



MATERIAL GIRLS

WHY REALITY MATTERS FOR FEMINISM

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Introduction

This book is about sex, and about the mysterious thing known as 'gender'. It is about how, in the first quarter of the twenty-first century – quite unexpectedly – a philosophical theory about something called 'gender identity' gripped public consciousness, strongly influencing UK and international institutions, and causing protests and even violence.

In 2004, the UK government introduced a new law called the Gender Recognition Act. This allowed trans people to get a Gender Recognition Certificate, giving them what the official legal wording called an 'acquired gender' in line with their preferences. In 2004, it was estimated there were about 2,000–5,000 trans people in the UK.¹ Back then, the popular image of a trans person was mainly of a 'medically transitioned' adult trans woman, or 'male-to-female transsexual': an adult person of the male sex who had taken hormones over a long period of time to change many aspects of appearance, and who had also had 'sex reassignment' surgery to refashion natal genitalia. The Gender Recognition Act was brought in so that, among other things, transsexuals could get their birth certificates reissued to record their preferred sex instead of



their natal one. In this way, they could protect themselves from accusations of fraud, and avoid being forced to disclose their sex in contexts where it might feel embarrassing or humiliating to do so. To get a Gender Recognition Certificate, applicants did not have to have undergone surgery or hormone treatment, but had to demonstrate they were serious about transition, having lived in their preferred gender for two years. They would also need official diagnosis of a profound and debilitating sense of unease about their sexed body, a psychological condition known as 'gender dysphoria'. *V. Hoffmann*

Six years later, in 2010, gender reassignment was officially made a protected characteristic under the Equality Act. This made it illegal to discriminate against someone because of gender reassignment. To count as eligible for protection, a Gender Recognition Certificate was not officially required. Instead, a person was protected under the terms of the Act if they were 'proposing to undergo ... [were] undergoing or [had] ... undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex'. In the Explanatory Notes, this rather opaque definition was further described as a situation 'where a person has proposed, started or completed a process to change his or her sex'.²

As I write this in 2020, sixteen years after the introduction of the Gender Recognition Act and ten years after the Equality Act, the situation on the ground has changed in several big respects. Most obviously, the number of trans people in the UK has rocketed. According to the LGBT charity Stonewall, their 'best estimate' is 'about 600,000'.³ In 2018, the Government put the figure slightly lower and more cautiously, at '200,000–500,000', noting that only around 5,000 of these have received a Gender Recognition Certificate since 2004.⁴

Along with this increase, there has been a radical change to

the public image of a trans person. For one thing – though we still don't know the actual proportions – the trans population now contains significant numbers of people of the female sex identifying as trans men or as non-binary (that is, as neither male nor female, or as both). For another, the trans population is no longer exclusively adult. Both of these changes are reflected in the fact the female sex has overtaken the male sex as the largest group of patients in gender clinics for children. In 2010, forty male and thirty-two female children were referred to the national NHS Gender Identity Development Service for children (GIDS); by 2019 that had risen to 624 males and 1,740 females. In 2018/19 the youngest patient seen by GIDS was three.⁵

In 2011, doctors at GIDS started to administer drugs called 'puberty blockers' to some patients at their clinic, in order to delay puberty and the physical changes it normally brings.⁶ Though clinicians are licensed to prescribe these drugs for other conditions, they have not been licensed for use for children and adolescents with gender dysphoria. (According to the Health Research Authority, particularly in paediatric medicine it is 'common to use unlicensed medicine based on learning from clinical practice'.⁷)

Evidence shows that many young patients who receive puberty blockers later proceed to cross-sex hormones when they reach the age of majority, and sometimes to surgery too. But these days not everyone in the trans community medically transitions – another way in which the 2004 stereotype of a trans person is now outdated. A 2019 study from the US notes that genital surgery has 'prevalence rates of about 25–50% for transgender men [i.e. females] and 5–10% for transgender women' [i.e. males].⁸ Although we don't know the UK figures, it is clear that many trans people are not seeking surgery. Anecdotally it seems a significant proportion of trans people

do not take hormones either. While medical practitioners often still think of being trans as a disorder, associating it with the condition of gender dysphoria and conceiving of it as something to be treated by drugs and surgery, many trans people now reject this idea, and with it the implication that any medical diagnosis or intervention is necessary for being trans.

As the size of the trans population has increased, its political voice has got stronger. Trans political interests are for the first time at the forefront of public consciousness. Prominent UK trans activist organisations such as Stonewall, Mermaids, the Scottish Trans Alliance, Gendered Intelligence, GIREs, Press For Change and All About Trans have made coordinated and effective pushes for a number of new measures, and have met with some success. Since 2015, as a direct result of lobbying, the main English and Scottish political parties have all supported proposed changes to the 2004 Gender Recognition Act that would make getting a Gender Recognition Certificate a matter of 'self-identification' or 'self-ID', withdrawing the requirements of a medical diagnosis of gender dysphoria and of evidence of having lived in the acquired gender for two years beforehand. On the proposed new terms, getting a GRC, and so also changing one's birth certificate, would be a purely administrative and relatively instantaneous matter. The Conservatives, initially enthusiastic, have now rowed back on the proposal, but apparently the Labour, Liberal Democrat and Scottish National Parties all still officially support it, and it was included in each of their 2019 general election manifestos. Were Labour to get back into power, it is reasonable to assume they would seek to implement this change. As I write, the Women and Equalities Select Committee is again examining the question of gender recognition reform from an apparently sympathetic perspective.

The focused lobbying for gender recognition reform has

sprung from the newly perceived importance of something called 'gender identity' in trans activist thinking. According to this theory, it is not the process of gender reassignment that makes you trans but, as Stonewall puts it: 'A person's innate sense of their own gender, whether male, female or something else ... which may or may not correspond to the sex assigned at birth.'⁹ That is, it's an inner feeling. It is your gender identity rather than your sex that is considered to be what makes you man, woman or non-binary. It also determines your preferred pronouns: that is, whether you wish to be referred to as 'she', 'he' or (in the case of non-binary people) 'they'. Some supportive academics add that binary sex does not materially exist for humans in nature anyway. Educators in schools and universities are now advised by trans activist organisations to teach pupils and students about innate gender identity, and that sex is 'assigned at birth'.

For at least five years, alongside proposed changes to the issuing of Gender Recognition Certificates, trans activist groups have been lobbying the Government to change the protected characteristic of 'gender reassignment' in the Equality Act to 'gender identity'. They have also pressed to have exemptions removed from the Equality Act that allow discrimination on the basis of sex in certain circumstances – exemptions that might exclude trans people from single-sex spaces belonging to the opposite sex.¹⁰ At the same time, some of these activist groups – most notably Stonewall – have been advising institutions and organisations that existing Equality Act exemptions do not go far enough, and that if they want to be inclusive they should not apply the exemptions in most ordinary cases of public facility and resource provision. Many of those in charge of facilities and resources across the country have listened. So right now, within multiple national organisations, the policies that govern women-only facilities – for

instance, changing rooms, hostel dormitories, public toilets, sleeper carriages, school facilities, student accommodation, rape crisis centres and domestic violence refuges – have been explicitly changed to include anyone, male or female, who self-identifies as a woman. Similar policies, citing self-identification as a man, now apply to many men-only facilities. There has also been a big rise in ‘gender neutral’ facilities (in older terminology, unisex).

One striking consequence of this change is that since 2016, trans women – some without GRCs – have been housed alongside female inmates in the female prison estate. Also strikingly, in some amateur and professional sporting competitions, trans women now compete alongside females. Meanwhile, resources originally set up to try to establish equal opportunities for women in the workplace and public life – for instance, all-women training and mentoring events, shortlists or prizes – are now often explicitly open to anyone who identifies as a woman. Even in data collection, gender identity is replacing sex. For instance, despite protests from some academics and some hesitation over a similar plan in England, at the time of writing Census authorities in Scotland and Northern Ireland still plan to instruct respondents to their 2021 Census survey that they may answer the question about their sex as a question about their gender identity¹¹. By common consent of many powerful national bodies, it is gender identity that now determines what public spaces you may enter, what resources should be available to you, and how you should be categorised for the purposes of data collection.

Simultaneously there has been a widespread reduction of public references to biological sex. It has become commonplace to hear from politicians, officials and other public figures that ‘trans women are women, and trans men are men’, and that there should be ‘no debate’ about it. It has

become unexceptional for non-trans and trans people alike to announce their pronouns, indicative of gender identity, in email signatures or social media bios. In some workplaces, asking about or commenting upon the sex of a fellow trans employee risks your being classed as 'transphobic' by official HR policies. The trend in favour of gender identity and away from sex has reached public health communication, with some national health bodies starting to talk about 'menstruators' and 'cervix-havers' rather than women and girls.

These changes in social organisation and public language have been rapid and have caused enormous disquiet among some sections of the public. A generational divide has opened up. Many younger people cheer on the changes in the name of progress and see dissent as a measure of societal hatred of trans people. Many older women feel concerned or even outright panicked by what seems rapidly to be disappearing, without their having had any real say in the process. While mainstream feminist groups have either kept out of it or straightforwardly supported trans activist demands, grassroots women's organisations have sprung up to discuss how best to fight the proposed changes. Young activists have protested at these meetings with megaphones, smoke bombs, graffiti and, at one point, a bomb threat.¹² Women attendees have been screamed at from close quarters, had water thrown at them, been shoved and blocked from entering. I know, because I am one of them.

As I write this in 2020, the public row has just gone global. After J. K. Rowling wrote a blog post in defence of attending to women and girls' interests during any discussion of trans activist demands, the backlash was intense.¹³ Accusations of 'transphobia' flooded in from around the world, often accompanied by threats and insults. Stars such as Daniel Radcliffe and Emma Watson, whose reputations were made in the films

of Rowling's books, scrambled to distance themselves from her and to repeat the mantra that 'trans women are women'.¹⁴ Employees of Rowling's own publishing house asserted that they would not work on her latest book.¹⁵ Public attention is on the conflict as never before.

The thinking behind the rise of gender identity originally came from academia. I'm an academic too, employed in a philosophy department in a UK university. For most of my professional life, I have focused on exploring questions to do with fiction and imagination, and I have occasionally published in feminist philosophy too. Both of these areas of expertise – fiction and feminism – are highly relevant to the discussion of trans activist claims. Still, it's worth noting that, despite my recent professional turn towards sex and gender, I'm still mostly considered an outsider to the area. Although I have been writing and speaking on the topic in public for a couple of years now, and have authored academic papers about it, I don't work in a Gender Studies department, or in the field of queer theory, or in Trans Studies. I'm not trans myself. I'm not even a proper feminist philosopher; at least, I didn't used to think I was.

This means that academics already working in these fields often consider me unqualified. When I write opinion pieces for magazines or speak on TV, I can almost feel the eye rolls. I am characterised as a clumsy, intellectually unsophisticated rube, making old mistakes in my thinking that they have long since put behind them. 'Hasn't she read *the literature*?' they ask. 'How can she be so naïve?' Another common response is to say that I must be arguing with strawmen: academics don't *really* think what I think they think. 'Nobody thinks there isn't a distinction between sex and gender, Kathleen,' I am told, often by the very same academics who are telling me that referring to trans women generally as biologically male, for the

purposes of discussing the impacts of sex, is transphobic. Or, even more basically, it's complained that – whether I mean to be or not – I am a transphobe who shouldn't be listened to.

Yet my outsider status in this area has many benefits. As far as I can see, standard academic norms for the production of knowledge are not often observed in fields that deal with matters of sex and gender. The whole area has become unacceptably politicised. Particular articles and books are treated like sacred texts rather than the opinionated, potentially fallible or myopic arguments they actually are. As one trans author, Andrea Long Chu, puts it, the result is 'warmed-over pieties' and 'something like church'.¹⁶ There are small things you may question or criticise, and then there are the fundamental orthodoxies it is considered transphobic to deny. Evidence or facts are considered relevant only when they help what is perceived to be the political cause of trans people. Any philosophical critiques that do sometimes (rarely) emerge – especially by non-trans academics – are regularly treated as equivalent to *actual attacks on trans people* rather than as critiques of *views about trans people*, or of *trans activist commitments*. It's assumed these critiques are not worthy of rational engagement but should be met only with strong moral disapproval and suppression. This sort of judgement floats down from on high, via academic managers, journal editors and referees, to make sure that, on the ground, no dissenting voice gets into 'the literature' without a huge struggle. Even worse, it helps ensure that hardly any seriously dissenting voices get into the discipline areas in the first place.

In this suffocating context, I definitely count as a heretic. And that suits me fine. I didn't become a professional philosopher to go to church. In the article I just quoted from, Andrea Long Chu also describes a lot of academics in Trans Studies as secretly 'itching for a fight'. I'm more than happy

to provide an intellectual one here. I do so partly in the name of academic rigour, and partly on behalf of the women and girls whose lives – as I will document – are adversely affected by policies based on gender identity. I also do so on behalf of the many trans people whose objections to political demands made in the name of gender identity, and also in their name, are routinely ignored. Trans people deserve lives free from fear. They deserve laws and policies that properly protect them from discrimination and violence. But as I will argue, laws and policies based around gender identity are not the right route.

A note on pronouns: In this book I've made the decision to use preferred pronouns for trans people in a way that tracks their gender identity and not their sex. I will discuss my route to this choice, and its implications, in Chapter 6. I'll also defend the right of others to choose differently.

A Brief History of Gender Identity

Here are four axioms of modern trans activism, which I'll be examining from different angles in this book.

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.

Though it might seem surprising, these count as philosophical claims. Philosophy is popularly imagined as involving a lot of dry reading, incomprehensible words and chin-stroking. In its academic guise, this isn't far wrong. But most of us have philosophical thoughts every day. When you wonder what makes you the same person you were ten years ago, or whether your cat has a mind and what that is like, or whether you're technically responsible for what you did last night after eight

What Makes a Woman?

The question of whether trans women count as women, literally speaking, has become enormously toxic. A well-known slogan of Stonewall's tells us that: 'Trans women are women. Get over it!' Trans activist organisations like Stonewall present anything other than enthusiastic assent to the question as an attempted 'erasure' of trans people, strategically ignoring the fact that the question is not about trans people's existence, but about how they are correctly categorised. The direct question 'Do you believe trans women are women?' – known amongst feminists I know as 'the witch question' – is wielded like a weapon to shut dissenters up, since clearly there is something highly uncomfortable about having to answer in the negative, in full knowledge that some people have made permanent body alterations on the presumption that they can actually change sex. Non-trans people, concerned to be kind, may concede under pressure that trans women are not female, but assume, or at least hope, there is still some coherent sense in which trans women can count as women, nonetheless. So it is important to see if this is true.

What is a woman? What is a man? What membership

conditions must a human satisfy to count as either? If you have spent time reading Judith Butler or queer theory more generally, you might hear these questions in a particular way. As we know, Butler sees categories like womanhood and manhood as 'normative' and 'exclusionary'. In that context, my questions can sound sinister. Effectively, they might seem to ask: how unfeasibly perfect do you have to be to count as a woman or man? What bodily, psychological or sexual ideal do the normies require you to fit before they let you into their exclusive club?

However, this isn't what the questions inevitably mean. Questions about what a woman is, or what a man is, are at least in part questions about the public concepts WOMAN and MAN (capitalised to indicate I'm talking directly about concepts, rather than the entities they represent or refer to). Queer theory doesn't have a monopoly on accounts of concepts. A request for 'membership conditions' of a concept is a question about the conditions that already govern a concept (roughly: what an entity has to have, or be like, to count as covered by the concept), as revealed in people's use of them. These aren't decided arbitrarily by some snooty, perfectionist committee somewhere; or even by you, when you try to answer 'What is a man?' or 'What is a woman?'. When asked such questions, you aren't being invited to *stipulate* some arbitrary standard. You are not that powerful. Anyway, as I'll explain shortly, that's not how concepts work or what they are for. Instead you're being asked to reflect, at least partly, on how users actually employ the words 'woman' and 'man' in a range of contexts and see what presuppositions those uses have in common. So the right question is more like: what would you have to explain to a non-English user or a child, so they understood what the concepts WOMAN and MAN ordinarily refer to? You aren't being asked to stipulate what

womanhood and manhood *should* be but describe what *they already are*.

And even this isn't the full story, because when you're trying to describe what something is, you might end up criticising the public concept of it and suggesting some adjustments. Bear in mind that in trying to answer what makes someone a woman or a man, you're more like a spy patiently doing reconnaissance work than a bouncer at a club.

Conceptual analysis

What are concepts? Philosophers argue about this, but I think of them as cognitive tools or capacities which – at least when working well – help us all to negotiate the world we live in more effectively. Concept possession helps us notice different kinds of thing and make distinctions between them, relative to interests we might have. For instance, it's not surprising most people in every culture have a concept of FOOD. Once a person has the concept of FOOD and knows how to apply it, she can distinguish potential food from non-food and help keep herself alive. Though trans scholar Jack Halberstam presents a preoccupation with concepts as a 'mania for a godlike function of naming', which 'began ... with colonial exploration',¹ in fact the capacity to name and conceptualise the world in interest-relevant ways has been with humans for as long as their higher cognitive brain functions have. We wouldn't have got very far without it.

One sign that an individual has a concept of a particular thing is an ability to identify that thing reliably using sensory information, with more hits than misses. However, we also have concepts for lots of things that can't directly be sensed at all. Most things we think about can't be sensed directly

(oxygen, corruption, narratives, values, anxiety, online transactions, thoughts, energy, numbers, etc.). Whether perceptually identifiable or not, another sign of concept possession is an ability to talk coherently about that thing in a range of contexts, using special words referring to the thing that others can recognise. Names, whether individual or general, help us do the latter. If, as a language-user, you have a concept of a thing, very often you'll have acquired from others a name to refer to that thing too. Indeed, the two are linked: for our main way of getting new concepts is by being told about new kinds of things by others, using names plus definitions, explanations or examples. Using a name in the same way as other people do facilitates communication about the thing in question.

Not every division between things is interesting enough to require a concept for it. Here's a concept, albeit clumsily named: BEING OVER TWO YEARS OLD. We could think up a pithier name for this kind of thing and start to use it to classify all the objects in the world, as either satisfying it or not. But there wouldn't be much point. On the other hand, if every object in the world over two years old suddenly became lethal to touch, you can bet we'd get a pithy handle to refer to it pretty quickly. As philosopher John Dupré points out, it isn't a coincidence that most languages have many more concepts for vertebrate animals than invertebrates. We have relatively little general interest in invertebrates but many interests in vertebrates, given the multiple roles they play in human life: pack animals, pets, predators, food, and so on.²

So we form concepts in response to human interests. We're more interested in some things than others, given who we are. But that doesn't mean concepts don't *also* pick out already existing real divisions in the world. Concepts, when working well, pick out what's already there. Despite what

Judith Butler thinks, they don't, on their own, create particular kinds of things, though often they help spread word of those things, and in some cases, increase their popularity and number via social trends. Sometimes a concept helps us pick out something purely material: e.g. CARBON. Sometimes it helps us pick out what's arguably a purely social kind of thing: e.g. FUNNY JOKES. But either way, I would argue, the things were there before the concepts, though admittedly this claim is a harder sell about funny jokes than carbon.³

Sometimes it becomes clear a concept isn't working very well. In the most extreme sort of case, it is discovered that a concept refers to nothing real. That's what happened with the old concept of PHLOGISTON, formerly understood as an element released in combustion. In the eighteenth century, it became clear to scientists that there was no such thing, so the concept fell out of scientific use. Less extremely, but only just, theorists might offer a thoroughly revised understanding of an existing concept.⁴ This is what has happened with the traditional concept of RACE. Theorists have proposed that the membership conditions of any given racial category aren't grounded, as previously understood, in genetics or other aspects of biology, but rather in social factors.⁵

In a third, more common case, people might notice (or think they have noticed) that a particular concept should, given the internal logic of its membership conditions, be applied to some individuals previously thought by others to be ineligible. This is what happened when animal rights activists first argued that the concept of a PERSON was applicable to higher primates like gorillas and chimpanzees as well as humans; or when art critics in the late 1990s argued that Tracey Emin's messy bed, when transported from her home into a gallery, fell under the concept ART. A fourth sort of case is where an entirely new concept is coined

to help us pick out some phenomenon in the world worth paying attention to. We now have the concept COVID-19. In 2018, we didn't.

'Analytic' philosophers like me spend lots of time investigating concepts and seeing whether they're fit for purpose, which is to say, whether they actually meet the way the world is and the interests we collectively have in mapping various bits of it. That is exactly what I was doing in Chapters 2 and 3 when I reviewed the concepts of BIOLOGICAL SEX, FEMALE and MALE and argued for their continued coherent application to the world. Following standard philosopher's terminology, let's call this activity 'conceptual analysis': analysis of concepts. It shouldn't be assumed this means only recovering and recording how language-users already think of the world, in a wholly passive and conservative way. This charge is sometimes levelled at conceptual analysis, but as I mean it, it involves *both* attention to concepts and language *and* attention to the nature of things. As my examples already show, there's potentially an active element, trying to improve concepts where necessary, the better to fit the world. My conceptual analysis is concerned with how concepts *should be* and not just how they *are*. But – equally and very importantly – this admission doesn't immediately turn a conceptual analyst into the equivalent of the bouncer at the nightclub door, gatekeeping about who can get 'in' to a concept and who can't, in order to prop up power hierarchies or meet selfish interests. *Features of the world, and our collective human interests in them, are not arbitrary*, and that's what we should be trying to make concepts responsive to. We're still doing reconnaissance work, not gatekeeping – or we should be.

The function of WOMAN as a concept

A central pillar of gender identity theory is that what makes you a woman or a man isn't your sex but your gender identity. That is conceptual analysis, whether or not gender identity theorists recognise it as such. They are proposing radically revised understandings of the existing concepts WOMAN and MAN. These concepts were traditionally understood as follows: 'woman: adult human female'; 'man: adult human male'. The proposed new definitions of the associated concepts, spelled out, are: 'woman: adult human with female gender identity (whether "assigned" male or female)'; 'man: adult human with male gender identity (whether "assigned" female or male)'. Since talk of assignation makes no sense, I'll remove reference to it in what follows.

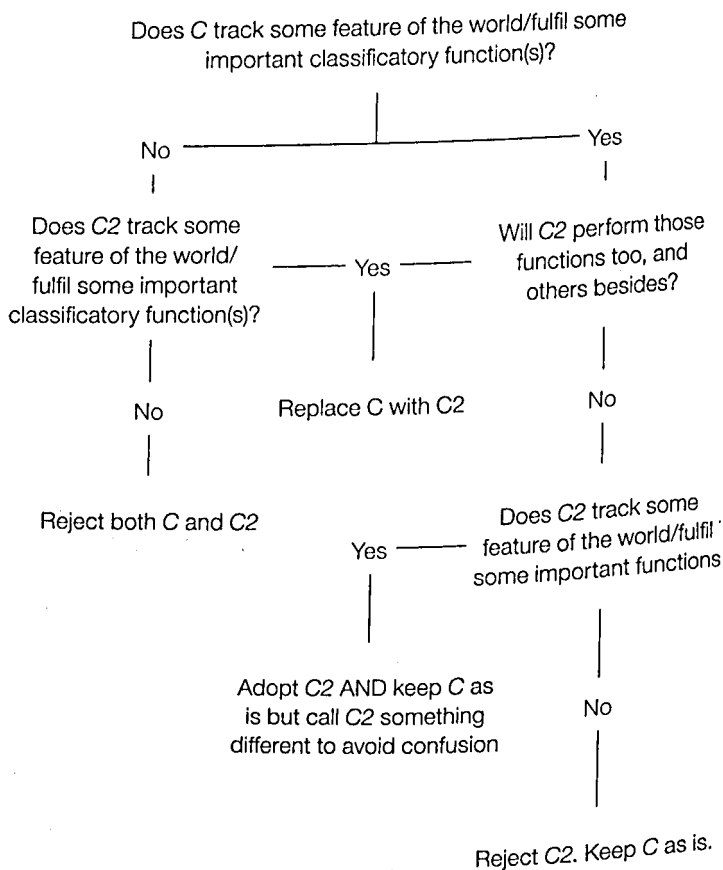
Straight away, given the arguments of the last chapter, we can see significant problems for this account of womanhood and manhood. If I'm right about the identification model, not everyone has a gender identity. This would seem to leave us requiring a different explanation for what makes those other people, *without* gender identities, count as men or women too. Whatever conditions we came up with for them, presumably they would be applicable to people with gender identities too. In that case, we'd have two competing sets of conditions for womanhood and manhood. Equally, I argued in the last chapter that some *non-trans* people have gender identities. It seems strange, even by the standards of gender identity theory, to say, for example, that Anne Lister's apparently male gender identity must make her a man when she wouldn't classify herself that way.

Still, to be fair to opponents, I'm not going to make my objections rest on the truth or otherwise of the identification model. Let's assume – for this chapter only – gender identity

theorists are right about gender identity, not me. *Even so*, I'll now argue, we shouldn't define 'woman' and 'man' in terms of gender identity.

On the face of it, the proposals from gender identity theorists about the concepts WOMAN and MAN look a bit like the case of the concept of RACE mentioned earlier, which many now understand as something social rather than genetic. In that case, too, there was a proposed big revision of membership conditions. So how can we test whether a revision like this should be adopted by language-users? One way is to assess whether the traditional version of the concept, with membership conditions as originally understood, fits the way the world is, and the collective interest in mapping various bits of that world. With RACE, it's at least arguable that the traditional concept, whose membership conditions cite biological factors as determinative of race, does neither. For instance, a 2016 article in *Science*, summarised in *Scientific American*, argued that understood as 'a useful tool to elucidate human genetic diversity', the concept of RACE isn't fit for purpose, and may even be confusing people. In fact, the article argues, racial categories are 'weak proxies for genetic diversity'.⁶ Hence, it continues, the traditional concept of RACE needs revising so its membership conditions are understood to refer to something purely social.

In this sort of case, where big alterations are being proposed to the common understanding of a concept, we can use a decision tree as follows (with 'C' referring to the traditional version of a concept, and 'C2' referring to the proposed new version):



If the *Science* article is right, the decision structure with RACE seems to be: No; Yes.

What about the concepts WOMAN and MAN? For most of the histories of the English words 'woman' and 'man', they've referred, and been commonly believed to refer, to 'adult human female' and 'adult human male' respectively. It's been commonly understood that every woman is by definition an adult human female, and every adult human female a woman;

every man by definition an adult human male, and every adult human male a man. Do these concepts continue to fit the way the world is? Yes; for in Chapter 2 I argued that reports of the death of binary sex in humans had been greatly exaggerated. There are older human males and females, and younger human males and females, and no new theory has shown otherwise. So this isn't like the case of PHLOGISTON.

The next question is: is it useful to have concepts that refer to these groups? Are these concepts more like the useful concept FOOD or the currently useless concept BEING OVER 2 YEARS OLD? The answer is obvious. There's abiding public interest in having concepts to distinguish between adult human females and younger human females; and adult human males and younger human males. This is what the traditional concepts WOMAN, GIRL, MAN and BOY do. They respectively distinguish subgroups of females and males it looks important – even essential – to have concepts for.

On the gamete account of the sexes, animal species and even plant species have female and male members. So on that version of sex, we can't use the concepts FEMALE and MALE to differentiate *human* females and *human* males when we want to talk and think about them specifically. For many species that are important to human interests, we also have concepts for the female and the male of each: DUCK and DRAKE, HEN and COCK, QUEEN and DRONE, DOE and BUCK, COW and BULL. It's entirely predictable that language-users, in every human language, would develop concepts for the female and male in our own species as well.⁷ Meanwhile, on the chromosome and cluster accounts, FEMALE and MALE (in many linguistic contexts, anyway) refer only to humans; but still, the concepts FEMALE and MALE don't distinguish between *adult* and *non-adult* females, or *adult* and *non-adult* males. These too

are useful distinctions to be able to make, for all sorts of reasons. Though ADULT is itself a vague and historically vexed concept, with no clear boundary between adulthood and childhood, still, it's a very useful concept to have. (As repeatedly emphasised in earlier parts of the book, vagueness and lack of clear boundaries in a concept is not a problem *per se*.) It's also useful to have concepts that pick out adulthood intersecting with biological sex, because in our society so much of importance hangs on relative age: moral responsibility (as connected to sexual majority, the vote, criminal justice, and so on); different prepubescent and postpubescent health challenges; different social challenges facing different sexed age groups, and so on. If we want to explain why certain things tend to happen more often to one adult half of the population, we need a concept to refer to them, and to insert into causal explanations where relevant.

This is especially true if the aims are feminist. As Second Wave feminist Marilyn Frye put it – referring to 'woman' in the traditional sense – 'Being a woman is a major factor in my not having a better job than I do; being a woman selects me as a likely victim of sexual assault or harassment; it is my being a woman that reduces the power of my anger to a proof of my insanity. If a woman has little or no economic or political power, or achieves little of what she wants to achieve, a major causal factor in this is that she is a woman. For any woman of any race or economic class, being a woman is significantly attached to whatever disadvantages and deprivations she suffers, be they great or small.'⁸ Getting rid of the concept WOMAN would mean we couldn't describe, explain, predict or manage these distinctively caused phenomena.

In sum: on all three models of sex reviewed in Chapter 2, alongside the concepts FEMALE and MALE it would seem essential, given many common purposes, to have further

concepts distinguishing *adult human* females and *adult human* males in particular. This is what the concepts WOMAN and MAN give us, along with GIRL and BOY for the younger incarnations.

Another important aspect of the traditional concepts WOMAN, MAN, GIRL and BOY is that they refer to kinds of being who, most of the time, can be identified as such on the basis of perceptual cues. For instance, if I were to present you with a crowd of people, and if your senses were in full working order, normally you'd be able to make reliable assumptions about who were the adult human females and adult human males in the crowd, just by looking and listening. As we saw in Chapter 3, you might not always get it right – because you missex, mis-age or mis-human – but most of the time, most people will, and especially for people who are not at the borderline in terms of age. There are a potentially vast number of reasons why we might want to be able to perceptually distinguish the adult human females from the adult human males, and both of those from children of either sex. A few of these were reviewed in Chapter 3.

In recent years it has become clear to cognitive scientists that there's a close relationship between perception and the acquisition of some concepts. Common sense already tells us this, in fact, since one of the main ways of acquiring concepts of material entities in the world is via perception: seeing, hearing, touching, smelling and tasting things. The concepts WOMAN and MAN are ordinarily acquired partly by sight and sound. Most children get a sense of how to use these concepts partly by having women and men pointed out to them in the street, at home or in picture books.

Generally, when sighted humans look at their environment, they perceive discrete, bounded objects, not vast arrays of undifferentiated information. This is due to a brain capacity

described as 'categorical perception'. As one author explains: 'Categorical perception allows us to carve up the world into the categories that are relevant to our behavior, thus allowing us to more efficiently process the visual features that are relevant to these categories. For example, when presented with a poisonous snake, it is more useful to quickly process snake-relevant features for fast categorization than to attend to the visual features that discriminate this snake from other snakes.'" This isn't to say some people can't visually discriminate different snakes, but only that for most people, differences between snakes and other objects will be more pronounced, and usually more quickly processed, than differences between *this* snake and *that* snake.

The cognitive process via which a child starts to be able to perceptually distinguish a particular kind of thing – say, a snake, or a dog – and so to possess its associated concept, is a pretty amazing one. The two lead investigators in UCLA's Human Perception Laboratory, Philip Kellmann and Christine Massey, write about how a child might first acquire the concept DOG, for instance. First, the child's father might point out a small white poodle, saying 'dog' as he does so. Next, he might point out a large black retriever, saying 'dog' here too. Even though each new instance encountered might look relatively different to the last in terms of things like size, colour, ear and face shape, and so on, still, relatively quickly the child starts to be able to identify breeds she has never seen before as dogs. Just as usefully, she simultaneously gains the capacity to distinguish dogs from other mammals which look somewhat similar (e.g. cats, or squirrels). 'Shape variables are often important, such as the differing jaw or body structures of dogs and cats' note Kellman and Massey. 'Shape variables are highly relational and abstract, rather than tied to particular colors, sizes, and contexts, which is what allows those who

have undergone this kind of learning to effortlessly recognize a glass tabletop ornament as a dog versus a cat.’¹⁰

It’s reasonable to think this process broadly resembles that by which children ordinarily acquire perceptual versions of concepts such as WOMAN and MAN as well. Normally a child becomes able to recognise, for example, women, by being exposed – directly or indirectly – to (images of) women with a relatively wide variety of physical characteristics, within given ranges, still eventually managing to start to identify only the relevant ones. (It’s therefore an interesting question what pointing to a trans woman who has had no surgery or hormones, and telling a child ‘that’s a woman’ and then pointing to a female and saying the same does to the child’s emerging conceptual map of the world. I don’t know the answer.)

WOMAN as a gender identity

As we know, gender identity theory proposes huge revisions to WOMAN and MAN, GIRL and BOY. On the new versions, some women are not adult human females (they’re males), and some adult human females are not women (they’re men, or non-binary). Equally, some men aren’t adult human males (they’re females), and some adult human males aren’t men (they’re women, or non-binary). Not just all this, but also: *women, men, girls and boys aren’t beings you can ever directly identify by looking or listening, or by any other perceptual means*. For the thing that supposedly makes you a woman, man, girl or boy is gender identity, an inner psychological state that has no reliable correlation with outer appearances.

Fairly obviously, all this radically changes the traditional functions of the concepts in question. But – unlike the case of

RACE, perhaps – *the need for those original functions hasn't gone away*. So, if we put gender identity theory's proposal for WOMAN and MAN into the decision tree earlier, the decision structure seems to me to be: Yes; No; Yes. That is, we get an argument for retaining the original versions – how could we do without them? – but also creating new additional concepts for 'adult human (male or female) with female gender identity' and 'adult human (female or male) with male gender identity', which don't replace the originals but supplement them. Ideally, we would call these something different to avoid confusion. 'Female-identified people' would be one tentative suggestion: in which case, both men and women could be 'female-identified', where applicable, but it would be well understood that this made no difference to their original statuses as men or women either way.

In fact, the importance of retaining the original versions is even greater than I just suggested. (I'll focus on WOMAN here as my example, but similar points can be made for MAN, GIRL and BOY.) A reference to WOMAN is central to the roles of several other concepts in which it's embedded. For instance: MOTHER, which the OED has as 'the female parent of a human being; a woman in relation to a child or children to whom she has given birth; (also, in extended use) a woman who undertakes the responsibilities of a parent towards a child, esp. a stepmother'. WOMAN or GIRL is also embedded into ordinary concepts of GRANDMOTHER, DAUGHTER, SISTER, AUNT, WIFE and, as we have seen in Chapter 3, LESBIAN; and many other concepts too. So: if the membership conditions of WOMAN were about gender identity not sex, this would seem to mean a radical revision in our understanding of the related concepts too, to make them about gender identity as well. Some adult human males would be mothers, stepmothers, grandmothers, daughters, sisters,

aunts and wives; and some adult human females would be fathers, grandfathers, sons, brothers, uncles and husbands.

Some trans activist organisations recognise these implications and welcome them. As we've seen earlier, Stonewall and GLAAD now tend to interpret the concept LESBIAN as referring to those with female gender identities attracted to others with female gender identities. In the UK courts in 2020, there was an unsuccessful attempt by trans man Freddy McConnell to be named as 'father' on the birth certificate of the child to which he gave birth, and not 'mother', even though he's an adult human female.¹¹ UK LGBT organisations backed him in this attempt.

But if we were to start implementing these related linguistic changes on a grand scale, as trans activists apparently want us to, we wouldn't lose our collective need of concepts to represent: the human females who give birth; or the human males whose sperm is the genetic contribution to a child; or human female offspring; or human females attracted to other adult human females; and so on. If we aren't supposed to call these 'mothers', 'fathers', 'daughters' and 'lesbians' (etc.), we'll have to come up with other terms to do the job. That is, we'll continue to need to identify and talk about these important groups of people, relative to a wide range of human interests. It's not enough for opponents to point out that, were the concepts to change in the way gender identity theorists propose, many people who count as, for example, 'mothers' now would still count as mothers under the new proposal. *For that would be an accident.* The concept wouldn't be picking out their femaleness and its connection to having given birth or raising children.

Still, I can imagine objectors insisting that, despite all this, cis people should be 'kinder', i.e. 'give up' the concepts WOMAN and MAN (as if people who argue as I do were hanging on to

the words out of bitterness, like a spouse's possessions after divorce). After all, they might say, language-users collectively could just as easily develop completely new names for 'adult human female' and 'adult human male' instead. Where's the harm? Yet it seems to me this would be unlikely to satisfy the aims of gender identity theorists in the long run. Let's say we called adult human females and adult human males something else: anything will do, but as a present example let's choose, with an affectionate nod to 70s feminists, 'womyn' and 'myn'. Once bedded down among language-users, in effect this would look like a pretty superficial switch. In that scenario, we would still have clearly distinct concepts for adult human females and adult human males, with new names attached. Given their multiple important roles in human life, we would be bound to keep using those new names in all or most of the contexts in which we traditionally used 'woman' and 'man'. Trans women still would be myn and wouldn't be womyn, and trans men still would be womyn and wouldn't be myn. There would – or at least, should – still be distinct healthcare, spaces, resources, data collection and, in some cases, social arrangements for womyn and myn. That is, there would still be (as queer theorists see it) 'normative exclusion' and (as I see it) 'useful classification, and consequent rational attempts to adjust social organisation, relative to many coherent purposes'.

I conclude that, rather than changing the concepts WOMAN and MAN (etc.) to incorporate a reference to gender identity and remove sex, we should keep the original versions *and* add to our collective vocabulary further concepts that represent 'adult human with a female gender identity' and 'adult human with a male gender identity'. In case it's not clear, these concepts wouldn't be either/or. They would cross-categorise people. Women could be adult humans with male gender identities, and men could be adult humans with

female gender identities. We each can, and do, fall into many categories simultaneously.

A hierarchy of interests?

My discussion so far has demonstrated the impracticality of gender identity theory's proposal for the concepts WOMAN and MAN. An important supplementary point is that women – understood as adult human females – tend as a group to exhibit certain particular social characteristics, and face certain distinctive social challenges. These vary from society to society in their precise details, but most women face certain common aspects and obstacles, broadly construed. As we know, for instance, women are significantly more likely to be sexually assaulted than men, and significantly less likely to commit sexual assaults than men. Men, not women, are also responsible for the majority of violent crimes.¹² This is an international phenomenon. We also know that, partly as a result of facts about pregnancy, women are more likely than men to occupy low-paid or part-time jobs, if they work at all. Relatedly, they are more likely to be responsible for unpaid childcare and domestic work in the home than men. For those that also work, this places consequent extra pressures on their time that men in the same position tend not to face. This affects women's capacity to work to the same level as men in the same job.

These are generalisations not universalisations, and there are many exceptions. But they don't occur randomly. They are linked in various explicable ways to prior facts about biology: women's average relative strength in relation to men, and their capacity as a group to bear children. These fairly immovable biological facts, averaged across the populations of men and

women, have interacted with contingent social facts to produce the world we currently have. Many women feel it is an unjust one. They have the strong impression of living in a world set up for and run in the interests of men. Recent books like *Invisible Women* by Caroline Criado Perez and *Pain and Prejudice* by Gabrielle Jackson have emphasised how, even in supposedly progressive countries like the UK and US, there's a large data gap when it comes to understanding – or more accurately, failing properly to understand – multiple areas of women's interests, including medicine, the workplace, product design, taxation and political representation.

In this context, treating males with female gender identities as women in every possible context is a politically inflammatory act. In effect it sends a contemptuously dismissive message to women already conscious of unequal treatment of their interests. This message says: *the interests of males with female gender identities are more important than yours*. I have already described how many institutions are presently taking gender identity to determine access to spaces and resources, and to govern the gathering of data. They are also taking it to determine the reporting of information. An illustrative example is the way trans women's crimes are now reported in the press. Following news regulator IPSO's publication of guidelines on media reporting about trans people in 2016, the UK media started to report the crimes of trans women as 'women's' crimes.¹³ According to the IPSO guidelines: 'An individual's gender identity ... must not be referenced unless genuinely relevant to the story.' What this seems to mean in practice is that the sex of a trans woman perpetrator shouldn't be mentioned, and instead the crime should be reported as a woman's. In a context where men – understood as adult human males – are responsible for more than three times as many violent and sexual assaults as women, headlines such as

'Woman, 41, pretended to be a boy to groom a girl' (*Metro* website, 1 October 2018),¹⁴ 'Gang of women repeatedly stamp on man's head in 2am brawl at Leicester Square underground station' (*Daily Mirror* website, 26 June 2018), 'Sheffield woman found with over 1,000 indecent images of children hauled before the court' (*Daily Star* website, 19 July 2019), 'Woman who once shoved policeman onto Tube tracks jailed for spitting at officer' (*Daily Mirror* website, 17 February 2020) and 'Woman who "bragged about being a paedophile" approached boys at Remembrance event' (Wales Online, 15 May 2020) seem to demonstrate a flagrant, even provocative disregard for women's interests. The underlying message on the part of media organisations seems to be: we care more about deferring to the inner gender identities of criminally convicted males than we do about transmitting the misleading message to the public that women, as a group, have hitherto unsuspected capacities for paedophilia, sexual predation and violent assault. When the crimes in question are then recorded as 'women's' or 'female' crimes within the criminal justice system, the affront is compounded. Data we might otherwise have tried to use to combat violence against women in the original sense is now significantly compromised.¹⁵ Again, the fact that the powers-that-be don't seem to care at all about this is infuriating to many women, me included.

Apart from the relative neglect of women's interests in relation to men's, and the negative political message sent to women about it, the discussion of this section underlines an earlier point: gender identity theory's proposed alternative to the traditional concepts WOMAN and MAN cannot possibly cover all of the still-pressing contexts in which we need to use the term 'woman', meaningfully, to refer to adult human females, and 'man' to refer to adult human males. One response to this objection might be gratefully to revert to the traditional

concepts. A rival response, however, is to propose a different alternative to the traditional concepts, this time identifying women and men, not in terms of gender identity, but instead in terms of some kind of shared social role.

WOMAN as a social role

In the first chapter, I introduced an idea with a powerful attraction for many feminists over the years: the idea that WOMAN refers to those expected by society to perform a 'feminine social role'. What this means, spelled out, is usually a bit vague, but it's something like: a woman, *by definition*, is any adult human expected to occupy or perform a set of behaviours stereotypically associated with the female sex, and/or who is interpreted by society in terms of a set of female-associated stereotypes and norms. So women, by definition, are the people expected to look after children, do most of the housework, take lower paid jobs than their partners, speak more submissively, be good listeners and be caring. They are, by definition, the people who tend to be lauded as virginal or as motherly, or castigated as whores or as witches; who are easily thought of as bitches, or bossy, or slutty, or frigid, or girly, or bubbly, or feisty (etc., etc.).

In the twenty-first century this view, which I'll call 'WOMAN-as-social' or WAS for short, has become associated in some minds with a justification for the claim that 'passing' trans women are women. Passing trans women are defined as those male people who, as a result of surgery and taking hormones, eventually cannot be perceptually distinguished from adult human females by most people. Sometimes these are distinguished from other trans women by being called 'transsexuals'. If a transsexual trans woman passes, it is assumed

by many that she must be subject to the same expectations and norms of femininity as are typically projected upon adult human females, and that this is what 'makes' her a woman. Passing trans men are considered to be men for similar reasons.

This sort of view is often accompanied, with an implied 'tadaah!', by the quote from Simone de Beauvoir we saw in Chapter 1: 'One is not born, but rather becomes a woman' (alternatively: 'A woman is not born but made'). The fact that in *The Second Sex* de Beauvoir was fairly obviously talking only about females and their involuntary encounters with a social system subjecting them to impossible ideals of femininity from birth seems mostly ignored. De Beauvoir wasn't talking about males who decide after puberty to radically alter their bodies artificially, and nor would she have excluded from the purview of her claims any trans man who did similar. Still, whatever the case, her quote has found new life in a modern context.

WAS and gender identity theory are competitors. Effectively, each offers a different conceptual analysis of WOMAN and MAN. According to contemporary trans activists – or at least, the consistent ones – WAS is, like the traditional versions of WOMAN and MAN, 'exclusionary', since it cannot accommodate the claims of non-passing trans women to be women, or of non-passing trans men to be men. WAS is also criticised for having nothing to say about non-binary people. Still, for many others – and in particular people familiar with, and sympathetic to, the history of twentieth-century Western feminism – WAS remains a convincing explanation of why some trans women count as women, and trans men as men.

Unfortunately, though, WAS is beset with problems. In what follows, I'll talk only about WAS as it applies to the concept of WOMAN, as befits its original historical impetus. However, my points can be altered to apply to any view arguing that the

concept of MAN refers, by definition, to those expected by society to perform a masculine role.

Bad reasons given for WAS

I think WAS appeals to many people on a subconscious level. This is partly to do with cognitive factors, and partly with social ones about the way we objectify women generally. But here I'll deal only with conscious reasoning for WAS. There are two main sources of perceived support, both of them fairly underwhelming on closer inspection.

The first of these draws upon a feature of ordinary language: the fact some people tend to say things like 'she's not a *real* woman', when talking about certain adult human females. De Beauvoir has a few examples early on in *The Second Sex*. She tells us: 'They whisper, even in Russia, "*women* are still very much women".' She goes on: 'Speaking of certain women, the experts proclaim "They are not women"' even though they have a uterus like the others.' And: 'Everyone agrees there are females in the human species; today, as in the past, they make about half of humanity; and yet we are ... urged "Be women, stay women, become woman".' She concludes: 'So not every female human being is necessarily a woman; she must take part in this mysterious and endangered reality known as femininity.'¹⁶

Supporters of WAS take these observations to demonstrate that the concept of WOMAN refers to an expected feminine social role. What they don't apparently notice is that hundreds, if not thousands, of concepts are subject to similar temporary and rhetorical constructions in certain contexts, without us needing to propose radical alterations to those concepts generally. As was pointed out by philosopher J. L. Austin in the

1960s, whether something is counted as 'real' or not depends on what's effectively being excluded as uninteresting by way of the contrast in the current conversational context.¹⁷ Take for instance, the concept DIAMOND, understood as a crystalline carbon allotrope. When given a huge, clear, sparkly diamond as a present, the recipient might say, 'Now, that's a *real* diamond!' Or a jeweller might say to the would-be seller of a small, dull diamond, 'Call that a *diamond*? That's not a diamond', though both know that it is. In this sort of case, there's what we might call a temporary 'escalation' or 'de-escalation', whereby concepts plus qualifiers such as 'real', 'not real' (etc.) and/or certain emphases and tones of voice are used by speakers to draw attention to particular properties of objects currently of interest, or the lack of them. So for instance: 'Now that's a *real* castle!', 'That's not a real birthday present!', etc. (Try it now with things around you: 'Call that a *sofa*?'; 'If you were a *real* husband ...') Saying of a diamond you don't currently value that it's not a *real* diamond doesn't show that generally DIAMOND means something other than a crystalline carbon allotrope. And it definitely doesn't show that DIAMOND refers only to the socially expected or valued role of diamonds, such as being clear, sparkly and large.

Similar points, I think, apply to feminist interpretations of the activist and former slave Sojourner Truth's famous 1851 speech 'Ain't I a Woman?'. Truth points out that the white middle-class stereotypes that 'women need to be helped into carriages, and lifted over ditches, and to have the best place everywhere' don't apply to her as a former slave; yet she is still, after all, a woman.¹⁸ This is taken by many feminists to implicitly support WAS. Yet historical statements that black women weren't women, or *real* women, were temporarily de-escalated uses of WOMAN, revelatory of the fact that racist speakers didn't value black women as they valued whites. In other

contexts, the same people who made such statements would unproblematically acknowledge black women as women – not least because many slave owners instrumentalised black women's pregnancies to keep the machinery of slavery going, and were themselves responsible for some of them.

A second argument supposedly helpful to WAS brings us back, once again, to the spectre of biological determinism: the idea that females' biological status makes it 'natural' and so right for them to be in the kitchen, nursery or bedroom, but not in the boardroom or parliament. For many Second Wave feminists, WAS seemed attractive because, on the face of it, it promised to free women from accusations of biological determinism. In fact, though, as I've already argued, defining WOMAN explicitly in terms of an expected feminine social role is a truly terrible response to that problem. If – big if – it's really true that women are biologically determined to be domestic, submissive, and so on, redefining WOMAN as something nonbiological won't save them from that fate. All it will do is distractingly change the subject to a different kind of people. Meanwhile, the adult human females will still be there, working away in the kitchens and nurseries and bedrooms, subjugated by their biology. Much better instead for feminists to directly attack the idea that being female makes one naturally suited to domesticity, using available scientific evidence plus conceptual analysis to do this; or alternatively, attack the idea that what's 'natural for females' in the sense of 'found on average across the entire population of females' determines what's 'right' for all or even any of them.

These days, the old adversarial dynamic between determinists and feminists has morphed into the popular claim that, if you don't embrace WAS, but instead argue for the traditional version of WOMAN, you must be a nasty old biological determinist who wants to 'tie' women 'to their biology'. Frankly,

this is bonkers. The traditional version of WOMAN whose legitimacy I'm defending says that a woman is an adult human female. In Chapter 2, I offered three models of the sexes. *Not one of them* proposed any personality traits or behaviours as essential to, or necessary for, femaleness. They don't mention personality traits or behaviours at all. They're concerned only with endogenous physical characteristics. Whether or not females are, on average, naturally suited to domesticity or any other thing is an entirely empirical matter – i.e. to do with what scientific evidence emerges, either way – and it has nothing to do with the membership conditions of BEING FEMALE. So by favouring the traditional version of WOMAN (i.e. adult human female) over WAS, there's no inevitable implication you must be committed to some view of women as naturally suited to domesticity, nor any other particular behaviour or psychological trait.

Sometimes critics of the traditional version of WOMAN get yet more confused, this time by the fact that three characteristics are being proposed as 'essential' to the membership conditions of womanhood: namely, being i) adult, ii) human and iii) female. Doesn't this fact make the view perniciously 'essentialist' in a politically suspect way? No. Or if it does, then WAS is 'essentialist' too, and so for that matter is gender identity theory! After all, both of them also propose certain membership conditions as 'essential' for (i.e. necessary to) being a woman. Is it a political problem for a definition of DIAMOND that it proposes 'being a crystalline carbon allotrope' as 'essential' to diamonds? No. Proposing certain characteristics as essential membership conditions, in this sense, is a feature of thousands of definitions of categories – that's arguably how categories work. (It's true some philosophers have argued that sometimes or always, thinking of categories as having essential or necessary conditions is a

mistake. However, they think it's a philosophical mistake not a political one; and their point applies to most or all concepts. I looked at two relevant examples of this approach in Chapter 2, where I discussed cluster models of SPECIES and of MALE and FEMALE.)

Yet another strawman offered is that defenders of the traditional version of the concept WOMAN, understood as adult human female, are effectively 'reducing women to their biology'. It's as if what's really being said is that having a female biology is *all individual women can ever be good for*. But what's important to, or about, an individual can vary from context to context, depending on background interests. Arguing that the membership conditions of WOMAN as a general category essentially require being female doesn't mean that being female (or adult, or human) is a personally important feature of any given woman, let alone all she can ever be good for. Compare: the membership conditions of BANKER essentially require a person who is a banker, by definition, to be working in a bank. But that doesn't mean working in a bank is personally important to any given banker, let alone that it's all she or he can ever be good for. Being a woman doesn't cover everything individual women are or could be. It was never reasonably supposed to.

Additional points against WAS

I've just discussed arguments supposedly in favour of WAS. When it comes to looking for additional arguments against it, it seems even less promising. We can find at least three. The first applies to WAS, considered generally as a challenge to the traditional version of the concept WOMAN. The other two relate to WAS as it supposedly applies to trans women in particular.

The first challenge relates to whether, in practice, WAS was ever an adequate replacement version for the traditional version of the concept WOMAN. A big problem for WAS is that there's no single social role expected to be performed by all women that could be used to define them, practically speaking. Earlier on, I said that women tend to face similar social challenges, such as susceptibility to sexual assault, and less comparative success in the workplace relative to men – but still, this is hardly enough to define the entire category, and in any case clearly has many exceptions. This problem emerged early on in the history of WAS within feminist thought. In practice, concrete articulations of 'the feminine social role', when given by white Western heterosexual women, tended to default – surprise, surprise – to sociocultural expectations upon white Western heterosexual women. This was quickly pointed out by black and Latina feminists as well as by lesbians. Not all women are culturally expected to be passive – some matriarchal cultures value agency. Not all women are culturally expected to be refined and delicate – black feminists have argued that black women aren't viewed this way, and nor are lesbians. Incomprehensibly, once this problem was noticed, rather than concluding there was something wrong with WAS some academic feminists took the heroically ambitious route of denying there was such a thing as the unified category of women at all.¹⁹ Others suggested we should pretend there are women for politically strategic purposes.²⁰

Often missed in the interminable academic discussions that followed – as with gender identity theory earlier – was that the traditional concept of WOMAN and the version of the concept proposed by WAS obviously perform very different functions. Unlike the concepts WOMAN and GIRL taken together, WAS cannot offer an account covering 51 per cent of the population, or anything like it. We have seen that, relative

to many important purposes, we continue to need concepts to distinguish adult and younger human females from everyone else, as well as from each other. Any concepts offered by WAS as putative replacements, citing only expectations of social role, cannot do this job. There is not enough overlap between the people to whom the traditional version and the WAS version actually apply. This suggests that, as with gender identity theory, the decision structure when fed into the decision tree, should be Yes; No; Yes. That is, we should retain the traditional version of the concept WOMAN, continuing to use it to refer to adult human females, and develop separate concepts to identify the various sociocultural roles women are expected to perform in different historical and social contexts.

I tend to think that this objection, like the accompanying similar one for gender identity theory, thoroughly undermines the rationale for WAS. Still, I know there will remain devotees. So I'll assume for the sake of my next bit of argument that WAS works as a general theory of womanhood, even though I don't think it does.

There are two reasons that WAS doesn't fit well with the idea that trans women are women. The first point is that women and passing trans women aren't always expected to occupy the same social role – unless you define 'social role' very narrowly as something like 'the role a stranger might expect you to fulfil, based only on what you look like to them now'. But expected social roles are much wider than that. For one thing, what social expectations and norms are projected upon you partly depend on what others know about you, and not just what a stranger would think, were they to see you from a distance in the street. If you're a passing trans woman who is 'out', then, precisely, people know you're male and that you have grown up male. In that case, in some contexts you're likely to be treated differently, and be subject to different

expectations, than the average female (sometimes better, sometimes worse, and sometimes no better or worse, just different). There will be a lot of overlap, but it's unlikely to be total.

For another thing, the social role occupied by any individual extends throughout time, and isn't reducible to a single year, week or day, let alone a single moment when a stranger looks at you. Roles start early on, in childhood, and are affected by experiences. As novelist Chimamanda Ngozi Adichie said in an interview in 2017, seeming to embrace some version of WAS: 'I think the whole problem of gender in the world is about our experiences ... It's about the way the world treats us, and I think if you've lived in the world as a man with the privileges that the world accords to men and then sort of change gender, it's difficult for me to accept that then we can equate your experience with the experience of a woman who has lived from the beginning as a woman and who has not been accorded those privileges that men are.'²¹ In similar vein, journalist and academic Elinor Burkett wrote of trans women: 'They haven't suffered through business meetings with men talking to their breasts or woken up after sex terrified they'd forgotten to take their birth control pills the day before. They haven't had to cope with the onset of their periods in the middle of a crowded subway, the humiliation of discovering that their male work partners' checks were far larger than theirs, or the fear of being too weak to ward off rapists.'²² Such points would indeed suggest many passing trans women aren't women after all, even by the lights of WAS.

A separate critical point about WAS is this. As you might expect given its political origins, a frequent accompaniment to the original feminist argument that WOMAN referred to those expected to perform a feminine social role was *severe criticism of that expectation and role*. Feminists such as Catharine MacKinnon and Andrea Dworkin, apparently

writing in support of something very like WAS, thought of inequality and suffering as baked into the expectations projected upon women. They wanted to smash femininity, and that's an understatement. On their view, women, as such, are socially constructed via lifelong exposure to widespread practices of sexual dominance and objectification, and men, as such, are socially constructed as sexually objectifying dominators. Wrote MacKinnon, for instance: 'To be rapable, a position that is social not biological, defines what a woman is.'²³

So, at least as it was originally practised, thinking of WOMAN in terms of a social role was *not supposed to be a reactionary move in favour of preserving that social role*. Indeed, this is implied by a modern-day advocate of WAS, American philosopher Sally Haslanger, who basically argues that we should focus our minds on the political project of *getting rid of women*. By this she means not some bloody massacre of adult human females, but rather the elimination of restrictive and damaging social expectations upon them.²⁴

To say the least, it's a bit odd, then, to see WAS co-opted in a twenty-first-century campaign to get trans women recognised as women, as if that's a progressive victory all round. If MacKinnon and Dworkin were right, no one should be encouraged to be a woman, trans or otherwise. And it's hard to see how the frequent trans activist caricature of nasty 'TERFs' zealously 'gatekeeping' womanhood in order unfairly to keep trans women out of it is compatible with the fact that many MacKinnon- and Dworkin-inspired 'TERFs', at least, spend their wider lives fighting the misogynist social stereotypes which, they believe, constitute womanhood.

If you try to believe simultaneously *both* that trans women should be categorised as women as a matter of social justice *and* that womanhood involves exposure to a regressive social

role essentially involving domination and sexual objectification, then something's got to give. In practice, what seems to be giving these days is recognition that expected feminine social roles might be in any way regressive or worth fighting against. Femininity is often now presented, even by progressives, as either a neutral or a positive, life-affirming choice. It's apparently just assumed that when you act passive and submissive, or emotional, you're being 'woman-like', or even just being a woman – whatever your sex. For instance, trans author Kate Bornstein writes in her memoir about a female partner who would later transition to become a trans man: 'We had sex being boys. We had sex being girls. We were boy and girl at random. He had as much fun on top of me as I had fun on top of her. And we both enjoyed being on the bottom.'²⁵ In other words, when on top, the partner is a 'he' and when on the bottom, a 'her'. And trans woman Joy Ladin writes in her memoir: 'When my wife and I discuss the destruction of our life together, she's the one who cries. If tears start in my eyes – and they often do – I automatically stifle them. When my wife and I are together, she's the woman and I'm the man.'²⁶ The apotheosis – or possibly, nadir – of this approach is found in the 2019 book *Females* by trans scholar Andrea Long Chu, which – I'm kind of hoping satirically, though I'm not entirely sure – defines 'female' as 'any psychic operation in which the self is sacrificed to make room for the desires of another'.²⁷

When combined with WAS, this leaves a reactionary position diametrically opposed to what radical feminists could possibly have originally meant – even if these days, they deny this.²⁸ Since academic intricacies understandably tend to be lost on the general public, were this toothless version of WAS to become yet more popular, it would presumably leave even more people with the impression that women are 'supposed to be' feminine (as in: dominated, sexually submissive, emotional,

and there to do the bidding of the masculine people), and men 'supposed to be' masculine (as in: dominant, sexually demanding, unemotional, and there to have their needs met by the feminine people). It's not hard to anticipate how this cues up further agony for all concerned, and especially for those children, teens and adults who are confused and/or feel they don't fit the right mould.

Given these considerations, it's preferable, as before, to retain the original concepts of WOMAN and MAN, and then to have separate concepts for the sex-associated social roles, expectations and norms – damaging or otherwise – that we collectively have interests in tracking and critiquing. In this we might emulate a language like Swedish, in which the word for both 'woman' and 'female' is '*kvinna*', and the word for biological sex is '*kön*' (a word which, luckily for Swedish communication purposes, does not also mean the sexual act). Meanwhile, the word for the social norms and expectations associated with the sexes is '*genus*', a word that isn't applied to womanhood or manhood as such.

In the service of development of separate concepts for the distinctive social stereotypes and norms associated with each sex, English speakers could rescue the concepts MASCULINITY and FEMININITY from the current murk, and be more explicit about what they mean. In the former case, masculinity could be exclusively understood as the sets of social expectations and norms (etc.) projected upon most men and some women, and femininity those projected upon most women and some men. If we then wanted to refine these concepts further into separate sub-categories, to explicitly cover different kinds of sex-associated social expectations and norms – appearance-based, behavioural, psychological, and so on – we could do that too. We could also develop a separate concept of PEOPLE SUBJECT TO MISOGYNY (or something

pithier), which could apply both to women and to some passing trans women, in virtue of what is called 'discrimination by perception'; and PEOPLE SUBJECT TO MISANDRY, which could apply to men and to some trans men. In refining existing concepts or coining new ones, we could easily develop a rich, flexible vocabulary to refer to whatever sex-associated social phenomenon we wished to describe. But: there's no reason to think that any reference to these factors can, or should be, automatically built into the concepts of WOMAN and MAN as such. Not only would this make the concepts too unwieldy, but it would also be incompatible with their original, still pressing purposes: serving as the nexus of literally thousands of intersecting discussions, explanations and predictions, of great collective importance, concerning adult human males and females.

With respect to the main topic of this chapter, then, we're left with a stark conclusion. Here's the least stark articulation of it I can muster. If trans women are women, they are not 'women' in the same sense in which adult human females are 'women'. If trans men are men, they are not 'men' in the same sense in which adult human males are 'men'. 'Trans' isn't, as we saw Julia Serano claim in Chapter 1, an adjective attached to 'woman'. There are wholly different concepts here. Ideally, we should have phonetically different terms to refer to each. But if we don't collectively develop phonetically different words, we should at least be clear that TRANS WOMAN, TRANS MAN, WOMAN and MAN are four different concepts, each with different membership conditions; and that membership of TRANS WOMAN doesn't entail membership of WOMAN or preclude membership of MAN, and nor does membership of TRANS MAN entail membership of MAN or preclude membership of WOMAN.

This conclusion may be greeted, at least initially, with shock.

I don't blame you at all, as a reader – trans or otherwise – if this is how you feel. It wasn't you personally who developed the confused idea that there were no conceivably important differences between trans women and women, or trans men and men, for which language-users might rationally want to develop separate public concepts in order to record and track them. That was the academics, lawmakers and trans activist organisations, who disseminated this narrative for various misguided intellectual or political reasons. People have built their lives around this narrative. Perhaps it feels as though I'm ripping all that away, and that causes you pain.

So straight away I want to be absolutely clear about what I'm *not* saying, before I go on to explain and justify these points in more detail in the next chapter. (I can anticipate a lot of these misunderstandings because they're frequently fired at me by critics, as assumptions about what I must really be saying.)

- I'm not saying that to physically alter oneself to look like the opposite sex, or unlike one's own sex, or both, isn't ever a reasonable thing for adults to do in response to developing a misaligned gender identity. I think it can be, and have explained why in Chapter 4.
- More generally, I'm not saying there's anything wrong with looking or being radically sex nonconforming, either naturally or artificially. Quite the opposite. Personally speaking, I value and celebrate sex non-conformity: masculine women, feminine men and androgyny. Indeed, it's partly in the service of this evaluation that I've made the arguments I have.
- I'm not underplaying the psychological relief it gives many trans people to think of themselves as members of the opposite sex. Nor, perhaps surprisingly, am I

saying that trans women and trans men, respectively, shouldn't ever *call themselves* 'women' and 'men' or be referred to that way by those around them. I'll explain why in the next chapter.

- I'm not saying trans people are 'deceivers', nor that they are 'delusional' or 'duped' – far from it. I'll explain why in the next chapter, so there can be no doubt.

Elizabeth Finneron Burns, Holly Lawford-Smith, Mary Leng and Rebecca Reilly-Cooper, and to my feminist Queen, Julie Bindel.

Notes

Introduction

1. Julian Norman, "'Shifting sands': Six legal views on the transgender debate", *Guardian*, 19 October 2018, <https://www.theguardian.com/society/2018/oct/19/gender-recognition-act-reforms-six-legal-views-transgender-debate>
2. Equality Act Explanatory Notes, <http://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/2/1/4>
3. Stonewall, 'The truth about trans', <https://www.stonewall.org.uk/truth-about-trans#trans-people-britain>
4. Government Equality Office, 'Trans people in the UK', https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721642/GEO-LGBT-factsheet.pdf
5. Andrew Gilligan, 'Tavistock clinic reveals surge in girls switching gender', *Sunday Times*, 30 June 2019, <https://www.thetimes.co.uk/article/surge-in-girls-switching-gender-pwqdt5vk>
6. Michael Biggs (2019), 'The Tavistock's Experiment With Puberty Blockers' http://users.ox.ac.uk/~sfos0060/Biggs_ExperimentPubertyBlockers.pdf
7. Health Research Authority, <https://www.hra.nhs.uk/about-us/governance/feedback-raising-concerns/investigation-study-early-pubertal-suppression-carefully-selected-group-adolescents-gender-identity-disorders>
8. I. T. Nolan, C. J. Kuhner and G. W. Dy (2019), 'Demographic

- and temporal trends in transgender identities and gender confirming surgery', *Translational Andrology and Urology*, 8 (3), 184–90
9. Stonewall, 'Glossary of terms', <https://www.stonewall.org.uk/help-advice/faqs-and-glossary/glossary-terms>
 10. Woman's Place UK, 'Evidence of calls to remove single sex exemptions from Equality Act', <https://womansplaceuk.org/references-to-removal-of-single-sex-exemptions/>
 11. MBM Policy Analysis, 'International evidence and the risks of reframing the sex question in the Census', <https://murrayblackburnmackenzie.org/2020/11/30/international-evidence-and-the-risks-of-reframing-the-sex-question-in-the-census/>. At the time of writing, as reported in the *Sunday Times*, 24 January 2021, the English Census authority (the Office for National Statistics) will drop its plan to officially interpret 'sex' as 'gender identity' in its Census, and will instead interpret it as 'legal sex'.
 12. 'Police investigating bomb threat against Hastings meeting', *Hastings Observer*, 20 June 2018, <https://www.hastingsobserver.co.uk/news/police-investigating-bomb-threat-against-hastings-meeting-1020623>
 13. 'J. K. Rowling Writes about Her Reasons for Speaking out on Sex and Gender Issues', <https://www.jkrowling.com/opinions/j-k-rowling-writes-about-her-reasons-for-speaking-out-on-sex-and-gender-issues/>
 14. "'Trans women are women': Daniel Radcliffe speaks out after JK Rowling tweets", *Guardian*, 9 June 2020, <https://www.theguardian.com/film/2020/jun/08/daniel-radcliffe-jk-rowling-transgender-tweets>
 15. 'JK Rowling and the publisher's staff revolt: Workers at publishing house Hachette threaten to down tools on her new children's book because of her "transphobic" views', *Daily Mail*, 16 June 2020, <https://www.dailymail.co.uk/news/article-8424029/JK-Rowling-publishers-revolt-Workers-publishing-house-Hachette-threaten-tools.html>
 16. Andrea Long Chu and Emmett Harsin Drager (2019), 'After Trans Studies', *Transgender Studies*, 6 (1), 103–16

Chapter 1: A Brief History of Gender Identity

1. Céline Leboeuf (2016), 'One is not born, but rather becomes, a woman: the sex-gender distinction and Simone

- de Beauvoir's account of woman', in K. Smits and S. Bruce (eds.), *Feminist Moments: Reading Feminist Texts*, Bloomsbury Academic. Leboeuf's image is borrowed from Nancy Bauer.
2. Simone de Beauvoir (2011 [1949]), *The Second Sex*, trans. C. Borde and S. Malovany-Chevallier, Vintage, p. 211
 3. De Beauvoir, *The Second Sex*, p. 12
 4. Ann Oakley (2016 [1972]), *Sex, Gender, and Society*, Routledge, pp. 21–2
 5. Monique Wittig (1993), 'One Is Not Born A Woman', in H. Abelove, M. Barale and D. Halperin (eds.), *The Lesbian and Gay Studies Reader*, Routledge, p. 104
 6. Judith Butler (1986), 'Sex and Gender in Simone de Beauvoir's *Second Sex*', *Yale French Studies*, No. 72, p. 35
 7. John Money (1994), 'The concept of gender identity disorder in childhood and adolescence after 39 years', *Journal of Sex & Marital Therapy*, 20 (3), 164–5
 8. Money, 'The concept of gender identity disorder', p. 169
 9. Ibid.
 10. Robert J. Stoller (1964), 'The hermaphroditic identity of hermaphrodites', *Journal of Nervous and Mental Disease*, 139, p. 456
 11. M. Blackless et al. (2000), 'How sexually dimorphic are we? Review and synthesis', *American Journal of Human Biology: The official journal of the Human Biology Council*, 12 (2), 151–66
 12. Anne Fausto-Sterling (1993), 'The Five Sexes: Why Male and Female are not Enough', *Science*, 33, 20–24
 13. Anne Fausto-Sterling, 'Why Sex Is Not Binary', *New York Times*, 25 October 2018, <https://www.nytimes.com/2018/10/25/opinion/sex-biology-binary.html>
 14. Fausto-Sterling, 'The Five Sexes'
 15. Susan Stryker (2006), '(De)Subjugated Knowledges: An Introduction to Transgender Studies', in S. Stryker and S. Whittle (eds.), *The Transgender Studies Reader*, Routledge, p. 4; Stephen Whittle (2006), Foreword in S. Stryker and S. Whittle (eds.), *The Transgender Studies Reader*, Routledge, p. xi
 16. Julia Serano (2007), *Whipping Girl: Transsexual Woman on Sexism and the Scapegoating of Femininity*, Seal Press
 17. Serano talks mostly about 'cissexuals' and 'transsexuals' but makes clear she doesn't mean by this to identify any particular relation to medical transition, or the lack of it.
 18. Max Valerio Wolf (2006), *The Testosterone Files: My*

- Sunday Times*, 4 October 2018, <https://www.thetimes.co.uk/article/teen-transgender-drama-butterfly-inflates-suicide-risk-9ng3z22mv>
59. Helen Joyce, 'Speaking up for female eunuchs', *Standpoint*, February 2020, <https://standpointmag.co.uk/issues/february-2020/speaking-up-for-female-eunuchs/>
 60. Helen Joyce, 'Speaking up for female eunuchs', *Standpoint*, 30 January 2020, <https://standpointmag.co.uk/speaking-up-for-female-eunuchs/>
 61. Bernice Hausman (1995), *Changing Sex: Transsexualism, Technology and the Idea of Gender*, Duke University Press, p. 3
 62. See Finn Mackay (2019), 'No woman's land? Revisiting border zone denizens', *Journal of Lesbian Studies*, 23 (3), 397–409
 63. Judith Halberstam (1998), *Female Masculinity*, Duke University Press, p. 71
 64. Halberstam, *Female Masculinity*, p. 68
 65. Equality Act 2010, Section 7, <http://www.legislation.gov.uk/ukpga/2010/15/section/7>
 66. Gender reassignment discrimination, EHRC website, <https://www.equalityhumanrights.com/en/advice-and-guidance/gender-reassignment-discrimination>
 67. Stonewall Youth, 'Gender Identity', <https://www.youngstonewall.org.uk/lgbtq-info/gender-identity>

Chapter 5: What Makes a Woman?

1. Jack Halberstam (2018), *Trans*: A Quick and Quirky Account of Gender Variability*, University of California Press, p. 5
2. John Dupré (1993), *The Disorder of Things: Metaphysical Foundations of the Disunity of Science*, Harvard University Press, p. 19
3. This shouldn't be confused with the different claim that some things are dependent on human beings for their existence. That's certainly true of funny jokes and arguably also true of poison, depending on further assumptions too distracting to go into here.
4. There's a philosopher's side issue here, about whether in this sort of case an old concept is being replaced by a different concept altogether, or whether a version of the same concept is being replaced by another version. I will take the latter route.
5. Angela Onwuachi-Willig, 'Race and Racial

- Identity Are Social Constructs', *New York Times*, 6 September 2016, <https://www.nytimes.com/roomfordebate/2015/06/16/how-fluid-is-racial-identity/race-and-racial-identity-are-social-constructs>
6. 'Race is a social construct, scientists argue', *Scientific American*, 5 February 2016, <https://www.scientificamerican.com/article/race-is-a-social-construct-scientists-argue/>
 7. Alex Byrne makes this point in his (2020) 'Are women adult human females?', *Philosophical Studies*
 8. Marilyn Frye (1983), *The Politics of Reality: Essays in feminist theory*, Crossing Press, p. 16
 9. J. A. Collins and I. R. Olson (2014), 'Knowledge is Power: How conceptual knowledge transforms visual cognition', *Psychonomic Bulletin & Review*, 21, 843–60
 10. Philip J. Kelmann and Christine M. Massey (2013), 'Perceptual Learning, Cognition, and Expertise', *Psychology of Learning and Motivation*, Brian H. Ross (ed.), 58, 117–65
 11. Stonewall, 'Statement on the ruling against Freddy McConnell', 29 April 2020, <https://www.stonewall.org.uk/about-us/news/statement-ruling-against-freddy-mcconnell>
 12. Office for National Statistics, 'The nature of violent crime in England and Wales: year ending March 2017', <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/thenatureofviolentcrimeinenglandandwales/yearendingmarch2017>
 13. IPSO, 'Guidance on researching and reporting stories involving transgender individuals', September 2016, https://www.ipso.co.uk/media/1275/guidance_transgender-reporting.pdf
 14. In later editions, this was changed to 'Transgender woman, 41 ...'
 15. 'Police forces let rapists record their gender as female', *The Times*, 20 October 2019, <https://www.thetimes.co.uk/article/police-forces-let-rapists-record-their-gender-as-female-d7qtb7953>
 16. Simone de Beauvoir (2011 [1949]), *The Second Sex*, trans. C. Borde and S. Malovany-Chevallier, Vintage, p. 211, p. 3
 17. J. L. Austin (1962), *Sense and Sensibilia*, Oxford University Press, p. 70
 18. C. Brezina (2005), *Sojourner Truth's 'Ain't I a Woman?' Speech: A Primary Source Investigation*, The Rosen Publishing Group
 19. Elizabeth V. Spelman (1998), *Inessential Woman: Problems of Exclusion in Feminist Thought*, Beacon Press
 20. Diana Fuss (1989), *Essentially Speaking*, Routledge, p. 36

21. 'The controversy over Chimamanda Ngozi Adichie and trans women, explained', *Vox*, 5 March 2017, <https://www.vox.com/identities/2017/3/15/14910900/chimamanda-ngozi-adichie-transgender-women-comments-apology>
22. Elinor Burkett, 'What makes a woman?', *New York Times*, 6 June 2015, <https://www.nytimes.com/2015/06/07/opinion/sunday/what-makes-a-woman.html>
23. Catharine MacKinnon (1989), *Towards a Feminist Theory of the State*, Harvard University Press, p. 178
24. Sally Haslanger (2000), 'Gender and Race: (What) are they? (What) do we want them to be?', *Noûs*, 34, 31–55. Later on, in a startling volte-face, Haslanger confessed in relation to earlier writing: 'by appropriating the terms "woman" and "man," I problematically excluded some women from being counted as women.' ('Going on, not in the same way', in A. Plunkett, H. Cappelen, and D. Burgess (eds.) (2020), *Conceptual Ethics and Conceptual Engineering*, Oxford University Press
25. Kate Bornstein (2012), *A Queer and Pleasant Danger*, Beacon Press, p. 198
26. Joy Ladin (2010), *Through the Door of Life. A Jewish Journey Between Genders*, University of Wisconsin Press, p. 38
27. Andrea Long Chu (2019), *Females*, Verso, p. 11
28. 'Sex, Gender, and Sexuality: The Trans Advocate interviews Catharine A. MacKinnon', *Trans Advocate*, 7 April 2015, https://www.transadvocate.com/sex-gender-and-sexuality-the-transadvocate-interviews-catharine-a-mackinnon_n_15037.htm

Chapter 6: Immersed in a Fiction

1. 'Gender Recognition Bill', Hansard, <https://api.parliament.uk/historic-hansard/bills/gender-recognition-bill>
2. Ibid.
3. '11 Feb 2004: Column 1093', Hansard, <https://publications.parliament.uk/pa/ld200304/ldhansrd/vo040211/text/40211-01.htm>
4. 'Gender Recognition Bill', Hansard, 3 February 2004, https://api.parliament.uk/historic-hansard/lords/2004/feb/03/gender-recognition-bill-hl#S5LV0656P0_20040203_HOL_411
5. 'Gender Recognition Bill', Hansard, 29 January 2004, https://api.parliament.uk/historic-hansard/lords/2004/jan/29/gender-recognition-bill-hl#S5LV0656P0_20040129_HOL_228

6. 'Gender Recognition Bill', Hansard, 19 January 2004, https://api.parliament.uk/historic-hansard/written-answers/2004/jan/19/gender-recognition#S5LV0657P0_20040119_LWA_42
7. Equality Act Explanatory Notes, <http://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/2/1/4>
8. <https://onlinelaw.wustl.edu/blog/legal-english-legal-fiction/>
9. Sidney T. Miller (1910), 'The Reasons for Some Legal Fictions', *Michigan Law Review*, 8 (8), (Jun., 1910), 623–36
10. 'Gender Recognition Bill', Hansard, 18 December 2003, https://api.parliament.uk/historic-hansard/lords/2003/dec/18/gender-recognition-bill-hl#S5LV0655P0_20031218_HOL_58
11. 'The General Guide for all Users, Gender Recognition Act 2004', https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/786910/t455-eng.pdf
12. 'Gender Recognition Act 2004', http://www.legislation.gov.uk/ukpga/2004/7/pdfs/ukpga_20040007_en.pdf
13. Debbie Hayton, 'Defend Me or Expel Me', <https://debbiehayton.wordpress.com/2020/04/14/defend-me-or-expel-me/>
14. Miranda Yardley, 'Why I Disavow "Woman" And Am No Longer "Gender Critical"', <https://medium.com/@mirandayardley/why-i-disavow-woman-and-am-no-longer-gender-critical-8352586e7aab>
15. Fionne Orlander, 14 November 2018, <https://twitter.com/FionneOrlander/status/1062728906304827392>
16. I'm not saying that all acting is like this. Denis Diderot denied it was, as did Bertolt Brecht. My claim is only that it sometimes is.
17. Samuel Kampa (2018), 'Imaginative Transportation', *Australasian Journal of Philosophy*, 96 (4), 10
18. 2018 Populus poll, commissioned by 'Women Ask Questions', accessible at https://fairplayforwomen.com/wp-content/uploads/2018/11/gender_recognition_act-1.pdf. These numbers add up to 101 per cent because they are rounded up.
19. 'Woman billboard removed after transphobia row', *BBC News*, 26 September 2018, <https://www.bbc.co.uk/news/uk-45650462>
20. Talia Mae Bettcher (2007), 'Evil Deceivers and Make-Believers: On Transphobic Violence and the Politics of Illusion', *Hypatia*, 22 (3), 43–65
21. Susanna Schellenberg (2013), 'Belief and Desire in Imagination and Immersion', *Journal of Philosophy*, 110, 508
22. Mark J. Miller (1980), 'Role-Playing as a Therapeutic Strategy: A Research Review', *The School Counselor*, 27 (3), 217–26