

Conflict, Recognition & Gender Transitions: Normativity Struggles in Contemporary Feminism's Trans-Inclusion Dispute¹

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"If gender is always there, delimiting in advance what qualifies as the human, how can we speak of a human who becomes its gender, as if gender were a postscript or a cultural afterthought?"²

This September, Britain's Minister for Women and Equalities minister Liz Truss announced the long-awaited result of the Gender Recognition Act reforms, a process that has now taken four years of repeated consultation, and deliberation. Peaking across 2018, the GRA debate had been the occasion for British trans people being put through the wringer: negative headlines and think pieces became a daily affair in the daily press. The previously lesser-known tendency of 'Gender Critical' feminism came to the fore, now supported across the liberal press.³ Both feminists endorsing and opposing the reforms made an all-out effort to enlist like-minded people in responding to the government's official consultation page. The results of all this were as underwhelming as many trans people had come to fear: the principle of self-identifying one's gender was a dead letter in British law.

The most exacting and degrading features of the Gender Recognition Certificate process would remain. Trans people would still be expected to deliver a full medical report, including their full medical treatment history, and an official diagnosis of gender dysphoria. As was also the case in Scotland, no new provisions for non-binary provisions were included. Nor indeed an 'X' option for intersex people who desire one — as now exists in Germany, and Austria.

The extensive bureaucracy required to secure a Gender Recognition Certificate would remain much as before, although perhaps somewhat less costly, and now possible to complete entirely online. Most gallingly, the government retained the so-called Spousal Veto, meaning married trans people wishing to officially mandate changing legal sex will still require permission from their partner, whose refusal will stop the process dead in its tracks. Originally appearing as an unlikely amendment to the

David Cameron era Conservative's Same Sex Marriage legalisation, removing this feature of the Gender Recognition Act had been supported by 5 out of 6 respondents to the GRA consultation.

One might have expected that this announcement would be met with widespread celebration in the feminist circles which had sought to derail substantive reform to the Gender Recognition Act. Having made keeping the GRA much as it was their primary agenda since around 2017, with protests such as 'Man Friday' seeing them performatively invade men-only swimming pool days. Thwarting the proposed reforms was the primary agenda of the largest 'Gender Critical' feminist group Britain had yet seen, A Woman's Place. Intensive lobbying of politicians saw such a reversal that Liz Truss' office had originally floated the idea of not only leaving the GRA mostly untouched, but revising the Equality Act provisions that have since 2010 formally safeguarded trans people's participation in public life.

In short, 'Gender Critical' feminism had won an unmistakable victory: transition would remain a matter validated by medical professionals, and bureaucrats. A system such as that found in Ireland, where a sworn statement is required to alter ones legal sex, will not be seen in Britain for the foreseeable future.

But curiously, self-described 'Gender Critical' feminists almost passed their victory by. Instead of jubilation, social media accounts brimmed with wrath at famed American gender theorist Judith Butler. Interviewed by the *New Statesmen*, well known for hosting trans-sceptical feminist perspectives, Butler faced down clearly leading questions and placing a clear distance between what she called trans-exclusionary feminist perspectives, and her own.⁴ She instead presented the trans-exclusionary feminism of her interviewer as a marginal fringe within the movement, with positions based on 'fantasy'.

Despite this being among the most accessible expressions of her position by Butler on record, she was widely pilloried as obscurantist, with writing akin to 'wobbly jelly'.

Firstly, that the question of transgender people's participation in public life cannot be decided simply as a matter of 'rights': many concerned with the ascent of what they call 'transgender ideology' are not willing to settle or demobilise after achieving their policy aims. And secondly, that this tendency within feminism has failed to achieve the remarkable hegemony across liberal opinion worldwide that it clearly now enjoys in Britain. Little progress has been made in this respect since the 2018 'We Need To Talk' tour included a proposed session in Dublin as part of their 'UK Tour', drawing a rebuke signed by a thousand Irish feminists.⁵ This limitation to Britain is a point of frustration for British Gender Critics, but seemingly not a national context they have been able to escape.

Let's consider how we got here. How did an aversion to trans people become openly expressed across the organs of polite opinion in the UK?

As Jacques has it, following an intensification of anti-trans reasoning in various online forums and platforms:

The radicalisation that took place in these spaces soon prompted a dramatic increase in sober broadsheet pieces “debating” whether trans identities were real, depicting trans people as *unreasonably angry*, and dismissing anyone protesting the imbalance in these debates as an opponent of free speech. But the endless restaging of the same argument about trans identity suggested that the point of these interventions was not to have a debate. A debate contains the possibility of resolution on both sides; this felt more like a campaign to push us out of the public discourse by making it as unfavourable to us as possible, while claiming that it was trans people who would not let the matter rest.⁶

So what are the terms of this false ‘debate’, and how can we best attempt to get out of it? Clearly diverging sides of this topic make not only opposing propositional claims, but also are developing distinct views on the role of language in politics.

Within philosophy, trans-inclusive perspectives are generally associated within what’s called ‘ameliorative analysis’, an approach pioneered by feminist philosopher Sally Haslanger.⁷ This approach urges philosophers to take a *responsive* stance towards social movements. Whereas often social philosophy takes its role to be scrutinising claims made by social movements, especially by breaking their positions down into propositional syllogisms,⁸ ameliorative approaches *begin* with the historical changes won through emancipatory struggle. Haslanger often provides the example of Stonewall when introducing her ideas: these events did not only exist within the existing confines of ethical life, they *challenged* the norms of police oppression and lifelong secrecy that LGBT people prior to Gay Liberation lived under.

So what are the norms that have been provided by recent transgender movements?

Transgender activism has been reshaped since the late 2000s. Narratives that frame transgender experiences as the pitiable state of being ‘trapped in the wrong body’, and opposing ones which frame transgender experiences as a ‘third state’ in opposition to the gender divide *as such* have become less prominent.⁹ By the late 2010s, the rallying slogan most trans people have agreed upon has been: women are women, trans men are men’.¹⁰

As we shall see, of this coupling ‘trans women are women’ has proven easily the more contentious proposition. However, trans activism has a readymade explanation for why this is the case. One of the most influential books on trans activism was Julia Serano’s 2007: *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity*, which as its title suggests provides a specifically transfemale perspective on gender oppression.

In *Whipping Girl*, Serano accounts for the oppression faced by trans people almost exclusively in terms of sexism. She divides sexism between oppositional sexism (the imperative that male and female remain distinct, ‘opposing’, and fixed), and traditional sexism (the denigration of women, or those associated with them, and the elevation of men and the manly over them.)¹¹ As trans women were subject to this in full force at once (often quite visibly defying normative imperatives around sex assigned at birth, *and at once* seeming to opt for womanhood over manhood) they are effectively intersectional victims of both sustaining structures that define sexism.

Serano terms this **transmisogyny**, a term she uses to account for both the fixation of popular culture with trans women over trans men, and why even many queer scenes she encountered seemed to be relatively welcoming to trans-masculine gender expressions, while colder or even sceptical towards participation from transfeminine people.¹²

As we might expect from this, ‘Gender Critical’ feminism has been much more concerned with the definition of womanhood than manhood. Their definition is reducible to three words: ‘Human adult female’.

This formulation was originally coined by Kellie-Jay Keen, better known by her *nom de guerre* Posie Parker, who notably paid for a billboard bearing her definition overlooking last year’s Labour Party Conference.¹³ However the term has since extended well beyond ‘Gender Critical’ feminists personally associated with her.¹⁴

To temporarily translate this definition into the language of their opponents: Gender Critics argue that only those who are female-assigned, and have matured to adulthood, can be called women. They often draw attention to humans as ‘mammals’, arguing that dimorphism is a more or less pronounced feature that is transcendent across species within this group. This perspective is often drawn attention to in social media account usernames, that reference their chromosome-centrism through the identifier ‘XX’ either in handles, or bios.

This appeal to the natural is strikingly shared with more conservative accounts of sex difference, such as the ‘complementarian’ view of mainstream Catholic Theology — which sees males and females as naturally divided and mutually completing counterparts.¹⁵ But the ‘Gender Critical’ account differs in typically stripping out all aspects of natural complementary aspects save one side of the divide creating ‘large gametes’, and the other ‘smaller gametes’. In other words, in the final analysis sexual difference can be reduced to viable participation in sexual reproduction.¹⁶ Notably, this account purports to be ‘biological’ in its foundation, while setting aside most questions of phenotype, especially as encountered in daily life.

A somewhat more sophisticated seeming term often deployed by ‘Gender Critical’ feminists is the **cluster model**. In this account, the more of a set of characteristics one has — the typical

requirements for ‘female’ set by Gender Critics are having an XX, fallopian tubes, a uterus, and vagina — the more easily one might qualify for in-group membership. This model is presented by its advocates as allowing for readier inclusion of both intersex women, and those who’ve had a hysterectomy, while still serving its intended role of excluding trans women.

Originally coined by German Idealist specialist Alison Stone, this ‘Gender Critical’ use of the cluster model is striking for bearing very little resemblance to the term as originally introduced. Indeed, Stone’s essay was a lengthy retrospective of the same French materialist feminist tradition which closely inspired Judith Butler.¹⁷ While rejecting the materialist feminist maxim that gender generates sex, Stone introduces a nuanced alternative that seeks to respond to the political power enjoyed by the theoretical school she surveys. Instead of this historically guided account, the Gender Critic’s version seeks to dismiss materialist feminist insights wholesale. The ‘Gender Critical’ approach to clustering simply sets a normative set of requirements as best suits them: breasts may be bodily features popularly associated with being female, as is long hair, but for unclear reasons neither have been found in a definitional ‘cluster’. The agenda of this model seems as much providing a pretext for skipping phenotype, as providing a clear set of criteria for our theoretical evaluation of sexed bodies. In this way, the cluster model attempts to assert a primacy of the genome that will never appear in practical terms, failing where even mainstream biology does not when including body modification, mannerism, and sartorial questions as valid considerations for epigenetic expression. Especially strikingly, this definition seems to operate outside the law: a woman might have a passport marked ‘female’, and may have gone through the full process of obtaining a Gender Recognition Certificate, then correcting their birth certificate. Yet this array of bureaucratic hoops is implicitly irrelevant for the purposes of those setting the ‘cluster’. Given the overbearing orientation of ‘Gender Critical’ activism towards the state, it’s at least curious that the juridical is struck from their conceptual view of inclusion. Contrasting with Stone’s urging to merge our conception of sexuation as natural fact and sex’s (politically reshaped) history, this version of the cluster model seems to serve more as a pair of methodological blinders, fit for producing an ahistoric account of sex distinction study enough to hold true in all instances.

So between a strict ‘human adult female’ definition and the defiant ‘trans women are women’, we seem to find a true incommensurability. Are there any prospects for breaching this divide?

One option is identifying the shared plight of uncertainty, which participants on each side of a debate as fundamentally abstract as who belongs to which gender necessarily confront. This position was most delicately and moderately argued in Jacqueline Rose’s *London Review of Books* essay ‘Who Do You Think You Are?’, in which she traces the development of transfeminism from a position much closer to her own, to an identity-embracing project oriented towards a primarily civic emancipation.¹⁸ Rose’s own approach could also be described as a Freudian pessimism: for this tradition, *all* attempts at womanhood are an exercise in failure, with the shifting and conflicting ideals never meeting the practical demands of life.¹⁹ From this view the very attempt to reduce one’s experience to a set number of qualities becomes self-defeating

While this sceptical appeal to an unobtainable womanhood as an equally shared plight between cis and trans women has attracted an increasingly large number of trans people to psychoanalysis,²⁰ it seems unlikely to satisfy a wider audience, or silence the more straightforward mantras used by trans activists.

Another means of overcoming the divide is striving for some kind of compromise between each side. In many cases, self-described transsexuals have aimed for a moderate outcome in these terms, with a certain number even doing their best to ingratiate themselves within Gender Critical circles. Another possibility is a diluted variety of 'Gender Critical' analysis, which makes use of the cluster model to allow a slightly more permissive, strictly conditional acceptance of trans identities. Or at least those taken to be least offensive by the Gender Critics. An unlikely example was recently found in an essay posted to Medium — a key website for 'Gender Critical' feminists — entitled '[Trans men are men \(but transwomen are not women\)](#)'. Here, the author argues that the androcentric nature of the world is such that trans men can be expected to have a decent idea of what it 'feels like to be a man', but the same does not hold visa versa (as such invalidating claims of trans womanhood.) This novel attempt at forming a 'moderately critical' position seems unlikely to achieve much acceptance among those minded to tackle transmisogyny, indeed it appears to be shaped around exactly the unevenly distributed prejudices identified in the late oos by Serano. Indeed from a Seranoist perspective, the best that can be said for this compromise is that it makes *explicit* the lopsided prejudices faced by trans people, which otherwise appear more latently.

If there can be no meaningful reconciliation between these stances, we need to look at the historical shifts which have brought the whole debate to the fore, in the first place. One place to begin is earlier trans theory (at this point, developments in trans culture are so rapid that even an interval of five or so years suffices to find oneself on an almost alien landscape.) Philosopher Talia Mae Bettcher, in her 2012 essay "Trans Women and the Meaning of 'Woman'". Informed by her own involvement with Los Angeles trans circles, this essay attempts to provide a rigorous understanding of what approach to womanhood's limits would most meaningfully include the experiences of trans people.

To test perspectives on gender she can accept in good faith, Bettcher plays out the scenario of a transgender person encountering what she calls an 'enforcer', intent on denying them access to their stated gender. In other words, Bettcher imagines a scenario much the same as the restless debate preoccupying British feminism: trans people asserting their chosen sex, and Gender Critics using either a mantra 'Adult human female', or applying a 'cluster' analysis in a supposed effort to verify their claims.

Bettcher considers the possibility of semantic contextualism, proposed by Jennifer Saul: in this view one might be one's declared sex in certain instances (for example when presenting a passport featuring one's officially altered marker), then in others such as a gynaecological examination one might be identified unambiguously as 'female'. Bettcher rejects this account as a 'single meaning' account: one

sense of a word is retained, with the consequence that directly opposing perspectives (the trans person versus the enforcer) result in being *equally* true, at once (when the enforcer says ‘man’ she means something different to the ‘man’ of the trans person claiming the term).²¹

The importance of communities is highlighted in ‘Trans Women and the Meaning of ‘Woman’’. Bettcher begins her piece by situating her work in her own social circle revolving around transgender circles in Los Angeles. From this, Bettcher attempts to relate a twofold model: firstly, to conceptually free up the identities of trans people from serving as the focus of debate. Yet second, an approach which still acknowledges the specific oppressions and set-backs of those attempting to live against their assigned gender. Towards this nuanced end of identifying but not centering identity-negation, in other words treat trans-acceptance as a given while conceding this as never a consistent social reality, Bettcher defends what she calls the ‘multiple meaning position’.

The ‘multiple meanings’ model aims to include the fact that much of the time have a meaning of the word ‘woman’ that applies to them simply with many who encounter them. But more specifically, trans women also have a specific meaning of the term ‘woman’ that applies to them *despite* the dominant understanding of that term trying to deny them it. There are therefore distinctive valences to ‘trans womanhood’, while it remains clearly a subset of womanhood.

Bettcher argues that this requires abandoning any ‘single meaning’ model of womanhood, and manhood:

‘As there are different gendered practices in different cultural contexts, the conflict over meaning exhibits itself in the contrast between dominant or mainstream culture and trans subcultures. This includes the practice of gender attribution. So a trans person can count as ‘really a man’ according to dominant cultural practices while counting as a woman in friendlier trans subcultures.’

While this account seems satisfying as an account of things in 2012²² from the vantage point of 2020 the situation appears to have become much murkier. What had once been a viewpoint fostered within growing has at this point found support from a broader and diffuse set of audiences.

From this view, the respective aims of Jacques’ debate without resolution can become clearer: whereas previously those willing to accept trans people very often belonged to specific subcultures, this clearly no longer holds. Currently the norms associated with the ‘Transfeminism’ promoted by Bettcher and others are struggling to assert themselves as the mainstream of feminist opinion. As observed by the Butler interview which this piece began with, in the United States this has mostly been a winning battle. In the US, today it would be equally fair to describe ‘Gender Critical’ feminism as a subculture of its own. Contrastingly, in Britain the picture seems much more ambiguous: longstanding feminists such as the Glasgow Women’s Library have begun refusing to allow transphobic feminist groups to use their

place, whereas the liberal media regularly hosts pundits sharing the more liberal examples of ‘Gender Critical’ perspectives. But even in Britain, ‘subcultural’ features appear to be coming to characterise transphobic strands of feminism, as these perspectives come under prolonged and widespread challenge. We even see former members of these communities claiming that there were normative expectations of membership that extended well beyond the stance of Gender Critics on trans rights: for instance a refusal to discuss abusive lesbian relationships.²³

In other words, there are now clearly more associated commitments that accompany declaring oneself a ‘Gender Critical’ feminist, which might at first glance appear unrelated to the question of recognising trans women as women. Within the context of feminism as reshaped by an ascendent trans movement, feminists supporting a trans-excluding ‘Adult Human Female’ view have been obliged to consolidate organisationally. Across the earlier 21st century, their definition of womanhood shifted from a dominant view, barely in need of explication, to one that has become heavily contested. As the stakes have raised in rejecting trans women’s claims to their gender, a certain ‘doubling down’ has been required, that required a narrowing from the previous identification of trans-rejection as simply ‘Radical Feminism’. This subcultural shift is striking, but perhaps inevitable for a position that is having to articulate itself to resist marginalisation.

Having previously had their view of gender/sex undermined solely by a niche set of subcultures, insistence on trans women being openly identified as ‘males’ has now become a simultaneously popular and *unpopular* position (i.e. one which finds widespread support not *strictly* limited to any gender, ethnicity and class — yet also has achieved such controversy that it can not be considered uncontested.) Especially as mockery of ‘identity politics’ or ‘self-identification’ becomes a staple of right wing humourists, a certain blurring between other political ideologies ensued, as those with otherwise few positions in common have converged around shared belief in the foundation of gender in sex.

The response to this dethroning from dominance is mostly one of denial. ‘Gender Critical’ feminists often purport to speak on behalf of women, despite extensive polling demonstrating that men are less likely to support extension of trans rights.²⁴ Failing this, they have framed the debate in terms of ‘feminists vs. trans activists’, a narrative abetted by the liberal media. However this seems to achieve no real resolution to the crisis of trans acceptance becoming popularised. This is especially true when considering the question across generations: repeated polling has shown both much higher levels of acceptance of trans people among younger British people, and also a much higher proportion identifying as LGBTQI.²⁵ Transition appears to be such a widespread phenomenon among younger British people (with many classrooms now containing multiple trans teens) that Gender Critics have had to invent a pathological condition ‘Rapid Onset Gender Dysphoria’ to account for the country’s rapidly shifting gender demographics..

So is the turmoil around gender truly intractable? Is it within the remit of philosophy to cast any light at all upon these vying passionate positions?

Let's consider one more approach: **semantic pragmatism**, a school of thought associated with Pittsburgh-based philosopher Robert Brandom (and so far, curiously rarely applied to questions of gender).²⁶

Brandom's perspective is *pragmatic* in that it argues that the meanings of words are best observed at point of use. Each attempt at making a meaningful point is banded by rules, which statements are both confined by and attempt to express. Anyone making a statement has their meaning inferred by their listener, and each term has a meaning which is provided by the realities of its usage. Brandom describes the work of coming to shared agreement as exchanges which form 'communities' around shared meanings. Once these terms are clearly understood within these communities, they form the basis for expressing a shared logic.

This approach to language places a central role on the process of **explication**, through which the meaning intended by a speaker is elaborated upon.

Notably, this approach to language does not pay heed to any partition with the natural sciences: Brandom often uses as an example the melting point of copper being 1,085 °C (in this case there are simply very few who reside outside the community, and no relevant rival claimant community that claims the melting point is some other temperature). All normative claims rest on a social bedrock of institutionalised agreement, which may be more or less shaky. By their nature, meaningful conversations foster communities who can make sense of each other's claims, and hold one another accountable to adhering to their agreed upon norms.

'Communities' in this looser sense of the word might simply refer to those who accept a fact so widely agreed upon fact (say that the sun rises once at the start of each day). However it could cover participants in much more intricate and challenging enterprises. Brandom uses the example of a chess grandmaster to demonstrate his point. While one's subjective sentiments are surely what guide us towards taking up chess, it's beyond the power of any player to declare oneself a 'chess grandmaster'. This title requires a participation in a championship, and a series of victories (against players also assenting to play under the same conditions, and by the same rules). In this moment of institutional participation, the boundaries between whatever passions drive participants into taking part, and the objectively agreed upon rules all participants assent to by doing so, form a framework which is difficult to pin down as either subjective, or objective.²⁷

Brandom distinguishes the stages of this inferential process by dividing between normative commitments and normative statuses. A commitment simply asserts the expected qualities from the perspective of the speaker. A normative *status* requires a broader institutional framework, which finds widespread enough acceptance that it moves beyond direct assertion. The passage between these two

forms of normativity provides a bridge between subjective involvement, and objectively agreeable point-of-fact.

For instance a monarchic state will have a (more or less functional) system of deciding who is king, or a justice system will have a formalised process of declaring someone a convicted criminal. These examples show up the limitations that often confine our attempts to make sense of our conditions. One might declare one's innocence, while remaining within a system that has formally declared you a criminal.

Let's return to the question of gender transition, or more specifically to inclusion in womanhood. If indeed terms have the flexibility suggested by semantic pragmatism, and are defined primarily by their usage and the norms implied by them, the British debate around gender appears in a new view. This struggle is not simply a matter of confusion across contexts, nor even vying policy agenda. Instead, political discussion of gender transitions circles the meaning of words as they are understood across cultural contexts.

Semantic pragmatism is especially helpful in accounting for the apparent restlessness of the Gender Critics. 'Gender Critical' feminism refuses at every turn to accept their refusal of transgender identities as a question of *commitment*, which they actively delimit. It never suffices for Gender Critics to acknowledge the asserted form of their claims. They instead attempt to devise one means after another of presenting the female as a simple *status*, or natural fact, which need only be observed.

Let's consider the implications of Brandom's claims concerning how humans establish meaning, to more established gender theory.²⁸ Compared to Bettcher, Brandom seems to overlap in that semantic pragmatism serves as a 'multiple meaning model', while being rather clearer in its outline of the vying normative process these meanings pass through during explication. For Brandom there is no clear distinction between mainline and 'subcultural' meanings: each context is simply a field providing their own commitments. Those familiar with contemporary gender theory will see obvious overlaps with Judith Butler's influential refusal to accept a 'natural' underpinning that exists pre-discursively, i.e. outside of historical and cultural factors. Butler roundly rejects the notion that there is ever a primordial female, which exists beyond, or prior to, legal classification, or what she terms citational practices.²⁹ Brandom seems rather once more modest, yet this account is equally challenging for those who want to set up sex as gender's given. Even those qualities that we wish to assert as immutable 'sex' must be itemised and offered as such, and confusion is to be expected (not least given sex existing in quite different registers grammatically, legally and biologically). Whatever natural facts we might identify (say differences in average chromosomal composition, height, or muscle mass) still need to be identified lexically, and defined explicitly to be made sense of. This process itself will always be a normative one, either taken up or neglected by broader society, what Brandom calls the moment a definition becomes **institutionalised**. Why would womanhood be any exception? If there is a 'sex' divided from gender, what is included must be widely agreed upon, by anyone minded to come to a rational account of sexual

difference. Natural kinds are in no sense excluded from the same mesh of normativity through offered and inferred meaning which *any* conceptual grouping requires. No domain which we deploy to make sense of the world is beyond the field of pragmatics. To divide between sex and gender is to begin a conversation, rather than bring it to a close.

If following Brandom, even attributes such as melting points associated with copper require a semantic ‘community’ that accepts it, surely womanhood is still *more* conditional on acceptance by communities of usage. Not only trans women themselves, but anyone in relation to them, will offer meanings of their life in accordance to their relations (for instance even a vehement ‘Gender Critic’ might be told that someone has ‘two sisters’, and in most instances be powerless to investigate thoroughly whether this claim meets their lexical standards). If there is widespread acceptance that the statement ‘I’m married to a woman’ may well refer to a trans woman, what hope can there be for the definition of ‘human adult female’ being preserved? Whatever advantages the ‘human adult female’ definition’s proponents may see it as having, for practical purposes other *usages* of the same word are coming to unprecedented prominence. The reality of word use spills over the tidiest and most desiccated of distinctions.

This predicament seems to show up the more general flimsiness of reductive approaches to language, or the eliminative counterpart to Brandom’s ‘expressive’ approach to logic. Ultimately, either side must give up on declaring the other’s definition as *illogical*, rather than expressing a logic to which we can never subscribe. Each of us is simply doing our best to offer meaningful statements in the context we find ourselves, and in this case tracing *what is meant* seems simply enough. The elimination of trans-inclusive usages of ‘women’ would require not only a conceptual corrective, but the collapse of an extensive body of relationships, banded together as lexical communities. This illustrates a broader point on the limits of language correction, as a rhetorical practice. To try and reduce political questions to a matter of adequate, minimal terminology will be a restless exercise. Inference is too messy and contestable a process to ever find tidy resolution. We will never push through, past language games, into the realm of purified natural facts.

To shift from philosophical abstractions to a more pop cultural register, the most we can ever hope for is to *feel* like a natural woman.

For their part, trans communities rallying around ‘trans women are women, trans men are men’ reflects an intuitive acknowledgement that these are powerful claims to *assert*. There is scope for meaningfully affirming each other’s gender positions, irrespective of what input is provided by local judiciaries and natural scientists. What ‘woman’ means is a question settled by anyone who encounters them. And indeed, the trans movement’s lexical claims have achieved more rapid acceptance than previous generations of its activists and theorists ever might have hoped. Once rooted in the ‘trans subcultures’ Bettcher spoke from, trans womanhood is now affirmed on a much broader scale.

However, this set of arguments have received any attention at all exactly because of the same contested character of gender: ‘Trans women are women’ is equally a commitment, rather than status. Nor can there be a formal, final resolution that changes this. Whatever legal protections use this as their directing principle will only serve as a means of institutionalisation, subject to further challenges, and reversals (as we’ve seen this year in Hungary).³⁰ However, this slogan clearly begins in the correct place, and has received such prominence for a sound reason. Whereas there are innumerable disagreements *within* those who agree with this proposition (most notably around the notion of an intrinsic ‘brain gender’), trans-inclusive positions have agreement around the meaning of ‘woman’ including ‘trans woman’ that serves a sufficient cause for unity. Trans women are being explicitly identified as such, in a hostile environment, in the interests of establishing this as simply *what is meant* when we speak of women in our everyday speech.

Considering the debate as a whole, we can also perhaps begin to see why these debates revolve around juridical processes and policies, but any outcome never seems satisfying for any party. Official state policies always present the *promise* of providing a definitive normative status, yet in the event this quickly appears from another view quite elusive. (Trans people who have adjusted their passport to the correct gender can hardly use this to fend off street abuse, for instance). Normative processes never occur *outside* of juridical norms, but they are also irreducible to them.

This is not an argument that recent struggles around ‘trans rights’ have been a total sideshow: legal definitions, those argued over in political discourse, entry policies, and ‘definitions of terms’ found in theory are *all* relative to a broader pragmatic grasp of what meaning words such as ‘womanhood’ hold in their relevant contexts of use. But none of these fields will ever enjoy primacy, and for the time being neither trans-cultural circles, nor transphobic feminist discussion forums, seem to be going anywhere.

So we cannot look to the law for final answers. Just as the Gender Critics are unsatisfied with their recent victories, reversals forced by LGBT activists in the future are unlikely to be any more definitive. As an illustrative counterfactual: it seems unclear that Liz Truss announcing quite a different result — say the introduction of self-identification, new hate crime legislation specifically outlawing transmisogyny, and the like — would have given trans activists the signal to demobilise, and quit politics. Indeed in contexts such as Ireland, or New York State, where these legal victories have been won, local activists certainly do not report great strides taken towards trans liberation ensuing. In truth whatever the *legally ratified* status of trans people, the struggle between vying communities, each articulating their own logic of gender, will continue.

In other words, whether women are ‘adult human females’ or not will never find itself resolved as a *point of fact*. The struggle at play here is one of **recognition**, that has taken its current shape through the flow of history.

NOTES

1. My thanks to Interfere Journal for actively commissioning this piece, and their anonymous reviewer for invaluable comments honing its explicit argument.
2. Judith Butler, *Gender Trouble* (Routledge, 1990), 142.
3. While I'm happy enough to refer to them as the Gender Critics, I treat the self-description of 'Gender Critical' feminism quite dubiously — few feminists are not in some sense critical of existing gender norms. Many trans people have been ferocious in their opposition to gender as a binding set of cultural expectations, indeed to the point of proposing it be abolished. See my previous essay tracing these traditions: "Abolitionism in the 21st Century: From Communization as the End of Sex, to Revolutionary Transfeminism," *Blindfield Journal* (July 2017), <https://blindfieldjournal.com/2017/08/07/abolitionism-in-the-21st-century-from-communisation-as-the-end-of-sex-to-revolutionary-transfeminism/>.
4. Alona Ferber, "Judith Butler on the culture wars, JK Rowling and living in 'anti-intellectual times,'" *New Statesman*, September 22, 2020, <https://www.newstatesman.com/international/2020/09/judith-butler-culture-wars-jk-rowling-and-living-anti-intellectual-times>.
5. This letter can be read here: "An open letter to the organisers of the 'We Need to Talk Tour' from a group of feminists in Ireland," *Feminist Ire*, 22nd January, 2018, <https://feministire.com/2018/01/22/an-open-letter-to-the-organisers-of-the-we-need-to-talk-tour-from-a-group-of-feminists-in-ireland/>. And was reported on here: "'Stay away from Ireland' British anti-trans feminists told," *Irish Central*, 23rd January, 2018, <https://www.irishcentral.com/news/irish-feminists-warn-away-british-terfs>. The event never took place.
6. Juliet Jacques, "Liberals need to stand up for trans rights: before it's too late," *The Guardian*, 24th September 2017, <https://www.theguardian.com/commentisfree/2020/sep/24/liberals-stand-up-trans-rights-transgender>. In a suggestive irony, this essay was run in *The Guardian*, which as Jacques outlines in the piece was as responsible as any British newspaper for fostering this hostile climate, particularly in presenting the struggle as one of 'trans activists vs. feminists'.
7. Sally Haslanger, "What Good Are Our Intuitions? Philosophical Analysis and Social Kinds," *MIT* (2006), <http://www.mit.edu/~shaslang/papers/HaslangerWGOI.pdf>. And Sally Haslanger, "What Are We Talking About? The Semantics and Politics of Social Kinds," *Hypatia* 20, no. 4 (2005), <https://philpapers.org/archive/HASWAW.pdf>.
8. For an example of this approach as applied to trans politics, see: Alex Byrne, "Are women adult human females?" *Philosophical Studies* 177, no 12 (2020): 3783-3803. <https://link.springer.com/article/10.1007/s11098-019-01408-8>.
9. For a critical overview of these narratives see Talia Mae Bettcher, "Trapped in the Wrong Theory: Re-Thinking Trans Oppression and Resistance," *Signs*, 39, no. 2 (2014): 383-406.
10. Some variations add 'non-binary people are valid', although non-binary people often consider this patronising. Another somewhat more tautological version runs: 'trans women are women, trans men are men, non-binary people are non-binary'.
11. Serano has compiled a helpful glossary of terms she's adopted and coined, here: <http://www.juliaserano.com/terminology.html>
12. Julia Serano, *Transmisogyny Primer*, 2020, <https://www.juliaserano.com/av/TransmisogynyPrimer-Serano.pdf>. Interestingly, the term 'transmisogyny' has now enjoyed a good deal more traction than her 'traditional vs. oppositional sexism' distinction.
13. "Woman billboard removed after transphobia row," *BBC News*, 26th September 2018, <https://www.bbc.com/news/uk-45650462>

14. The most sizable 'Gender Critical' events A Woman's Place have disinvited Keen from their events due to her refusal to distance herself from right wing perspectives, and organisations.
15. This overlap between radical feminist social theory and Catholic theology was long noted, underpinning the intellectual career of Mary Daly in particular. For a more recent assessment from a mainstream Catholic perspective, see: Tracey A. Rowland, "Feminism from the Perspective of Catholicism," *Solidarity: The Journal of Catholic Social Thought and Secular Ethics* 5, no 1 (2015). Available online: https://philarchive.org/archive/ROWFFT?fbclid=IwARoeMuD_DC6WW-cQkdu5B5eXscxPNxzo-BHowsO4od_FvD3sN5oHuXPoyJY My thanks to Lisa Toineen Mullin for bringing this paper to my attention.
16. Where this leaves those with intersex variations, not to mention the infertile, is a common point of back-and-forth discussion between Gender Critics and their opponents.
17. Indeed, Stone's original introduction of the term appears to be both savvy to the relevant risks, and explicitly sides against exclusionary applications: '...the cluster model need not be interpreted as implying that some individuals are more female or more male than others. Instead, the model can be interpreted as stating that anyone who has enough properties from the relevant cluster crosses a threshold into belonging to that sex, where all those who cross this threshold are equally as female or male as one another (irrespective of whether they have, say, all of the properties of their sex, most of these properties, or just some of them).' Stone's background as a scholar of German Idealism seems worth raising here, as it provides a contrast to the intellectual approach and background of most Gender Critics, who are ironically hostile towards the canon of Critical Theory. Alison Stone, "The incomplete materialism of French materialist feminism", *Radical Philosophy*, September/October 2007, <https://www.radicalphilosophy.com/article/the-incomplete-materialism-of-french-materialist-feminism>
18. Jacqueline Rose, "Who Do You Think You Are?" *LRB*, May 2016, <https://www.lrb.co.uk/the-paper/v38/n09/jacqueline-rose/who-do-you-think-you-are>
19. Jacqueline Rose, "Femininity and Its Discontents" *Feminist Review* 80, *Reflections on 25 Years*, 24-43, 2005
20. For an overview of these perspectives see the forthcoming essay by Xandra Metcalfe "Why Are We Like This? The Primacy of Transsexuality," in *Transgender Marxism* (2021), edited by myself and Elle O'Rourke.
21. Some philosophers have questioned whether Bettcher's model avoids the pitfalls she identifies in semantic contextualism, see: E. Diaz-Leon "Woman as a Politically Significant Term: A Solution to the Puzzle", *Hypatia* 31, no .2 (2016). My thanks to Matt Cull for a clarifying conversation on this point.
22. With the important proviso that Bettcher's stated positionality was a resident Los Angeles, a city which even by the early 2010s had an especially sizable community of out trans women.
23. See the account from outspoken former gender critic, Amy Dyess 'The 'gender critical' feminist movement is a cult that grooms, controls and abuses, according to a lesbian who managed to escape', *Pinks News*, May 17, 2020, <https://www.pinknews.co.uk/2020/05/17/terf-gender-critical-feminism-movement-lesbian-cult-amy-dyess-transphobia/>
24. To cite only the most recent: "Where does the British public stand on transgender rights?" *YouGov*, July 16, 2020: <https://yougov.co.uk/topics/politics/articles-reports/2020/07/16/where-does-british-public-stand-transgender-rights>
25. 'Just three quarters (76%) of Gen Z identify as heterosexual, and only about half of (54%) say they are exclusively attracted to the opposite sex. One in ten (11%) say they are only or mostly attracted to the same sex and 15% are equally attracted to both sexes.' in Ipsos Mori's report, "Sexual orientation and attitudes to LGBTQ+ in Britain," *Ipsos Mori*, 2020, <https://www.ipsos.com/ipsos-mori/en-uk/sexual-orientation-and-attitudes-lgbtq-britain>
26. Inferentialism is a set of ideas repeated throughout Brandom's career, most extensively in: Robert Brandom, *Making It Explicit*, (Harvard University Press, 1994); and most succinctly in:

- “Inferentialism and Some of Its Challenges,” *Philosophy and Phenomenological Research* 74, no. 3 (2007). I introduce Brandom’s thinking here: Jules Joannae Gleeson, “Robert Brandom: A Philosopher’s Philosopher,” *JSTOR Daily*, 8th January, 2020, <https://daily.jstor.org/robert-brandom-a-philosophers-philosopher/>
27. Brandom has been increasingly clear that this framework is primarily a rearticulation of German Idealist insights, specifically Hegel’s **reciprocal recognition**.
 28. This application of inferentialism to gender is my own: Brandom himself has written very little indeed on questions of gender, or sexuation. One example he repeatedly raises is the agrarian practice of ‘sexing chickens’, deployed as a hypothetical, which is too fleeting and incidental for us to use here.
 29. I introduce the development of Butler’s ‘anti-foundationalist’ position, i.e. her rejection of a strict gender/sex distinction, across her earlier philosophical career here: Jules Joannae Gleeson, “Judith Butler: The Early Years,” *JSTOR Daily*, 19th June 2019, <https://daily.jstor.org/judith-butler-the-early-years/>
 30. After affording himself near dictatorial authority in May, Hungary’s Viktor Orban moved immediately to rid the legal system of gender change recognition. New legislation instead leaves trans and intersex people only officially identifiable by their ‘birth sex’: Kyle Knight and Lydia Gall, “Hungary Ends Legal Recognition for Transgender and Intersex People,” *Human Rights Watch*, 21st May, 2020, <https://www.hrw.org/news/2020/05/21/hungary-ends-legal-recognition-transgender-and-intersex-people>

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