, according to the definition. He might not feel comfortable with the label ‘bisexual’ for the same reason. Therefore, he might be inclined to come up with a new word to make room for his experience, such as ‘bi-curious’. This example also illustrates how new labels can enter language.

## 4. Modern critique of gender

In this section, I argue that despite Stock's ostensibly well-intentioned effort to merge feminism with trans\* studies in a way that supports both groups, *Material Girls* represents yet another attempt at attacking and undermining trans\* rights, and one among many works belonging to the reactionary pushback against trans\* and gender non-conforming identities.

Kathleen Stock is a British philosopher and writer, and a well-known "gender-critical" feminist. Due to her conservative views on trans\* rights and gender identity, her writing has become a controversial issue in the past five years. Before I start analyzing Stock's book, in order to provide a background and facilitate better understanding of her arguments, I will briefly mention values of "gender-critical" feminism and what it opposes.

### 4.1. Trans-exclusionary radical feminism

"Gender-critical" feminism, also known as trans-exclusionary radical feminism, refers to a group of radical feminists who put primacy on sex assigned at birth over gender identity (Observer editorial, 2021), and hold beliefs such as that trans women are not women (Flaherty, 2018), therefore opposing certain trans\* rights and demanding that trans women be excluded from women's spaces and groups in the interest of single-sex spaces (O'Connell, 2019).

'Gender-critical' beliefs refer to the view that someone's sex (...) is biological and immutable and cannot be conflated with someone's gender identity (...). The belief that the patriarchal oppression of women is grounded partly in their biological sex, not just the social expression of gender, and that women therefore have the right to certain single-sex spaces and to organise on the basis of biological sex if they so wish, represents a long-standing strand of feminist thinking. (Observer editorial, 2021)

The group has been a target of much criticism. The Association for Women's Rights in Development condemned their "sex-based" rhetoric, stating that it "misuses concepts of sex and gender to push a deeply discriminatory agenda" (Umyra, 2021). Judith Butler also commented on the issue, saying that:

[It] is painful to see that Trump’s position that gender should be defined by biological sex, and that the evangelical and right-wing Catholic effort to purge ‘gender’ from education and public policy accords with the trans-exclusionary radical feminists’ return to biological essentialism. (Parsons, 2020)

In 2022, the Council of Europe approved a report which condemned the “extensive and virulent attacks on LGBTIQ+ rights” (Duffy, 2022). More specifically, it criticized:

The highly prejudicial anti-gender, gender-critical and anti-trans narratives which reduce the fight for the equality of LGBTI people to what these movements deliberately mischaracterise as ‘gender ideology’ (...). Such narratives deny the very existence of LGBTI people, dehumanise them, and often falsely portray their rights as being in conflict with women’s and children’s rights, or societal and family values in general. All of these are deeply damaging to LGBTI people, while also harming women’s and children’s rights and social cohesion. (Council of Europe, 2021)

It is interesting to notice how the effort of trans-exclusionary radical feminists to return to biological essentialism actually resembles patriarchal attempts to reduce women to their biology. This is most likely not intentional, but it shows how deeply flawed and harmful their rhetoric actually is, not only towards trans\* people, but cisgender women, too. I will talk more about their arguments in the next subsection.

#### **4.2. “Material Girls: Why Reality Matters for Feminism”**

Stock’s book spans over 8 chapters, and the author tackles many topics related to gender, sex, feminism, and trans\* people. Considered controversial in many circles, it lends itself to various critiques. In this subsection, I will abridge her writing, extract her most salient points, and provide my own counterarguments.

Stock begins by stating that her book is about sex and a philosophical theory about gender identity, where she describes the latter as having come up “quite unexpectedly”. Her motivation to write comes from the Gender Recognition Act (GRA), a landmark legislation introduced by the UK government in 2004, which allowed trans\* people to have their gender identity legally recognized and reflected on their birth certificate and other documentation. Additionally, as a direct result of lobbying, changes were proposed to the

GRA in 2015 “that would make getting a Gender Recognition Certificate a matter of ‘self-identification’” (Stock, 2021, p. 7). In line with her trans-exclusionary views, her main argument is that trans\* people “deserve laws and policies that properly protect them from discrimination and violence” but “laws and policies based around gender identity are not the right route” (Stock, 2021, p. 12).

In the first chapter, she provides an overview of gender identity theory and its main four claims she calls “four axioms”:

1. You and I, and everyone else, have an important inner state called a gender identity.
2. For some people, inner gender identity fails to match the biological sex – male or female – originally assigned to them at birth by medics. These are trans people.
3. Gender identity, not biological sex, is what makes you a man or a woman (or neither).
4. The existence of trans people generates a moral obligation upon all of us to recognise and legally to protect gender identity and not biological sex. (Stock, 2021, p. 13)

I will focus on her view of 3) and 4), since 3) is what she and other trans-exclusionary radical feminists argue against, and 4) is a misleading statement consisting of several inaccurate hidden premises. By this, I mean that here Stock uses ‘biological sex’ when she should be using ‘body’. According to Stock, it is our sex assigned at birth, or our biological makeup as it was at birth, that should have primacy over gender identity. By using ‘biological sex’, she refers to physical characteristics of a person, primarily their sexual and reproductive system. However, when she talks about cisgender women’s safety and rights, she talks about their body as a whole, not just their sexual and reproductive system. Additionally, she talks about cisgender women’s bodies not only as something individual, but also political, since cisgender (and trans) women have historically been – and remained – a target of restrictive sexual and reproductive policies, misogyny, double standards, pink tax, gender pay gap, unpaid care work, and other forms of gender-based discrimination.

Despite her insistence on biological essentialism, it is clear that Stock sees the legal recognition of gender identity as a threat to cisgender women’s bodies understood within this wider context. For example, when she talks about the threat of trans women to sports, she means the threat of trans women to cis women, in particular, their athletic

achievements, safety in locker rooms, bodily autonomy, and similar things. These extend beyond their sexual and reproductive system, and encompass gender as a social role, too. Therefore, it seems that Stock opposes the erasure of cisgender women's bodies and their social status, meaning their autonomy, safety, sexual and reproductive rights, etc., not only their sex assigned at birth.

With this in mind, the implication of 4) is that trans\* rights activists do not want people's bodies to be legally protected, but only gender identity – which is false. By legally protecting someone's sex assigned at birth, we are not protecting trans\* people, only cisgender people. What trans\* rights activists strive to achieve is legal and medical protection of all bodies, *regardless* of gender identity. They want gender identity to be recognized as a real part of our constitution. That does not mean that cisgender women would lose sex-based legal protection, it only means it would be expanded to include trans\* people as well. This way, we would accommodate both people whose sex assigned at birth is an indispensable part of their identity and life, and people who have a different relationship with it.

Stock proceeds by giving an account of what she calls a “rapid intellectual onset of gender identity theory”<sup>28</sup>, which is a list of crucial moments that shaped gender identity theory. Among these moments she includes John Money's controversial experiment. Despite her seeming efforts to remain neutral in her description of this process, she slips up occasionally, e.g. in calling certain gender identities “particularly popular” and “cutting-edge”, as if they were trends, passing fads, or technological advancements. Additionally, in her recount of these crucial moments, it appears as though she cherry-picks them and frames them in a way that gender identity theory is presented to the reader as something scandalous or without theoretical or scientific basis. She goes on to say that:

increasingly we are told by academics that the idea of a natural binary division between females and males is a pernicious product of Eurocentrism, colonialism or even white supremacy” (Stock, 2021, p. 32)

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<sup>28</sup> It is likely that this is meant to be a reference to rapid onset gender dysphoria, suggested as a subtype of gender dysphoria developed by exposure to peer influence and social contagion (Littman, 2018). This is not a valid mental health diagnosis, since research on it has received critiques on being politicized and permeated with self-selection bias of the subjects (Restar, 2019).

It is a fact that many cultures defined and performed gender differently throughout history. In fact, numerous communities and nations defied the gender binary for centuries, even millennia.<sup>29</sup> Most of these were stifled by the Western world and white supremacy, which colonized and erased liberal customs and views on gender and gender expression. It is important to remember how frighteningly easy it can be to erase or bury values, traditions, customs, and even entire cultures. It is equally easy to forget or ignore how today's traditions, values, and social norms came to be. Therein lies one of the biggest mistakes humanity can make, for it begets ignorance, which begets prejudice, which in turn leads to fear and violence.

A further look at Stock's writing reveals that she also misunderstands some terms, for instance, when she states that "sexual orientations (...) follow from, and depend upon, a prior and more fundamental [identity]: gender identity" (Stock, 2021, p. 24). This is simply not true. Sexual orientation is not connected to gender identity, at least not in the way Stock describes it. A person's sexual orientation remains the same after coming out as trans\* and/or their transition. The only thing that might change is the label they use to describe their sexual orientation. Sexuality and gender identity inform one another, but it is incorrect to claim the existence of a causal relation, which Stock implies on multiple occasions.

At this point, certain things necessitate clarification. Stock belongs to the group of women "who believe that women's oppression is sex-based, and are concerned about erasing the political importance of female bodies" (Flaherty, 2018). As Stock puts it, according to gender identity theory, "in a straight fight between gender identity and sex, as it were, gender identity should win" (Stock, 2021, p. 39). She dedicates an entire chapter to the definition of sex to support her arguments of why gender identity theory is flawed and even harmful. As she says, "for some theorists, being a woman is not the same as being female: according to them, some males can be women, and some females, men" (Stock, 2021, p. 40). This statement seems purposefully misleading. By saying someone *is a male* (notice the use of the noun form), you are emphasizing the primacy of their sex assigned at birth. You are saying that being "a male" is a primary part of their being, and thereby automatically denying their womanhood. Whereas, if you say they were assigned male at

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<sup>29</sup> For more information on this, see Trently (2015) and Horswell (2020).

birth, but are a woman, you are recognizing their autonomy in identifying their own self, their own body schema.

Furthermore, no one is denying the existence of biology or its influence on a person's life. The reason why trans\* rights activists insist on gender identity recognition is because it matters for *all* trans\* people. For trans\* people, their sex assigned at birth does not correspond to their gender identity, and that should be respected, recognized and protected in every way. However, for cisgender people, especially women, their sex assigned at birth, the body they were born with, presents a very important part of their identity, and one that truly matters to most, if not all women. They should be able to take ownership of their body and reclaim it as their own. This matters even more in the context of gender inequality, sexual harassment and gender-based violence. As an issue of vital importance, it also must be respected and protected universally. In other words, no one is trying to invalidate or discredit someone's connection with their sex assigned at birth. Just like feminism is not trying to harm men, but give rights to women (and men), gender theorists are not trying to harm women, they are trying to achieve rights for trans\* people, and those depend upon self-determination and the recognition of gender identity, legally and in practice.

After a long discussion of what exactly constitutes sex, Stock concludes that “in the vast majority of cases, sex is not ‘assigned at birth’ but detected” and that it “cannot be ‘reassigned’ through surgery or a change in legal status, nor ‘changed’” (Stock, 2021, pp. 65-66). Let us assume, bar the legal status change, that this is true. Why should it matter, if we have accepted that gender identity is part of what determines our body schema, regardless of whether we are trans\* or cis? Furthermore, scientists have repeatedly stated that there is no single biological factor that determines one's sex (“Why Sex is Not Binary”, 2018). In that sense, since it consists of many factors, there would be a possibility for sex to be “reassigned” or “changed”. Regarding legal status change, since gender identity can only be reflected in legal documents by changing one's sex marker, this is the only current option for trans\* people. Moreover, we have concluded that for most, if not all trans\* people, sex assigned at birth should not be stated in their legal documents, partially to recognize their gender identity and partially to protect their privacy and safety.



From this point on, most of Stock's book essentially revolves around sex assigned at birth. She makes several trite arguments as to why sex matters, looking at medicine, sports, and sexual orientation. Despite her urge to categorize everything into a neat little box, these arguments do not hold. For example, she states that trans women should compete with "fellow males" because they will outperform almost every female. Again, this is simply not true. Trans women are statistically shown to perform at the same level as cisgender women (Gender Justice; Harper, 2015; Harper, et al., 2021). What's more, despite being an ardent feminist, Stock overlooked a major issue that would affect *all* women if trans women were made to compete with men. The reason why this would be detrimental to every woman is because it is almost impossible to tell whether someone is trans\*, however much Stock tries to claim otherwise. Human beings come in all shapes and sizes; not all cisgender women are short, slender, weaker than men, and with overall softer features, not all cisgender men are tall, broader, stronger than women, and with overall stronger features. The same goes for trans\* people. Now, in order to find out whether someone is trans\*, they would have to be investigated to see whether there was any history of living as another gender, or transitioning legally, medically or otherwise. Sadly, this is not a hypothetical scenario. Recently, in Utah, a cisgender girl was accused of being transgender because she "outclassed" her peers (Christen Jones, 2022; Lemoncelli, 2022). In other words, she is a cisgender girl accused of being transgender because she does not fit a box of what womanhood or girlhood is supposed to look like. This is not the first investigation of cisgender girls that is happening. Utah is one of the 18+ states in the U.S. that has banned trans girls from playing girls' sports.

Excluding trans\* people from sports is going to affect everyone because in order to exclude trans\* people, you have to test everybody. By creating a box of womanhood, every other woman in the category is going to be policed against it. So, if a woman or a girl is too tall, too fast, too strong, or too muscular, she can be accused of being transgender and then potentially thrown out. Therefore, when you police trans women, you police *all* women, especially women of color, queer women, and women who are not "traditionally" feminine. The state investigated the girl in Utah all the way back to kindergarten to make sure she was always assigned female. Not only is this invasive, but it is also unnecessary. In some U.S. states they are also proposing genital exams, meaning that children will be

forced to have their genitals examined if they want to play sports (Rosenberg, 2022; Zoellner, 2021). This practice would leave children vulnerable to all kinds of harassment and violence, not to mention severe trauma. Trans\* athletes, especially trans\* children are not a threat to sports, transphobia is.

Stock's argument related to sexual orientation, is, as one might assume, that people are attracted to someone's sex assigned at birth. Once again, Stock misses the point completely. To reiterate, people are more than their assigned sex at birth, and their gender is as well. Therefore, most people are usually attracted to many different aspects of a person – their energy, masculinity/femininity/androgyny, certain body parts, facial features, voice, gait, sense of humor, interests, etc. – and none of these are necessarily related to their sex assigned at birth. Despite Stock's claim that we can almost always discern someone's sex assigned at birth, this is just not true. We see external characteristics, and a trans man/woman in most cases will look just like a cis man/woman. Since we are discussing sex assigned at birth, while it is true that some people might be attracted exclusively to one set of genitalia – and that might be the reason they would not sexually engage with a person with that genitalia – it is more likely that most people are attracted to external features unrelated to chromosomes, gametes, and similar facets.

All in all, Stock's book revolves around the idea that sex assigned at birth is what should preside over gender identity, as it were. Trans\* people should be recognized, but only because it is polite and respectful to do so, not because we actually believe in the validity of their experience. According to her, for trans\* people gender identity, which she describes as “psychological identifications with the opposite sex or androgyny,” is an aspect of self and personality *only if understood as* “potentially fluid and partly constituted by personal interpretation, and not in terms of innate permanent features.” She adds that “such identifications, whether with the opposite sex or with *one's own sex*, clearly aren't present for all of us.” Therefore, she arrives at the conclusion that “gender identity can't also be ‘fundamental’ in a way that is relevant to identity documents, nor can it be ‘one of the most basic aspects of self-determination, dignity and freedom’” (Stock, 2021, p. 121, emphasis mine). Despite her description of gender identity as “potentially fluid and partly constituted by personal interpretation,” she seems to imply that cisgender people do not

identify with their own sex, which is an odd claim. Firstly, everyone's view of their body and their gender is "potentially fluid". As human beings, we do not reside or belong in boxes. We grow and change immensely during our lifetime, and aspects of our self and our identity change as well. Secondly, by the same token, it is very much open to "personal interpretation". Thirdly, this does not imply that these features are not "innate and permanent". By permanent, I do not mean fixed and immutable. Rather, permanent in the sense that we are continuously interpreting our body and gender, and that comes from how we identify with it in different periods of our life.

In other words, Stock's view of gender identity seems to be that trans\* people subjectively "interpret the opposite sex or androgyny" and then internalize that interpretation. Therefore, it is no surprise that she believes that gender identity, understood in such inaccurate terms, is not present in everyone. Similarly, it is understandable why she opposes the legal recognition and protection of gender identity. It can be extrapolated that Stock does not believe trans\* people are born trans\*. According to her, trans\* people internalize transness at some point during their lives, an opinion which most likely follows from her incorrect understanding of the term and experience.

As it was shown in Money's experiment on David Reimer, even though David had been raised as a girl since his infancy and was not told about his sex assigned at birth until much later in life, he stated that he always knew he was a boy. He was certain about his gender identity in the same way that we now know many young children are. It is possible that children know much earlier, but are unable to verbalize it due to such a young age. Whether gender identity is something innate is difficult to prove empirically, but one thing is definite, just as a person cannot consciously construct or willingly change their sexual orientation, they cannot do the same with their gender identity.

In a similar vein, Stock tells us that:

gender-critical feminists (...) rebel against the idea (...) that what makes you a woman or man is a feeling (...) [which] could only be about the applicability of restrictive and damaging sex-associated stereotypes to yourself (Stock, 2021, p. 207)

Saying that gender identity is a "feeling" that only relates to applying "restrictive and damaging sex-associated stereotypes to yourself" is purposefully misleading, because it

implies that gender identity is something unstable, ephemeral, and shallow in comparison to sex assigned at birth. There are several implied assumptions here. Firstly, some studies suggest that gender identity is not something unique to trans\* people, but that everyone has it.<sup>30</sup> It seems reasonable to claim that gender identity is part of every human being. After all, if this were not the case, we would be able to mold every child's gender to be whatever we liked, which Money proved to be false. The only difference between cis and trans\* people is that while cis people's gender identity is aligned with their sex assigned at birth, trans\* people's gender identity is not aligned with it. This does not mean that either of the two is superior, stronger, more stable or more valid. Secondly, it is "gender-critical" feminists' claim that trans women are not women that causes them to wish things to be based on sex assigned at birth, when, in reality, trans women are just as much of a woman as a cis woman. Yes, the two might have a different biology, but, as we have seen, biology is of lesser importance.

Naturally, as most trans-exclusionary radical feminists, Stock is mainly concerned with trans women, frequently bringing up the fact that they were assigned male at birth, thereby implying that this is somehow relevant for other people's lives. She has openly stated that many trans women are "still males with male genitalia, many are sexually attracted to females, and they should not be in places where females undress or sleep in a completely unrestricted way" (Doherty-Cove, 2018). Regardless of how she tries to avoid criticisms of her transphobia, this is a blatant example of it, because she is essentially equating trans women with men, implying they will adopt harmful and abusive behavior typically associated with men, e.g. preying on women, sexually harassing and violating women. Toxic masculinity mainly comes from patriarchy and misogyny, two systems that trans women most certainly do not wish to uphold, since they are both transgender and women. However much Stock emphasizes biology, in the end, human beings possess the ability to act rationally and with empathy for other people's feelings, boundaries, and personal space. Meaning, they are not governed by their biology, and it is not their biology that will cause transgression in ways Stock implies. Arguing that trans women, just because

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<sup>30</sup> One such paper, based on large-scale twin studies, suggests that the development of both cis and trans\* gender identities is caused by innate genetic characteristics, with little possible influence from specific environmental circumstances, rather than common environmental or cultural elements, which play a small role (Polderman, 2018).

they might share some physical features with cisgender men, will behave in the same harmful way, is incorrect at best, and transphobic at worst.

Stock has a particular interest in trans\* people's anatomy in general. According to her, both trans\* people and the law that would give them the right to have their gender legally recognized are "immersed in fiction". Fiction about the legal "change of sex", and any other kind for that matter. She says that most trans\* people are immersed in this fantasy that they have "literally changed sex". She does not seem to understand that despite having access to gender-affirming surgeries and hormones, trans\* people are painfully aware of the fact they will never be able to do that, since they cannot travel back in time. Also, this implies that all trans\* people want to "fully transition", which, as we have mentioned before, is false. However, since sex assigned at birth comprises many features, trans\* people can alter it as much as possible to alleviate their gender dysphoria. In the end, all that trans\* people want is the same thing everyone else does – to live as their authentic self, free of discrimination and subjection to invasive practices such as the ones Stock proposes be universally adopted.

In the words of Dunja Mijatović, the Council of Europe Commissioner for Human Rights, trans-exclusionary radical feminists, along with the anti-gender movement, are "instrumentalizing existing societal prejudices and verbally attacking LGBTI people to achieve political objectives for their own benefit". She continues: "[the targeting of] LGBTI people for political gain is a costly strategy which harms the lives and well-being of those affected and undermines social cohesion in general". She adds: "by permeating the political scene, the anti-gender movements are increasingly well-placed to erode the protection of human rights in Europe". Finally, she concludes that "by standing up for LGBTI people, we defend the equal human dignity of all, protect our societies' wellbeing and the strength of our precious human rights system" (Mijatović, 2021).

Finally, one possible solution to the debate surrounding gender identity might be found in the phenomenological materialist account of body image, which would include gender identity, since it is a vital part of how we conceptualize our body and our self, and how we interact with others and the world around us. Gender identity would then cease to be a matter of the metaphysical, as it is often theorized, but something inherent to our material

body. It would certainly present a solid argument against conservative thinking which relies on biology as the “be-all and end-all” for gender.

## **5. Conclusion**

In this thesis, we have discussed gender in its various forms. Looking at the history of gender, both linguistic and social, we unearthed many past meanings, some of which continue to persist today. We have seen how people’s and society’s conception of gender changed in accordance with new discoveries and research on gender. However, not all understandings of gender had a positive impact, as was shown in Money’s conjecture that gender is socially constructed in its entirety. This was disproven by his subsequent experiment on a young boy, whose parents, prompted by Money, decided to raise him as a girl after a surgical mistake left him with a dysfunctional penis. It is difficult to understand the logic behind his suggestion, even more so David’s parents’ agreement and continuous effort to enforce the role of a girl on David, instead of just reconstructing his penis in the first place.

Money was not the only scientist at the time who supported the idea that gender is a social construct. This perspective on gender, adopted by others within the following thirty years after Money’s experiment, was cited as something that “gave ammunition to the opponents of ‘gender ideology’ through his fraudulently deceptive claims about the malleability of gender in certain patients who had involuntarily undergone sex reassignment surgery” (Case, 2019). These opponents of ‘gender ideology’ belong to the anti-gender movement, which most likely stems from the Catholic Church’s perception of gender as a threat aimed at destabilizing the natural order and the traditional, nuclear family. The anti-gender movement draws its values from the traditional theory of gender, a widespread theory mainly rooted in conservative, binary gender roles, and the claim that there are only two genders which correspond to the two sexes assigned at birth. According to this theory, both genders have rigid, biologically and divinely determined psychological

characteristics which are materialized in society as gender roles, directing behavior and social structure.

A look at psychoanalysis and phenomenology and their view of gender presented other origin points of modern conservative thought of gender. While psychoanalysis mostly had negative consequences on gender and trans\* identities, alternative readings of Merleau-Ponty's phenomenological approach and his body schema allow for potential new interpretations of the material body, one that accounts for gender identity as an indispensable and innate part of the self.

Lastly, an analysis of trans-exclusionary radical feminism, another form of reactionary backlash against gender identity, showed that some authors and academics are desperately seeking refuge in biology and sex assigned at birth. According to one such author, Kathleen Stock, gender identity is neither innate nor permanent. She believes, as many trans-exclusionary radical feminists do, that it is an internalization of a personal interpretation of "the opposite sex or androgyny" as well as "restrictive and damaging sex-associated stereotypes". Therefore, she advocates against legal gender identity recognition and protection, a proposition that would have – and has previously had – incredibly damaging consequences for trans\* people who know their identity, as well as those who are still discovering it.

Ultimately, the qualitative experience of gender is one characterized by elusiveness. Most cisgender people cannot directly experience or "feel" their gender identity, at least not in the way trans\* people do. Trans\* people come to know their gender identity differs from the norm because of the tension this conflict causes. This tension, born out of existing in opposition to cisheteronormative social standards which insist on the primacy of sex assigned at birth and the gender binary, is a signifier to trans\* people, warning them that something is "wrong". While conservatives will often claim the issue lies in transness itself, liberals will mostly side with trans\* people, interpreting gender as a spectrum and denouncing the rigid binary system of gender.

Conversely, cisgender people are met with acceptance from day one. They do not usually defy society's often unspoken norms regarding gender, and therefore will not feel the brunt of the attack on their identity. Many cisgender people simply exist in the world,

not thinking about their gender much, unless it is in the context of gender inequality, sexual harassment, misogyny, and similar contexts. They feel no need to change their name, use different pronouns, change their legal documents, wear different clothes, or change their bodies in any way. Therefore, they are not met with any resistance.

A good way to illustrate this is through an analogy. The moment we are born, no one can tell whether we are right-handed or left-handed. We learn this by doing things with our hands and discovering what feels right. For example, as a left-handed person, we would immediately feel how unnatural it is to write or draw with our right hand. It would be a lot harder, much less smooth, and we would struggle to complete even the most basic task. In this sense, gender identity can feel so natural and implicit that we forget it is there. Perhaps, due to lack of conversation on this topic, people assume that others experience their gender the same way they do. Perhaps, no one really knows what womanhood or manhood feels like, or they simply cannot describe it.

If Money's experiment, however horrific and unethical, should demonstrate anything, it is that gender identity is innate, and that no social influence can change it. The fact of the matter is – no one is going to coerce women, or anyone – into becoming trans\*. People are born trans\*, they do not change, or make a choice, or fall under the influence of other trans\* people. The only thing they might choose to do is to live their lives as their authentic self, the one they have always been.

Despite Stock's insistence that trans\* people and proponents of gender identity theory are "immersed in fiction", the reality of human experience in the phenomenological sense of the word is the one we should truly be listening to. If we ignore it, we allow the narrative of a false reality that trans-exclusionary radical feminists and the anti-gender movement are trying to push onto society and its individuals, to infiltrate our laws and our minds.



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