

Essay

Sex Reassignment and Gender Misfits

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Abstract: Gender transition enables some born men and women to escape from the constraints gender norms impose. But the adoption of gender transition as a remedy for gender misfits who cannot comply with their assigned gender norms is a conservative strategy that does not challenge the imposition of social norms that oppress gender misfits, of whom I am one. Trans individuals, who identify with and want to be identified as members of a sex other than their sex assigned of birth, should have the option of gender transition and, arguably, be recognized as members of their chosen sex afterwards. But gender misfits who are not trans should not have to transition to escape from expectations, obligation, and restrictions assigned on the basis of biological sex, with which they cannot comply.

Keywords: feminism; sex; gender non-conformity; gender norms; gender transition

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Sex, being male or female, is descriptive; 'gender' is normative. Psychological characteristics and behaviors are gendered 'masculine' or 'feminine' in virtue of being prescribed as fitting for men and women respectively by prevailing social norms, which assign expectations, obligations, and opportunities on the basis of sex. Persons are gendered masculine or feminine derivatively to the extent that they have psychological properties and exhibit behaviors that are socially defined as masculine or feminine. Masculinity and femininity are ways that men and women are *supposed* to be. The current article is about men and women who are in this respect *not* the way they are supposed to be: gender misfits – who do not possess the gendered properties deemed appropriate to their sex and cannot conform to socially assigned gender norms.

Gender transition¹ enables some born men and women to escape from the constraints gender norms impose. But the adoption of gender transition as a remedy

¹ While I reject the common view that gender is an intrinsic property of persons whose supposed inner 'gender identity' may be different from their sex assigned at birth, I will use the term 'gender transition'

for gender misfits who cannot comply with their assigned gender norms is a conservative strategy that does not challenge the imposition of social norms that oppress gender misfits, of whom I am one. Trans individuals, who identify with and want to be identified as members of a sex other than their sex assigned of birth, should have the option of gender transition and, arguably, be recognized as members of their chosen sex afterwards. But gender misfits who are not trans should not have to transition to escape from expectations, obligation, and restrictions assigned on the basis of biological sex, with which they cannot comply.

In Section 1, I propose working definitions according to which to be a man or woman is just to be an adult human male or female and to be gendered is a social fact about persons who are to varying degrees 'masculine' or 'feminine' in virtue of their compliance with gender norms. Gender misfits are persons whose psychological characteristics and deportment are not aligned with their assigned gender norms. In Section 2, I discuss the ways in which gender misfits are harmed by the currency of gender norms with which they cannot comply. Since gender norms are entrenched, I pose the question of whether, regrettably, the best gender misfits can do to escape the hardships that their assigned gender norms impose on them is to transition and pass as members of the opposite sex. In Section 3, I consider gender transition as an alternative for gender misfits and the possible consequences of normalizing gender transition for gender misfits who do not transition. It is an empirical question whether it would be good for gender misfits who do not transition, bad for gender misfits who do not transition, or make no difference. I consider two possible scenarios. In Section 4, I consider gender abolitionism, which I endorse, and respond to the concern that eliminating gender categories would harm individuals who wish to maintain gender categories, in particular, trans persons who identify with and want to be identified as members of their chosen sex.

1. Sex, Gender, and Gender Norms

1.1. Sex

Sex, the property of being male or female as ordinarily understood, is prima facie unproblematic. 'The sexes,' Alex Byrne writes, 'are basically defined by the gametes they produce...sperm and eggs... "male" means making small gametes, and "female" means making large gametes' (Byrne, 2023: 60). To be a man is to be an adult human male and to be a woman is to be an adult female as per the Oxford, Cambridge, Collins, and American Heritage dictionaries.² In the human species, paradigmatic men and women are XY and XX individuals who exhibit characteristically male and female phenotypes.

as it is commonly used to designate a process by which a person changes their socially presented sex and/or sex characteristics, which can include medical interventions like hormone therapy and surgeries as well as social changes, such as adopting a new name, pronouns, and clothing.

² Rebecca Mason has challenged the thesis that women are adult human females:

[[]I]f being an adult human female constitutes the real definition of being a woman, then, necessarily, S is a woman if and only if S is an adult human female...My argumentative strategy is to consider several ways of analyzing the property of being female in terms of chromosomal properties (having XX chromosomes), gametic properties (producing ova), phenotypic properties (having breasts, having a vagina, having a uterus, etc., and various combinations of these. I show that there are counterexamples to each analysis. (Mason, 2024: 181–82)

Simone de Beauvoir famously disagreed, declaring that 'one is not born, but rather becomes, a woman.' It is not hard to understand what she meant, viz. that 'femininity,' understood as compliance with conventional gender norms, is not a fixed, inborn, biologically determined trait but a social construct that individuals are socialized to embody, which is internalized so that one does not merely behave as a woman in response to external constraints but '*becomes* a woman.'³

Beauvoir's dictum is a metaphor. Girls become women by reaching biological adulthood - not by any process of socialization; they become *feminine*, according to prevailing gender norms, if socialization is successful. It is, however, a metaphor that many writers take literally. 'The orthodox view among philosophers who have considered the matter,' Byrne writes, 'is that the category woman is a social category, like the categories wife, firefighter, and shoplifter...not a biological category like the categories vertebrate, mammal, or adult human female' (Byrne, 2020: 3783). Robin Dembroff objects to Byrne's suggestion that woman is not a social category but a biological one and takes issue with the platitudinous suggestion that women are adult female humans. She writes: 'The slogan "women are adult human females" is literally that: a political slogan...championed by anti-trans activists, appealing on billboards, pamphlets, and anti-trans online forums' (Dembroff, 2021: 984). And Sally Haslanger, agreeing that the term 'woman' has political import, argues that feminists need a revisionary understanding of woman in order to fight sexist injustices. 'Given our priority in theorizing systems of inequality, it is important first to locate the social classes men and women in a broad structure of subordination and privilege' (Haslanger, 2000: 42).

Mari Makkola is skeptical: 'if feminists appropriated Haslanger's gender terms, this would create linguistic confusion between them and ordinary speakers unlikely to help in the task of challenging existing social conditions' (Mikkola, 2009: 569). I agree. I see no reason to adopt the revisionary understanding of *woman* as a social category that Dembroff, Haslanger, and others propose, to make the case that women are oppressed and that correcting this is a matter of the greatest importance. Women face ongoing discrimination in employment and the allocation of other social benefits; women are sexually harassed; women are forced to comply with oppressive grooming and behavioral requirements to present as acceptably 'feminine' to avoid social and professional punishment; women are socially, professionally, and economically disadvantaged. These are empirical facts. To reject the revisionary notion of 'woman' as a social category is not to deny these facts, to trivialize their ethical import, or to deny that rectifying these injustices is a political imperative.

If Mason is correct, then being an adult human female does not constitute a *real definition* of being a woman. It does not, however, follow that 'woman' should be understood to designate a social category marking women 'within the dominant ideology as eligible for only certain positions or opportunities in a system of sexist oppression' (Haslanger, 2000: 42). Even if 'woman' as we ordinarily understand the term does not cut along the joints, it is a fundamentally biological designation in that *paradigmatic* women, those persons who are socially recognized as women, satisfy chromosomal, gametic, and phenotypic criteria for being female. So it seems safe to say, while recognizing that there are women who don't satisfy the proposed criteria, typically, women are adult humans who are born female.

³ Beauvoir (2010) and later Betty Friedan (1963), who shaped Second Wave Feminism, were concerned primarily with the plight of women who had, through socialization, *internalized* gender norms rather than gender misfits who have not internalized these norms and for whom gender norms are just socially imposed obligations and external constraints that block preference-satisfaction.

I will use the terms 'woman' and 'man' as biological designations. This is a linguistic proposal and not a factual claim or insinuation. One is born female; one is wheedled, bullied, and coerced into complying with assigned gender norms and, if socialization is successful, gendered 'feminine.' I do not think that Beauvoir would take issue with this observation.

1.2. Gender and Gender Norms

Sex is a descriptive, biological classification of persons: people are, by sex, male or female or, in rare cases, intersex in virtue of genotype and phenotype.⁴ Being gendered, as I shall understand it, is a normative, socially assigned feature of psychological characteristics and behavioral dispositions, which are gendered 'masculine' or 'feminine' because they are expected of men and women respectively. Persons are gendered derivatively in virtue of exhibiting psychological traits and behaviors socially defined as masculine or feminine and are cisgendered, non-binary, or other gendered to the extent that they conform to social expectations for men or women. Being gendered 'masculine' does not make a woman male or relieve her of the disadvantages and unjust treatment women face. Indeed, women who do not conform to social expectations are, as a consequence, further disadvantaged.⁵

Not all psychological properties are gendered. A preference for spicy food is not. Some psychological traits are strongly gendered: nurturance is female gendered; aggression male gendered. Women are expected to be nurturing, compassionate, and supportive and are viewed unfavorably if they are 'too' ambitious, aggressive, or competitive. This is the source of the familiar double-bind women face in the workplace. Women who meet expectations are professionally unacceptable; women who do not are socially unacceptable. Other traits, including tidiness and cleanliness, are weakly gendered: women are expected to be neater and cleaner than men but, while men can be fastidious without reproach, women are judged more harshly if they are messy or dirty.

Some gender norms vary cross-culturally⁶ and change over time, so the gendered character of some traits varies. Athleticism, once strongly male gendered is now weakly

⁴ The prevalence of intersex in the US population, according to the National Institutes of Health, is 0.018% (Sax, 2002: 174). Sax, responding to Anne Fausto-Sterling who suggests a higher figure, writes:

Anne Fausto-Sterling's suggestion that the prevalence of intersex might be as high as 1.7% has attracted wide attention in both the scholarly press and the popular media. Many reviewers are not aware that this figure includes conditions which most clinicians do not recognize as intersex, such as Klinefelter syndrome, Turner syndrome, and late-onset adrenal hyperplasia. If the term intersex is to retain any meaning, the term should be restricted to those conditions in which chromosomal sex is inconsistent with phenotypic sex, or in which the phenotype is not classifiable as either male or female. Applying this more precise definition, the true prevalence of intersex is seen to be about 0.018%, almost 100 times lower than Fausto-Sterling's estimate of 1.7%. (Sax, 2002: 174)

⁵ See the Supreme Court decision in Price Waterhouse v. Hopkins (1989) at link to this article. In this landmark case, Ann Hopkins, a senior manager at the accounting firm Price Waterhouse, was denied partnership. Despite her strong performance, she was advised to 'walk more femininely, talk more femininely, dress more femininely, wear make-up, have her hair styled, and wear jewelry.' This case became a significant precedent in recognizing sex stereotyping as a form of sex discrimination under Title VII of the Civil Rights Act of 1964.

⁶ See, e.g., Margaret Mead (1963).

gendered or ungendered. Other gender ascriptions are relatively constant across time and circumstance. '[S]ex is the material ground of gender,' Louise Antony writes, '[T]he explanation for this fact lies in the nonartifactual fact that the human species...is sexually dimorphic with respect to individuals' roles in biological reproduction. That is, roughly half of the members of the human race have the capacity to conceive, bear, and suckle children' (Antony, 2022: 386). Psychological characteristics that suit a person to care and nurture children are gendered feminine. Sex roles determine which traits are gendered and gender norms enforce sex roles.

Persons are characterized as masculine or feminine in virtue of their compliance with gender norms. Compliance with one's assigned gender norms is, of course, selective and a matter of degree so 'gender,' unlike sex, is a continuum. At one end of the scale, there are fully compliant individuals – thoroughly 'masculine' men and completely 'feminine' women; along the scale there are men and women who are to varying degrees non-compliant and are, as they approach the opposite end of the scale, non-binary, androgynous, genderfluid, or otherwise non-cisgendered; at the opposite end of the scale there are *gender misfits*, whose preferences, interests, aspirations, and behaviors are not aligned with their assigned gender norms. Being gendered is not an intrinsic property of persons but a social fact about them. To be masculine, feminine, or otherwise gendered is to possess a range of psychological properties, including preferences, interests, and behavioral dispositions, that are gendered in virtue of prevailing social norms.

This is not to claim, in the teeth of empirical evidence, that all psychological male–female differences are a result of socialization. Men and women, on average, have different interests, preferences, aspirations, and abilities. Men are slightly better at math than women and much more prone to crime and violence. Moreover, it seems likely that cross-cultural differences arise from male–female biological differences. '[T]he categories of "woman" and "man",' Antony writes, 'are socially elaborated roles erected on the basis of the existence of biological difference, and that difference is difference in reproductive role differences in the psychological characteristics of men and women are biologically based. What is of interest is that these differences are not individual across-the-board differences but statistical on- average differences.

The extent of these statistical differences is also of interest since even if there is a biological basis for some, that may not explain the *extent* of difference. The amplification of relatively small statistical differences by positive feedback loops is a familiar phenomenon. During the late 20th century, the slight edge the VHS video system enjoyed over the Beta system was greatly amplified when consumers, seeing that VHS enjoyed an advantage, rushed to buy VHS video cassette recorders, anticipating that they would be compatible with a wider range of video cassettes, and Beta was driven out of the market (Arthur, 1990). In the labor market, feedback effects reinforce statistical discrimination. If members of a 'suspect classification,' women or minorities, are visibly underrepresented in an occupation, employers assume that members of that classification are less likely to qualify for the job and are then less likely to hire the next one who applies; so women and minorities become further underrepresented, employers are confirmed in their assumption that they are less likely to qualify, and are then even less likely to hire

the next one who applies.⁷ And even if discriminatory practices are not at work, when a voluntary organization or social space is colonized by members of a socially salient group, whether men or women, adolescents or the elderly, members of the colonizing group will be attracted and others will leave.⁸

We cannot assume that all on-average male–female differences are the result of discrimination or socialization, but we cannot assume that all differences are biologically based either. It seems likely that biologically based statistical differences seed more extensive differences in the way that the initial advantage that VHS enjoyed resulted in the dominance of that system and the demise of Beta.

Whether by nature, nurture, or the operation of positive feedback mechanisms, there are significant differences in the gendered preferences, interests, and developed abilities of men and women, and in the social and professional roles they occupy. But psychological properties and behaviors are gendered 'masculine' or 'feminine' in virtue of compliance with social norms.⁹ There is no gender apart from gender norms any more than there is being a chess piece apart from the constitutive conventions of chess. To be a rook or a knight is to play the rook or knight role in the game of chess as defined by the rules prescribing legal moves available to it. The rooks in most chess sets are miniature towers and most knights look like horses' heads, but that is not what makes them rooks or knights respectively. Likewise, being overrepresented in men or in women *for whatever reason* is not what *makes* a property male- or female-gendered.

In the absence of gender norms, we would regard psychological properties and behaviors that are overrepresented amongst men or women in the way we currently regard height. We recognize that men are on average taller than women and that this statistical difference is biologically based. But we do not regard height anomalies in men and women as, in some sense, incompatible with male or female 'gender' and do not think

⁹ From a sociological perspective Patricia Martin, in an extensively documented study, writes:

⁷ There are numerous 'correspondence studies' in which employers are sent bogus matched résumés tagged with markers indicating race, gender, and ethnicity. Equally qualified candidates from disfavored groups are disadvantaged. See Bertrand and Duflo (2016). When employers institute blind review, which is not feasible in hiring for most occupations, the representation of women and minorities changes dramatically. In the most striking case, when major symphony orchestras that had been for the most part exclusively male apart from the one female harpist, began auditioning candidates behind a screen, women and minorities were hired. The New York Philharmonic, once exclusively white and male is now racially diverse and, by one chair, majority female. link to this article.

⁸ Churches colonized by old ladies attract more old ladies and, once a tipping point is reached, attempts by clergy to attract men and young people, by promoting barbecue opportunities or youth groups, fail. There is no coercion, exclusion, or 'socialization' involved here. Closer to home, when I went back to my gym after Covid, it had been transformed from a 24-Hour Fitness facility to The Gym. Next to the bike rack where I parked my Trek Lexa there were two large motorcycles and, going inside, I saw that the clientele were all body builders, of whom only one was female. It was then that I transferred to a gym that catered for a more diverse clientele. And I think that men who were not body builders would likely have done the same.

In common-sense understanding gender is a property of individual people. When biological determinism is abandoned, gender is still seen in terms of socially produced individual character. It is a considerable leap to think of gender as being also a property of collectivities, institutions, and historical processes. This view is ... required by evidence and experience.... There are gender phenomena of major importance which simply cannot be grasped as properties of individuals, however much properties of individuals are implicated in them. (Martin, 2004: 1259)

that chopping tall women or stretching short men should be promoted as a form of 'gender affirming care.'

Some short men do in fact get stretched. They pay handsomely for leg-lengthening surgery to gain a few inches of height because height is advantageous, especially for men, and short men are socially and professionally disadvantaged.¹⁰ But neither those men who get their legs lengthened nor anyone else imagines that the purpose of this procedure is to align their height with their 'gender' understood in some thick sense as an essential, intrinsic feature of persons, rather than compliance with social norms. Their aim is to gain social and professional advantage.

2. Gender Misfits

Gender misfits are persons whose socially assigned gender roles do not suit them, who as a consequence are socially and professionally disadvantaged and may experience *gender dysphoria*. The Mayo clinic lists symptoms of which at least two of the following items are required for the diagnosis of gender dysphoria:¹¹

- A difference between gender identity and genitals or secondary sex characteristics, such as breast size, voice and facial hair. In young adolescents, a difference between gender identity and anticipated secondary sex characteristics.
- A strong desire to be rid of these genitals or secondary sex characteristics, or a desire to prevent the development of secondary sex characteristics.
- A strong desire to have the genitals and secondary sex characteristics of another gender.
- A strong desire to be or to be treated as another gender.
- A strong belief of having the typical feelings and reactions of another gender.

These criteria for gender dysphoria are disjunctive. The first three items concern a person's perceived lack of fit between their psychology – characterized in the Mayo Clinic account as 'gender identity' – and their sexed bodies; the last two concern a lack of fit between a person's psychology and their social circumstances. Individuals who satisfy the last two conditions are *gender misfits*. Gender misfits' dysphoria has nothing to do with their biological sex or their bodies as such: it is a consequence of the imposition of gender norms assigned to persons because of their sex to which gender misfits cannot conform.

It is easy to see what is wrong with gender norms. Even if the psychological and behavioral traits, aspirations, preferences, and aversions currently viewed as gendered are more common in members of one sex than the other, either by nature or nurture or

¹⁰ 'A study published last year [see link to this article] examined the relationship between height and dating preferences among heterosexual people in the US, Canada, Cuba, and Norway. The results suggested that men preferred shorter women and women preferred taller men relative to both their own heights and the averages in their countries.

Some research also suggests there are economic benefits to being tall. A 6-foot person was predicted to earn \$166,000 more than a 5'5'' person over a 30-year career, a 2004 study found. Writer Malcolm Gladwell polled half the companies on the Fortune 500 list about the height of their CEOs in 2005 and found that 58% were taller than 6 feet, even though just 14% of American men are that tall...Taller stature is sometimes associated with dominance, but it's also indicative that someone grew up with "more resources and wealth." link to this article.

¹¹ Mayo Clinic criteria for gender dysphoria: link to this article.

both, the curves overlap. Boys and girls in their respective gender-appropriate tails of the distribution, without intervention, grow up to be 'normal' men and women. Boys and girls in the great bulge of the distribution can be socialized and adjusted to their appropriate roles, in some cases at considerable cost and without complete success. But boys and girls in their respective gender-inappropriate tails cannot be beaten into shape and live tougher lives than necessary as gender misfits.

Most men and women are not gender misfits. They are more or less suited to their assigned roles and comply with gender norms willingly, usually without even noticing that they are acting in ways that are prescribed by gender scripts. They are not coerced or brainwashed: the character and behavior gender norms prescribe for men and women are not inherently oppressive. Gender misfits, however, are not suited to their assigned roles. For women who are gender misfits the problem is not inequality but difference as such in the expectations, obligations, and opportunities assigned to men and women – a problem largely ignored by feminist activists who are, for the most part, not gender misfits and focus on women's inequality, characterized as 'oppression,' rather than the mere difference in expectations and assigned roles. Globally, women are disadvantaged, but it is debatable whether in the US and many other countries women's disadvantage rises to the level of oppression. And, arguably, hyperbolic language of oppression makes it easy for traditionalists who endorse gender norms to dismiss women's legitimate concerns and to ignore the burden *difference as such*, in expectations and opportunities, imposes on gender non-conforming men and women.

Traditional gender norms are in decline in the US and other affluent, Western countries, and not as burdensome as they used to be. Women have been relieved of the most onerous grooming requirements and dress codes have been relaxed: in most contexts women may wear pants and men do not need to wear neckties, though on the campaign trail ties for men and stilettos for women are still mandatory. Nevertheless, some of the most burdensome gender norms are still in place, in particular, those concerning the positions of men and women in the labor force. Ongoing discrimination in employment is documented and, since the last century, occupational sex segregation has not decreased. The 2016 metastudy by Massachusetts Institute of Technology economists Marianne Bertrand and Esther Duflo indicates that discrimination in employment for women and minorities in ongoing.¹² And while elite women now compete in a unisex labor market for jobs in management and the professions, occupations that do not require a college degree are highly sex segregated. Most working-class women still work at low-wage jobs in the traditional '5 Cs': caring, cashiering, catering, cleaning, and clerical work.

Elite women who work in unisex occupations, however, still face gendered expectations that put them at a disadvantage on the job. Women pay a 'mommy penalty' after having children because of employers' expectation that they will take on the primary responsibility for childcare and be less committed to the job while men get a 'daddy bump' in wages, widening the male–female wage gap. And all women, not only gender misfits, are in a double bind because compliance with gender norms is at odds with the image of professional competence in many occupations. In business, managers are expected to be straightforward, tough, aggressive, and competitive; women are expected to be conciliatory,

¹² Bertrand and Duflo, 2016.

nurturing, cooperative, and compliant. Employees are expected to be both professionally competent and socially acceptable, so women have a difficult time negotiating conflicting demands that pose even greater difficulties for those who are gender misfits.

In the workplace gender misfits who are unable to comply with dress and grooming requirements, standards for deportment, and other gender norms are, like short men, professionally disadvantaged. In academia, students underestimate the professional competence of women faculty, expect them to be more accessible and nurturing than their male colleagues, and view gender misfits unfavorably. A recent survey summarizes extensive data indicating bias against women faculty, especially gender misfits who do not meet student expectations in course evaluations and concludes that 'we risk institutionalizing sexism when we use student evals in merit and promotion decisions':

- Women faculty are perceived as less competent (Baldwin and Blattner, 2003). They
 are more likely to be referred to as 'teachers' in student evaluations whereas men are
 more likely to be referred to as 'professors.'
- Students expect women faculty to be more accessible and more nurturing.
- Gender biases against women faculty are large enough to cause more effective instructors to get lower student ratings than less effective instructors.
- In an identical online course, students rate male instructors more favorably, and they
 rated the *course content* more favorably. This happens even when the students never
 see the instructor but half the online class is given a female name for the professor
 and half are given a male name.
- Female instructors are more likely to have their appearance and personality commented on in student evaluations compared to male instructors.¹³

Outside the world of work, grooming and deportment requirements and the obligation to be 'likeable' are especially burdensome to young girls. Recently, there has been a dramatic rise in the incidence of 'rapid onset gender dysphoria,' identification as trans that appears suddenly during or after puberty (rather than from a very young age)' among adolescent girls, who seek gender transition:

In the UK, there has been a 4,400 per cent [sic!] increase in girls referred for transitioning treatment in ten years, with drugs (specifically puberty blockers) being offered to children as young as 10...In Sweden, there has been a 1,500 per cent rise between 2008 and 2018 in the diagnosis of girls aged 13–18 as having gender dysphoria...Clinicians, school counsellors, mental health providers and others are being increasingly encouraged to 'affirm' the beliefs of children who claim to be the opposite gender. (Lawford-Smith, 2022: 96–97)¹⁴

This is hardly surprising. For boys, gender norms are enforced early in life.¹⁵ For girls, gender norms only become seriously enforced during adolescence. When girls who have

¹³ 'Reality of Student-Teacher Evaluations.' University of San Diego Center for Educational Excellence. link to this article.

¹⁴ More recently, the NHS Cass report (Fiore, 2024) concludes that 'there's no high-quality evidence supporting puberty blockers and hormones in gender care for young people. It also concludes that clinical guidelines currently in use are not backed by scientific evidence, but rely on expert consensus' and recommends changing youth 'gender-affirming services' in the UK.

¹⁵ See, e.g. Florence Ashley's account of her early recognition of her 'gender identity' (Ashley, 2023: 1055–56).

spent their childhoods as tomboys without reproach reach adolescence, they are expected to put away childish things and devote themselves to dressing and grooming, competing for likes on social media and popularity on the ground.¹⁶ And the hypercompetitive social contest girls enter at puberty and impossible beauty standards set by influencers on social media are a source of gender dysphoria.

Gender norms impose hardships on men as well as women who, whether in virtue of their innate character or because of circumstance, cannot meet expectations. Joan Williams, reflecting on the plight of white working-class men writes:

Manly dignity is a big deal for working-class men, and they're not feeling that they have it. Trump promises a world free of political correctness and a return to an earlier era, when men were men and women knew their place...Manly dignity is a big deal for most men. So is breadwinner status: Many still measure masculinity by the size of a paycheck. White working-class men's wages hit the skids in the 1970s and took another body blow during the Great Recession. Look, I wish manliness worked differently. But most men, like most women, seek to fulfill the ideals they've grown up with. For many blue-collar men, all they're asking for is basic human dignity (male varietal). (Williams, 2016)¹⁷

When factories shut down and mines are played out, when men with little education and few skills cannot get the highly paid grunt work they expect and the human dignity (male varietal) it provides, they die deaths of despair. They are not gender misfits, who reject gender norms because their innate character makes them unable to comply; they endorse gender norms but are unable to comply because of external circumstances. Like gender misfits, however, they experience hardship because they cannot satisfy gendered expectations and obligations.

Since most men and women are in either their gender-appropriate tails of the distribution of gendered traits or in the great bulge for most, compliance with current relaxed gender norms is feasible and tolerable but for gender misfits the burden is intolerable. Gender norms, however, are entrenched and so it is a serious question whether, to avoid social and professional disadvantage, the best that gender misfits can do is to transition in order to pass as members of the opposite sex – an option to which many are highly averse.

3. The Transgender Pathway

Sex reassignment enables those gender misfits who are willing and able to pay the price to escape from the gender norms assigned to them. But the price is significant. Should people be fixed to fit their social environment? Or should the social environment be fixed to accommodate difference? Even if, ideally, it is the environment that should be fixed, gender norms are deeply entrenched and will not likely be eliminated in the foreseeable future. For trans individuals who identify with and want to be identified as members of a sex other than their sex assigned at birth, gender transition is a good option. But it would

¹⁶ Girls, as Antony notes, 'get the message that their value lies in their relations to others, especially in their ability to please' (Antony, 2022: 394). Women's work, both in and out of the labor force, is people work.

¹⁷ Williams is a legal scholar and is also author of *White Working Class: Overcoming Class Cluelessness in America.* Harvard Business Review Press, 2017.

be regrettable if it were the only viable option for gender misfits whose gender dysphoria has its source in misalignment with their social circumstances.

3.1. Gender Transition: Costs and Benefits

Gender dysphoria poses the same question as disability – whether it should be understood according to a medical model or a social model.¹⁸

In the medical model, disability is perceived as an impairment in a body system or function that is inherently pathological. From this perspective, the goal is to return the system or function to as close to "normal" as possible ... In the social model ... disability is believed to result from a mismatch between the disabled person and the environment (both physical and social). It is this environment that creates the handicaps and barriers, not the disability. From this perspective, the way to address disability is to change the environment and society, rather than people with disabilities. (Olkin, 2022)

When it comes to gender misfits' social disabilities the medical model prevails. And returning gender misfits to 'normal' by fixing bodies to align with their 'gender identity' has been promoted as the remedy.

Body-fixing is a strategy woman have always employed to gain social advantage. Like short men, fat women are disadvantaged – though the remedy is not nearly so drastic as leg-lengthening.¹⁹ Currently, it is rational for women to diet, exercise and, if necessary, to take anti-obesity medication to achieve the look that will secure social and professional advantage. But the social arrangements that make it rational are unjust and oppressive. Women should not have to diet or use anti-obesity drugs, engage in extensive, time-consuming beauty routines, or endure the excruciating discomfort of stiletto heels to secure professional advantage. And gender misfits should not have to transition to get the jobs they want and to live the lives that suit them without reproach.

The costs of gender transition, which include a lifelong regime of medication and may include major surgery are far greater than the costs of slimming or even leg-lengthening. For persons with body dysphoria who satisfy the first three conditions of the Mayo Clinic criteria for gender dysphoria or individuals who, for whatever reason, identify with and want to be identified as members of a sex other than their sex assigned at birth, this is a reasonable price to pay. But other gender misfits should not have to pay this price to comply with social norms.

Current gender norms suit some women but do not suit others. 'Some women,' Lawford-Smith writes, 'might get lucky, and happen to genuinely prefer what they would be pushed into even if they didn't prefer it.'

¹⁸ 'Chest surgery is generally reported at about twice the rate of genital GCS [gender-confirmation surgery]. In studies that assessed transgender men and women as an aggregate, chest surgery has been reported at rates between 8–25%, and genital surgery at 4–13%...Chest surgery may be more important to outward gender expression for many individuals, as the presence or absence of breast tissue is more readily visible in daily life than are the genitalia' (Nolan et al., 2019).

¹⁹ 'It is generally found that white women face significant wage penalties from weight...We might expect that the penalty has declined, because as the population of "normal" weight individuals has declined, there would be less room for discrimination. However, the bias against weight appears to have increased...The increasing wage penalty corresponds to current psychological research that demonstrates increased weight stigmatization in the United States' (Lempert, 2007: 20–21).

But we can expect many women not to be in this position. Those women are not all transgender. Gender non-conforming women, that is, women who are not feminine in every or even any respect, are not a minority variation on the statistically normal feminine woman. Gender non-conforming women are normal. (Lawford-Smith, 2022: 96)

Gender misfits are not ipso facto trans. And many of us do not want to transition.

3.2. The Consequences for the Rest of Us?

The growing acceptance of gender transition poses the question of what consequences there may be for gender misfits who do not transition – and, in particular, whether it is good for gender-nonconforming women, bad for gender nonconforming women, or neither. At the very least, the availability of gender transition does not benefit gender misfits who do not transition. The transgender pathway is a conservative strategy that does not challenge gender norms or the sex role system. It opens gender cages without dismantling them. And it does not help either gender nonconforming women who do not transition or gender conforming women who happen to prefer what they would be pushed into even if they didn't prefer it.

Joan Williams (2016) argues that fair treatment for women requires respect for the interests of both 'tomboys,' who cannot comply with the gender norms assigned to women, and 'femmes,' whose preferences, interests, and aspirations are gendered feminine.²⁰ Currently, female-gendered properties, activities, and occupations are devalued, and wages for female-identified occupations are lower than wages for comparable male-gendered occupations – and even for male-gendered occupations that are *not* comparable.²¹ So, in 2016, Green Bay Wisconsin residents who cared more about their bodies than their vehicles were disturbed to discover that male parking lot attendants at a local hospital were paid more than nurses (Smith, 2016). Femmes should not have to remodel their personalities to get respect and equal treatment or to receive equitable wages for the female-identified jobs they prefer. The transgender pathway does not help femmes.

The transgender pathway does not help tomboys who do not transition either. According to the received view one '*becomes* a woman' through socialization by 'internalizing' gender norms.²² And some do. But many writers underestimate the

²⁰ A good deal of feminist literature seems primarily concerned with the plight of femmes rather than that of tomboys – with disadvantage or 'oppression' rather than difference as such. So 'difference feminists,' beginning with Carol Gilligan (1993) and others in the 1980s, argued that sameness was not necessary for men and women, and masculine and feminine values, to be treated equally. This does not help us gender misfits.

²¹ During the latter part of the 20th century there was an interest in promoting 'comparable worth' for maleand female-gendered jobs. But assessing the 'worth' of jobs, apart from those which, like civil service jobs, were formally graded, was problematic. Comparing parking lot attendant jobs to nursing jobs in terms of the education and training required, and the level of responsibility, it was a no-brainer. But the 'worth' of most male- and female-gendered jobs was incommensurable: Was the work of plumbers worth more than the work of librarians? Were skilled construction trades worth more than secretarial work?

²² Many women have internalized these norms and their choice to play prescribed sex roles may be a consequence of 'adaptive preference.' I've argued elsewhere (Baber, 2007, 2017) that while adaptive preference happens – in, e.g., cases of Stockholm Syndrome, the poor women in the Global South whom Martha Nussbaum (2001) and others take to be victims of 'deformed preferences' are rational self-interested choosers making the best of a raw deal. They do not prefer the conditions of their lives

extent to which compliance with gender norms is a rational response to real or perceived incentives and disincentives. Gender norms shape behavior not only because they are internalized but because they are *enforced*. For gender misfits, who have not been successfully socialized, the problem gender norms pose is purely external: we are blocked from getting what we want. If we are women, we can't get the jobs we want or avoid grooming requirements; we can't escape the gendered expectation that we be compassionate, empathetic, and sensitive to the needs of others, the expectation that if we are parents we must be 'primary parents,' or the social opprobrium that attaches to failure to meet these expectations.²³

3.3. The Worst-Case Scenario: Sworn Virgins

It is a further question whether the normalization of gender transition as a remedy for gender dysphoria would harm gender non-conforming women. On the worst-case scenario, establishing a category of 'trans' individuals who escape their assigned gender norms by gender transition, like the recognition of third and fourth 'genders' in traditional societies and the institution of sworn virgins in the Balkans, would function as an 'escape valve' for maintaining the stability of the sex role system (E. Baber, 2009). In the past, women in Albania and Kosovo could escape gender-based restrictions under customary law by taking an irrevocable vow of celibacy (Young, 2000). As sworn virgins, they could carry guns, smoke, drink alcohol, take on male work, inherit, buy land, and act as heads of households – privileges otherwise reserved for men – without challenging social norms. Gender non-conforming sworn virgins could be written off as having become men and so could safely be accorded male privileges without disrupting the traditional sex role system.

Even if the transgender pathway benefits some gender misfits in the short-run by providing an escape route for those who are willing to transition and are able to 'pass', there remains the question of whether adopting it as standard procedure for addressing gender dysphoria will undermine efforts to dismantle gender norms in the long-run. It may be that by providing an 'escape valve' for the few it will, like the sworn virgin option, contribute to locking in a system of gender norms that will continue to oppress the many. It would be even worse if the many were effectively compelled to transition – reminiscent of George Schuyler's Afrofuturist fantasy *Black No More*, which proposes a procedure that turns black people white as a solution to America's race problem. While it is unlikely that, even with sex reassignment procedures affordable and readily available, most gender misfits will transition there is a possibility, even if remote, that the growing acceptance of gender transition will not, as many suggest, undermine the sex role regime but instead reinforce it.

to what we should regard as better conditions. They just believe, with justification, that they have no other options. Once they learn that they can do better they jump at the opportunity – as Nussbaum herself notes. And there is no reason to assume, as Nussbaum does, this this is a consequence of 'consciousness-raising' rather than the provision of information about what options are available and how to get them.

²³ Discussing the commodification of household tasks in the latest iteration of a team-taught Econ/Philosophy course on women and work, students decided that, because I chose to be a 'female father' and paid childcare workers to provide care for my children from infancy that I *should not have had children*.

3.4. The Best-Case Scenario: A Twin-Earth Fantasy

If speculation is in order, we might just as easily imagine a scenario in which the availability of sex reassignment and normalization of gender transition revises our understanding of sex and so dismantles gender norms assigned on the basis of sex. Currently, most of us regard genetics as what matters for being male or female and understand 'man' and 'woman' to designate adult humans who have the genetic make-up that typically produces male and female phenotypes. But we could revise language so that sex is understood in the way we now understand handedness, as a matter of visible characteristics rather than their typical genetic basis.²⁴

Language changes. Terms once used to designate natural kinds may come to designate objects in virtue of their superficial characteristics or social roles. The European robin, the original species to bear that designation, is a small bird, part of the flycatcher family, with a red orange breast. It seems likely that initially 'robin' was a natural kind term designating that species. When English-speakers came to North America however they discovered larger, red-breasted birds of the thrush family which they called 'robins.' On one plausible reading, 'robin' ceased to be a natural kind term designating a species and became the designation for any small, red-breasted bird.²⁵

By the same token, we could revise the terms 'man' and 'woman' to designate persons in virtue of appearance, dress, or preferred pronouns. We might adopt a revisionary understanding of sex as a status analogous to citizenship. There are native born and naturalized American citizens but we recognize (or should recognize) both as 'real Americans.'²⁶ We could, if we chose, recognize both born women and transwomen as, equally, 'real women.' It is hard to see what reason there might be to resist linguistic revision in this matter or, arguably, to promote it – either why 'sex-realist feminists' insist that 'a person can't change sex (not even with sex reassignment surgery)' (Byrne, 2023: 12)²⁷ or why others, who assume that transmen and transwomen are men and women respectively, hold that disagreement on this matter constitutes an attack on trans people.

If gender transition became commonplace, we might revise our understanding of what it was to be a man or woman. To make this out a thorough experiment is in order:

²⁴ Anecdotally, speaking as the mother of three, this is the way young children understand sex. They don't know anything about chromosomes and gametes and, even though they know men have penises but women don't, they don't regard these features of primary importance. They regard breasts, long or short hair, and the propensity to wear dresses or neckties as more important.

²⁵ I am grateful to Nicholas Denyer for this example.

²⁶ There are some positions for which naturalized American citizens do not qualify (in particular, the presidency) even though we recognize them as real Americans. We might decide that even though 'trans' women are *of course* 'real' women they should be barred from competition in women's sports. And for biological and medical purposes we will *of course* distinguish those women who are begotten as women from those who are made.

²⁷ Byrne cites Holly Lawford-Smith: 'My stance,' she said, 'is that a person can't change sex (not even with sex reassignment surgery), that "gender identity" has no bearing on sex, and that with very few exceptions gender identity should have no bearing on a person's sex-based rights' and continues: 'Despite (or perhaps because of) its insulting flavour, 'TERF' [trans-exclusionary radical feminist] was used freely in an opinion piece that appeared shortly afterwards in the New York Times. The author, another of Stock and Lawford-Smith's professional colleagues in the US, joined 'the critics of TERFs,' arguing that 'the attempt to exclude trans women from the ranks of women reinforces the dangerous idea that there is a right way to be female' (Byrne, 2023: 12–13).

Twin Earth is very much like Earth: in fact, people on Twin Earth even speak English. In fact, apart from the differences we shall specify in our science-fiction examples, the reader may suppose that Twin Earth is *exactly* like Earth ... One of the peculiarities of Twin Earth is that the liquid called "water" is not H_2O but a different liquid whose chemical formula is very long and complicated. I shall abbreviate this chemical formula simply as XYZ. I shall suppose that XYZ is indistinguishable from water at normal temperatures and pressures. Also, I shall suppose that the oceans and lakes and seas of Twin Earth contain XYZ. (Putnam, 1973: 700–01)

Exposed to this story, most (student-)people affirm or can easily be persuaded that the clear, colorless, potable liquid in Twin Earthian oceans and lakes, which on investigation turns out to be XYZ, is not water. We can, however, continue the story.

As space exploration becomes common astronauts discover that there are clear, colorless, potable liquids on a great many planets with many different chemical compositions. Once those planets become popular tourist destinations, ordinary English-speakers who visit them come to refer to all those liquids as 'water.' There will, of course, be traditionalists who insist that only 'genuine Earthian H₂O water' is *real* water and bring along bottles of it when they travel. Most tourists, however, happily drink the local product which they understand to be water in virtue of its superficial characteristics rather than its chemical composition. *Nature may have joints, but it is a matter of linguistic convention which terms we use to cut along them.*

If gender transition became common, we might change our linguistic ways so that 'man' and 'woman' in ordinary discourse become like fishermen's 'carp.' For biologists, 'carp' refers to the family Cyprinidae, genus Cyprinus, specifically the common carp (Cyprinus carpio). For fishermen, it is not a natural kind term but refers to a group of freshwater fish species, including but not limited to Cyprinus carpio, that are popular targets for angling and often sought after for their size and fighting ability. Then the folk might come to regard people as male or female in virtue of superficial characteristics, including dress, pronouns, and self-identification. If gender transition became common, the 'trans' designation would likely disappear. Now that most pearls on the market are grown through human intervention we have stopped talking about 'cultured pearls' and just talk about 'pearls' simpliciter, regardless of their provenance. If gender transition became common and unremarkable we might, for most purposes, desist from distinguishing trans and born men and women and just talk about 'men' and 'women.' Then the folk would regard people who refused to recognize any but born men and women as 'real' men and women as simply silly – like those traditionalists who haul cases of Earthian H_2O to extraterrestrial tourist destinations.

This outcome is perhaps less likely than the worst-case sworn virgin scenario but reflection on the Twin-Earth gender narrative poses the question of why linguistic moves and symbolic gestures are held to be matters of importance. The usual response is that changing language will change our way of thinking and changing thinking will change behavior. But it is, again, an empirical question whether the language of gender has any significant effect on behavior. And there is empirical evidence that, contrary to the once popular Whorf hypothesis, it does not.²⁸ It is hard to understand why Dembroff and

²⁸ John McWhorter (2014) has critiqued the Whorf hypothesis, according to which language significantly shapes our perception of the world, in *The Language Hoax: Why the World Looks the Same in Any*

Haslanger insist that the term 'woman' has political import or why Byrne, who cites multiple dictionaries, seems to think that maintaining current usage is a matter of great importance. 'Every one,' as Locke says, 'will always have a liberty to speak as he pleases, and to apply what articulate Sounds to what *Ideas* he thinks fit, and change them as often as he pleases' (*Essay* 2.27.15). It seems highly unlikely that English usage has any import for the treatment of trans people or that the linguistic revision or ameliorative efforts Dembroff, Haslanger, and others propose will dismantle the gender norms that oppress gender misfits.

4. The Gender Abolition Pathway

It is easy to see what is wrong with gender norms. They restrict people's options on the basis of unchosen characteristics and undermine preference-satisfaction. This, in the briefest terms, is the case for gender abolitionism. Gender, as Holly Lawford-Smith (2020) notes, 'is a cage, or more precisely, two cages' and this is reason to favor the gender abolition pathway she proposes. The aim of gender abolitionism is not to eliminate the behavior and practices currently prescribed for men and women in virtue of sex but to eliminate the prescriptions and the penalties for noncompliance. The purpose is not to induce women to trade dresses and make-up for buzzcuts and Soviet-issue factory overalls or to prohibit men from beer-drinking and barbecuing. Eliminating gender norms does not mean imposing alternative obligations and restrictions but opening the cages.

There may be some people who prefer the restrictions they impose and so their absence would decrease their utility. Some people seem to want restrictions on their activities: people enter monasteries and children, we are told, want limits set – a claim about which I, as a mother and former child, am skeptical. There is, however, a presumption in favor of liberty and so unless gender norms have some redeeming social value, which needs to be shown, they should be eliminated.

Eliminating gender norms would eliminate gender, since gender – not sex – is socially constructed. Without the constitutive rules of chess there would be no more rooks and knights, even though there would be curio objects that might serve as knick-knacks, and without gender norms there would be no gender. Matthew Cull (2019) suggests that this is a matter of concern. He worries that eliminating gender would mean the loss of identity for trans individuals who identify as men and women and that the abolition of gender might lead to the (material!) elimination of transgender people.

[A] genderless society entails either a failure to do justice to trans people's gender self-identifications or the absence of (non-agender) trans people in that society ... [T]here are potentially violent implications here, methods of elimination which are enacted upon trans people around the world on an everyday basis. (Cull, 2019: 11–12)

Language. The effect of language on thought and practice, he argues, are at best insignificant. He cites, for example, research by Jonathan Winawer and colleagues indicating that speakers of Russian, which had different words for light and dark blue, were faster at discriminating between light and dark blue than English speakers. However, the difference in response time was very small, could only be elicited under experimental conditions, and could be disrupted by verbal interference. Japanese, Hungarian, and Persian lack and English, Swedish, and German have gender – in the case of German *lots* of gender – but there is no evidence that Japan, Hungary, and Iran are less sexist than Sweden, Germany, and the Anglosphere.

Leaving aside the worry that gender abolitionism could result in genocide, the point here is that some people transition not because they want to escape the gender norms assigned to them in virtue of their born sex but because they identify with and wish to be identified as members of the opposite sex. The worry is that eliminating gender means eliminating an important feature of their identities. To make this out, Brian Earp (2021) suggests that we imagine the plight of former samurai in Japan after their order was abolished during the Meiji Restoration. Even though they didn't suffer any material loss they lost an 'identity' – membership in a hereditary warrior class.

Gender, however, is not sex: it is the characterization of psychological characteristics and behaviors as 'masculine' and 'feminine' in virtue of gender norms that impose expectations, obligations, and restrictions on persons on the basis of sex. Gender abolition does not mean abolishing the categories 'man' and 'woman' but abolishing '[g]ender, with its ascriptive designation of positions and expectations of behaviour' (Okin, 1989: 103). Absent gender, we could still recognize sex as a biological designation indicating the genetic make-up that typically produces male or female phenotypes but extend the designation 'male' and 'female,' 'man' and 'woman' to trans men and women. We already recognize genetically XY individuals with androgyn insensitivity who present as female as women and individuals with XX male syndrome as men. There is no compelling reason why, given the availability of 'gender transition,' we should not recognize trans men and women, for most purposes, as men and women simpliciter as many of us already do.²⁹ The aim of gender abolition is not, per impossible, to abolish sex but to eliminate its salience, as a condition for assigning expectations, obligations, and restrictions to persons.

The gender abolition pathway Lawford-Smith advocates is a long, hard road but there is reason for optimism that the maintenance of rigid sex roles may not be sustainable. Like the post-WWII program of urging women to seek fulfillment as housewives which collapsed when it was no longer economically viable, the subordination of women is economically and socially disadvantageous. Drawing on comprehensive empirical data detailing the status of women around the world, Hudson, Bowen, and Nielsen make a compelling case that female subordination 'functions almost as a curse upon nations':

A society's choice to subjugate women has significant negative consequences: worse governance, worse conflict, worse stability, worse economic performance, worse food security, worse health, worse demographic problems, worse environmental protection, and worse social progress ... [W]hen steps are taken to reduce the hold of inequitable laws, customs, and practices, outcomes for all improve. (Hudson et al., 2020)

The recent experience in the Balkans bears this out. Under Albanian customary law, which persists in some rural areas, a woman cannot wear a watch, smoke, drink alcohol,

²⁹ Byrne and Hooven (2024), in their New York Times opinion piece are skeptical about whether linguistic revision is feasible and argue that attempts to replace sex designations with 'sex assigned at birth' are counterproductive when it comes to securing the rights of gay and transgender people and 'tacitly assumes that humans are exempt from the natural order.' Nothing about my proposal for linguistic revision precludes us from recognizing paradigmatic male and female character as biological characteristics or as natural kinds or from taking these characteristics into account for medical purposes or when it comes to regulations about participation in sports. The suggestion is just that in ordinary talk and for most purposes we recognize trans men and trans women as men and women simpliciter.

vote in local elections, own property, or inherit. Women became sworn virgins to escape these restrictions, to avoid arranged marriages, and to provide for their families in the absence of male family members. Albania is still a patriarchal society but in recent years the government has embarked on reforms to improve legal, policy, and institutional gender equality mechanisms and by 2017 women made up 23% of members of parliament and 35% of local counsellors.³⁰ Whether by correlation or causation Albania, once the poorest country in Europe, is now an upper middle-income country and a candidate for membership of the European Union. And sworn virgins are a dying breed.

It is estimated that there are now no more than a dozen sworn virgins in Albania and Kosovo. Valerjana, whose aunt is one of them, sees it as a positive that the tradition is dying out. 'Today we don't have to fight to become men,' she says. 'We have to fight for equal rights, but not by becoming men.'³¹ Globally, women are worse off than men and must continue fighting for equal rights and respect. But, even apart from inequality and subordination, the assignment of *different* roles and occupations to men and women *even if they are equally valued and equally paid*, is objectionable and to us gender misfits oppressive. That oppression will only end when instead of changing bodies to fit minds or attempting to change minds to fit bodies, we succeed in changing society to fit persons by eliminating the social salience of sex and ending gender.

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