

Article

# Ashley on Gender Identity<sup>1</sup>

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**Abstract:** 'Gender identity' was clearly defined sixty years ago, but the dominant conceptions of gender identity today are deeply obscure. Florence Ashley's 2023 theory of gender identity is one of the latest attempts at demystification. Although Ashley's paper is not fully coherent, a coherent theory of gender identity can be extracted from it. That theory, we argue, is clearly false. It is psychologically very implausible, and does not support 'first-person authority over gender', as Ashley claims. We also discuss other errors and confusions in Ashley's paper.

Keywords: gender identity; transgender; sex; gender; first-person authority

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# 1. Introduction

'Gender identity' had a clear and useful meaning when the phrase was defined in 1964 by the psychiatrists Robert Stoller and Ralph Greenson: 'one's sense of being a member of a particular sex' (Greenson 1964: 217), expressed as "I am a male" or "I am a female"' (Stoller 1964: 220). That is, gender identity is the belief or conviction that one is male or, alternatively, the belief or conviction that one is female. Almost always one's belief that one is 'a member of a particular sex' will be correct and amount to knowledge, but Stoller and Greenson did not build success into the notion of gender identity.

'Gender identity' is usually understood differently today, both in and outside philosophy. Outside philosophy, it frequently receives an explanation along the lines of

<sup>&</sup>lt;sup>1</sup> This paper was originally submitted to the journal *Mind* and rejected on the basis of a single referee report which read, in part, 'The manuscript is ... rife with bold assertions that certain facts being true or certain views must simply be false [sic] – without any substantive argument to support them. The examples are too numerous to list ... I could not help being left with an impression that the authors dislike Ashley's article more on emotional or political grounds than intellectual ones.'

the latest WPATH (World Professional Association for Transgender Health) *Standards of Care*: 'a person's deeply felt, internal, intrinsic sense of their own gender' (Coleman et al. 2022: S252). 'Gender' is invariably left ill-explained, but whether or not the categories *male* and *female* count as genders, there are supposed to be considerably more than two. *Woman, man,* and *non-binary* are always included; *agender, eunuch, pangender, 'third' gender* and *transgender* have been given as additional examples.

Inside philosophy, the picture is somewhat mixed. Elizabeth Barnes cautions that what philosophers mean by 'gender identity' is not what 'psychologists mean' (i.e., is not the Stoller/Greenson kind of gender identity<sup>2</sup>):

That sense of gender identity typically develops in very early childhood, whereas if you're genderqueer you might not think of yourself in those terms until you're older. For the most part, when philosophers talk about gender identity, they mean your internally felt sense of your relationship to the gender norms and categories that are common within our society. (Barnes 2018: 587–8; see also Barnes 2022: 844, fn. 8)

And if the philosophers' kind of gender identity is an 'internally felt sense' of one's relationship to 'gender norms and categories', then it is apparently also different from gender identity as explained by WPATH. One may have an 'internally felt' wish to be treated as a man, and/or wish to behave in the way men are expected to behave. Perhaps that would count as having *man* as one's gender identity, as Barnes explains it. But, on the face of it, one could have these wishes without having an 'internal sense' of one's own gender as *man*, and thus not have *man* as one's gender identity in WPATH's sense.

However, sometimes philosophers endorse something similar to WPATH's account. A recent survey by Rach Cosker-Rowland begins:

Our gender identity is our sense of ourselves as a woman, a man, as genderqueer or as another gender. (Cosker-Rowland 2023: 801; see also Jenkins 2018: 714)

Notice that Cosker-Rowland omits WPATH's 'deeply felt', 'internal', and 'intrinsic'. And as to what having 'a sense of oneself' as a man comes to, Cosker-Rowland offers no explanation.<sup>3</sup>

<sup>&</sup>lt;sup>2</sup> An example of this use of 'gender identity' is in a citation from Ashley 2023 (the target of the present paper), namely Slaby and Frey 1975; see 851. Slaby and Frey include the sex categorization of others, not just oneself, and (like child psychologists generally) make no distinction between 'male'/'female' and 'boy'/'girl'. 'Gender identity' is defined in a classic paper by the psychologist Lawrence Kohlberg as the 'cognitive self-categorization as "boy" or "girl" (Kohlberg 1966: 88). Other psychologists define 'gender identity' differently. For instance, Tobin et al. say that they 'use the term *gender identity* to refer to assessments that explicitly capture people's thoughts (and associated feelings) about their membership in a gender category' (Tobin et al. 2010: 604; the gender categories are *female*, *girl*, *boy*, etc.); see also Katz 1986: 22–6, Perry et al. 2019: 290–1. Psychologists involved in transgender healthcare often give definitions of 'gender identity' that are similar to WPATH's, although with significant variations: gender identity is a person's 'internal sense of being male, female, or somewhere on the gender spectrum' (Vance Jr. et al. 2014: 1185). See also Byrne 2023.

<sup>&</sup>lt;sup>3</sup> The next sentence of Cosker-Rowland's article gives one standard account of being transgender: 'Trans people have a gender identity that is different from the gender they were assigned at birth' (Cosker-Rowland 2023: 801). An immediate problem is that because no one is assigned the gender *woman* at birth, anyone whose gender identity is *woman* is automatically transgender. On another version of the standard account, either 'sex' is used instead of 'gender', or 'gender' is interpreted as *sex*: trans people have a gender identity that is different from the sex they were assigned at birth. (That avoids the problem just noted provided *female* counts as a gender identity but not *woman*.) A more important point is that either version of the standard account is incompatible with the equivalence of *having a G* 

Some years ago Katharine Jenkins remarked, 'although the concept of gender identity plays a prominent role in campaigns for trans rights, it is not well understood' (2018: 713). Florence Ashley's theory of gender identity (Ashley 2023) is one of the latest attempts to demystify it, and this is our topic.

On a natural reading of Ashley's initial explanation of 'gender identity', having *man* as one's gender identity – more precisely, among one's gender identities – is simply to *believe* that one is a man:

gender identity refers to simple gender self-categorization as a man, woman, non-binary person, and so on. In this ... sense, people would share the same gender identity insofar as they all self-categorize as men. (1054)

Understanding 'self-categorization' as belief, we can call this the *belief account* of gender identity. Ashley also distinguishes a 'broader sense' of 'gender identity', which includes 'the totality of feelings about self-categorization' (1054); since the narrower sense is Ashley's focus, we can set the broader sense aside here.

Ashley does not elaborate on what it takes to 'self-categorize' as, say, a man. But some other passages reinforce the initial reading – that it amounts to *believing* that one is a man. Self-categorizing as a man is equivalent to having a 'self-conception as belonging to' the category *man* (1060), and presumably taking oneself to belong to that category is to believe that one is a man. (What else would it be?) More decisively, later in the paper Ashley writes: 'my theory of the constitution of gender identity strengthens the self-identification account [of gender identity] and ... may support epistemic authority over one's gender', citing Bettcher 2009 (1068). The self-identification account combined with first-person authority is (in the case of *man*) the view that the belief that one is a man enjoys some high epistemic status – it is always knowledge, or always justified, or something similar.

Provisionally, then, we'll assume that 'simple gender self-categorization' is the belief that one is a 'man, woman, non-binary person, and so on'; that is, we'll assume that Ashley adopts the belief account. We are belabouring this point because – as will become apparent – what Ashley means by 'gender identity' is far from clear.<sup>4</sup>

We have already in effect noted that Ashley's 'and so on' is unsatisfactory (similarly for Rowland's 'as another gender'.) Should *female* and *male* be included? Maybe.<sup>5</sup> *Gamer*, *midwife*, *father* or *dominatrix*? Probably not.<sup>6</sup> At least it is clear that *girl* and *boy* belong on Ashley's list of genders: on anyone's view they are intimately related to *woman* and *man*; the inclusion of *non-binary* suggests that genders are not restricted to adults; and Ashley later mentions 'gender assigned at birth' (1061). We will not pursue the issue of how the list of genders should be extended; instead, we will mostly consider the uncontroversial ones: *woman, man, girl* and *boy*.

*gender identity* and *believing oneself to be a G*. A trans man, for instance, might believe that he is both female and a woman, despite having a male gender identity. Ashley also endorses the first version of the standard account (Ashley 2022).

<sup>&</sup>lt;sup>4</sup> If 'self-categorize as an F' doesn't mean *believe one is an F* then Ashley's explanation of gender identity is extremely misleading, because when 'self-categorization' occurs in the psychological literature on gender identity it has this meaning. See, e.g., Weinraub et al. 1984: 1494, and Kohlberg cited in note 2 above.

<sup>&</sup>lt;sup>5</sup> If one cannot have *female* as a gender identity then an ordinary cisgender girl changes her gender identity when she becomes an adult. (Provided *girl* is a gender identity, *one* of her gender identities will change in any case.) Ashley 2021: 37 includes *female* and *male* as genders.

<sup>&</sup>lt;sup>6</sup> However, the extensive catalogue of 'gender labels' in Ashley 2021 includes 'lesbian', 'butch dyke', 'person', 'human', 'girly male', 'genderless', and 'cross-dreamer' (38).

One last preliminary before we turn to Ashley's theory. How widespread is gender identity? According to one of America's top hospitals, 'discovering your gender identity is a journey we all take' (Cleveland Clinic 2022). If having a gender identity requires an 'internal intrinsic sense' then gender identities might instead be minority possessions. But on the account of gender identity as belief, gender identity is nearly universal. And Ashley's 2023 paper certainly gives that impression: the theory of gender identity applies 'regardless of whether the person is transgender or cisgender', 'psychological differences between transgender and cisgender people are largely overstated' (1055), and 'gender identity is understood as a core element of the self' (1065). Accordingly, we can simplify matters by concentrating on the majority non-transgender (i.e., cisgender) case, which will be more familiar to most readers than the transgender one.

#### 2. Ashley's Theory of Gender Identity

Ashley's theory explains gender identity in terms of 'gender subjectivity'. Gender subjectivity is 'the totality of our gendered experiences' (1059). What are those? They are 'infinitely diverse', and include perceiving 'one's body as female', feeling 'masculine', preferring 'activities associated with boys', having 'gendered peer preferences', wishing 'one were or were not treated as or like a woman' or that 'one was born in a different body', and perceiving 'one's mind as feminine' (1057). Looking in isolation at the examples that Ashley supplies, one would expect that attitudes that presuppose that one *believes* that one is a man would also be examples of 'gendered experiences'. If perceiving one's body as female or wishing that one were born in a different body are gendered experiences, why not feeling (or being) satisfied that one is a man, or wishing that one were not a man?

It is fairly clear that these are not 'gendered experiences' in Ashley's sense, and this is more confirmation of our understanding of gender identity in terms of belief. Gender subjectivity is supposed to explain how someone might have the gender identity *man*. If this amounts to believing that one is a man, then that belief should not be smuggled into the explanation. However, the artificiality of excluding feeling (or being) satisfied that one is a man or wishing one were not a man from the class of gendered experiences should raise a suspicion about the whole approach. Is feeling satisfied (hence believing) that one is a man more in need of explanation than feeling masculine?

Ashley does try to answer this question: 'gendered experiences appear to me far easier to explain than gender identity ... [which] may seem unique or queer among psychological phenomena' (1059). Of course, this is (alarmingly strong) evidence *against* attributing the belief account to Ashley: what could be more mundane than the belief that one is a man?<sup>7</sup> Since nothing better suggests itself, we will press on.

'My core thesis', Ashley writes, 'is that gender identity is constituted yet underdetermined by gender subjectivity' (1053–4). This is the main formulation of Ashley's theory, repeated twice more in the paper. Ashley uses an architectural analogy: just as different houses may be constituted by the same bricks, different gender identities may be constituted by the same gender subjectivity, the totality of a person's gendered experiences (see 1054, 1060). The picture is that gendered experiences are the raw material out of which gender identity is 'synthesized' (1060). Not only can the same gendered experiences result in different gender identities, the same gender identity can result from different gendered experiences. Two people with different gendered

<sup>&</sup>lt;sup>7</sup> For another piece of evidence against the belief interpretation, see note 3 above.

experiences could both 'self-categorize as men' and so 'share the same gender identity' (1054). This is hard to make sense of, particularly on the belief account of gender identity. The single gender identity, the self-categorization as a man shared by Adam and Steve, cannot be constituted twice over, once with Adam's gendered experiences and once with Steve's. Neither is it at all plausible that some belief states are 'constituted' by preferences, wishes, and the like.

There is no need to examine this further because Ashley has another, more helpful, analogy. The formation of gender identity is like interpreting a text: 'Meaning is not intrinsic to the text – the interpreter makes meaning, drawing from their own character and values to form a sense of what interpretations make more or less sense, are more or less valuable' (1061). Here talk of 'constitution' is out of place. The literary analogy suggests that gender identity is arrived at as a way of understanding or explaining one's gendered experiences. As Ashley puts it, 'we could imagine the process as the psyche asking: "Which gender category would make the most sense out of my feels?"' (1061), and: 'gender identity is how we make sense of our gender subjectivity' (1065). On this understanding of Ashley's theory (which we henceforth adopt), it is an account of the *genesis* of someone's gender identity, not anything about 'constitution'. Adam believes that he is a man because that 'makes the most sense' of his gendered experiences and 'a transgender woman may understand herself as a woman *because* of her toy and clothing preferences as a child ... without suggesting that gender-conforming behaviour ... makes the woman' (1055).

### 3. Objections

Ashley's theory is that a person forms the belief that she is a woman (say), because it makes the 'most sense' of her gender subjectivity. Her gender subjectivity might include 'gendered peer preferences' (preferring the company of women, for example), past enjoyment at 'playing with dolls' (1059), the perception of her 'mind as feminine', and so on. What is Ashley's argument for this theory?

The argument appears to be that the theory has certain explanatory virtues:

The first and foremost advantage of my theory is that it makes sense of divergent accounts people give of their gender identities and helps explain why people with similar gender subjectivities may inhabit different gender identities. No gender subjectivity is unavoidably or necessarily connected to any given gender identity. (1066, Ashley's citation omitted)

We are not completely sure what Ashley has in mind by the 'divergent accounts' that people are said to give of their gender identities. Probably Ashley means that people will mention different gendered experiences when asked why they 'self-categorize as men' (say). That fits with Ashley's theory, but what does not fit is the fact that some people will mention something else – genitals, sex, or resemblance to other men, for instance.

Let us turn to the second alleged advantage.<sup>8</sup> Does Ashley's theory help explain why 'people with similar gender subjectivities' have different gender identities? Consider an

<sup>&</sup>lt;sup>8</sup> Ashley states some other alleged advantages in the rest of the paragraph from which the quotation is taken; they plainly do not favor Ashley's theory in particular. For example, the theory 'avoids relying on essentializing notions such as brain sex' and avoids 'portraying trans people as uniquely prey to gender norms' (1066). Assuming 'brain sex' (whatever that may be) is to be avoided, that does not seriously constrain accounts of how people self-categorize as women and men; and what such account would imply the obviously false conclusion that trans people are 'uniquely prey to gender norms'? The last

example of a kind that could be multiplied numerous times. Eve is a feminine (cisgender) woman and Steve is a feminine (cisgender) man; Eve knows she is a woman, and Steve knows he is a man. Both prefer the company of women, had female-typical toy preferences as children, and perceive their minds 'as feminine' (whatever this means): they have, we may suppose, 'similar gender subjectivities'. Presumably their gendered experiences aren't exactly the same: Eve perceives her 'body as female', and Steve perceives his body as male. Ashley's theory is designed to deliver the result that people with these similar gender subjectivities might have different gender identities. But there is another fact that needs explaining: why do Eve and Steve have these particular gender identities? Why does Eve believe she is a woman, while Steve believes he is a man? Ashley seems to think perceiving one's body as one sex or the other is just another element of gender subjectivity, having no special weight. The theory, although it easily accommodates Eve and Steve having different gender identities, is unable to explain striking patterns, for instance that adult females almost always believe that they are women, and adult males almost always believe that they are men. If the theory as Ashley sets it out is to be retained, it must be as the core of a much more elaborate theory.

And once we see that more theorizing is needed, it is evident that Ashley's theory is false. Why does Eve believe that she is a woman? Well, she once knew she was a girl, and now knows she is an adult. More generally, an attractive and parsimonious hypothesis is that the vast majority of women believe that they are women because they (a) used to believe that they were girls and (b) updated their beliefs after they became adults. Ashley does not mention this obvious hypothesis, let alone argue against it.

But why do young females believe that they are girls? At around age two, children can correctly label girls and boys, including themselves. Whatever cues they use, it is unlikely that gender subjectivity plays much of a role, partly because the ability to classify self and other manifests at about the same time. A reasonable conjecture is that at least some of the cues are those children use to determine that others are girls and boys, namely superficial indications of sex. In any event, Ashley's paper adds nothing to empirical research on this issue.<sup>9</sup>

# 4. First-Person Authority

We said earlier that Ashley's theory is supposed to be congenial to first-person authority (FPA): 'Given how gender identity comes about, under my theory, an epistemic form of first-person authority over gender may well be salvageable' (1068).<sup>10</sup> Since Ashley's theory is false, it cannot salvage FPA. However, one might wonder whether a sharply circumscribed version of Ashley's theory could be both true and support FPA. Suppose we restrict Ashley's theory to some special cases: people with gender dysphoria who end up with *woman* or *man* as their gender identity, say, or those who self-categorize using one of the more exotic labels Ashley mentions, such as 'feminazgûl', or 'thrashgender'

alleged advantage, concerning 'whether trans people would exist in a hypothetical world without gender', has defied our exegetical efforts.

<sup>&</sup>lt;sup>9</sup> One study found that 'at 24 months, two-thirds of children are able to identify themselves as a boy or girl from a photograph. Approximately half can correctly point to the faces of girls or boys when asked to do so' (Campbell et al. 2002: 211). Infants can discriminate adult faces by sex at 3–4 months (Martin and Ruble 2010: 354). The last citation is a useful review of the development of sex-related cognition and behaviour.

<sup>&</sup>lt;sup>10</sup> As Ashley notes, Bettcher (2009) defends an 'ethical' version of FPA, not the more familiar epistemic kind.

(1066). Such a circumscribed theory is not so obviously wrong: could it rescue a similarly circumscribed FPA?

Let's take these options in turn. Imagine that Jo is a (late-transitioning) transgender woman who believes that she is a woman '*because* of her toy and clothing preferences as a child' (1055) and so forth. (We may assume that the toy preferences involve dolls rather than trucks.) The problem is that this route to self-categorizing as a woman, although better than guessing, is not infallible. No controversial claims about what it takes to be a woman are needed to establish this point. Suppose one knows the gender subjectivity of an ordinary adult cisgender person and tries to determine whether he or she is a man or a woman. (To keep the parallel with Jo as close as possible, all information about the person's sex should be excluded.) Which hypothesis about their gender would 'make sense of [their] gender subjectivity' (1065)? Even if this method turns out to be surprisingly accurate, mistakes will be made. (Boys play with dolls too.) If the target is oneself, and the process is 'spontaneous and pre-reflective' (1061), this makes no difference. And there seems no reason to think that infallibility will be restored if the person in question is transgender.

Consider another example: feminine man John and his transgender woman counterpart Jane. After struggling with gender dysphoria as adolescents, they have arrived at the gender identities *man* and *woman*, respectively. They have the same gender subjectivity, even down to perceiving their bodies as male. According to Ashley, any gender subjectivity is 'psychologically compatible with multiple gender identities' (1054). Ashley does not say 'compatible with *all* gender identities', which suggests that there are limits – but assuming the case of John and Jane is possible, Ashley's theory should apply to them. And if so, their respective *man* and *woman* gender identities were produced by the process of 'phenomenological synthesis' (1054).

So far so good: John *is* a man and (we may suppose) Jane *is* a woman, and hence the outputs of the process of synthesis are correct. But given that the *inputs* to the shared process in John and Jane are the same, surely the outputs could have been reversed: John could have ended up with the gender identity *woman*, and Jane could have ended up with the gender identity *woman*, and Jane could have ended up with the gender identity *man*. Ashley's theory has no machinery that could prevent that happening. And, if it had happened, nothing in Ashley's theory explains why John and Jane would not then have had false beliefs about their gender.

Ashley's theory, then, is strikingly *un*suited to salvaging FPA, even restricted to the special case of people with gender dysphoria. Is the second option – restricting self-categorization labels to 'feminazgûl' and the like – any more promising?

Take another of Ashley's examples, the shrug emoticon  $(\neg (\neg ) \neg)$  used as a 'vivid gender label' (1066; see also Ashley 2021: 35). Like 'feminazgûl', that symbol has no established sense on which it refers to anything like a 'gender'. Nonetheless, the shruggie or 'feminazgûl' could be used as a private codeword – meaning *man*, *butch lesbian*, *cross-dresser*, or whatever. Imagine that L.W. ruminates on his gender subjectivity, and after a process of 'phenomenological synthesis' writes 'I am a  $\neg (\neg) \neg$ ' in his diary, with the shruggie used as a codeword for *gender G* (never mind what this is). The diary entry then expresses the proposition *that L.W. is a G* in L.W.'s idiolect and can be evaluated for truth or falsity. There is nothing in Ashley's theory to suggest that the diary entry is guaranteed to be true. Quite the contrary: a causal psychological process of the sort Ashley describes has fallibility built into it.

Ashley writes:

...there is no underlying fact to compare, no gendered essence about which to be wrong. Though a synthesized gender identity may be uncomfortable or unstable, it makes little sense to think of it as false or mistaken. (2023: 1068)

In the case just described, there *is* an 'underlying fact to compare' (Ashley's remark about 'no gendered essence' is irrelevant), namely the fact that L.W. is (or is not) a G. But it might be that Ashley is confusing this sort of case with another, where L.W. adopts the shruggie merely because rumination on his gendered experiences puts the symbol in an attractive light, as it might make a short haircut or men's shirts appealing. Here the shruggie is not a codeword for gender G, but more like a curlicue used to decorate a text. If L.W. writes 'I am a  $^{-}(-^{(y)})^{-/}$ ' his act may be pleasing or whimsical or rebellious, but it does not express any proposition. It makes 'little sense to think of it as false or mistaken'; by the same token, it makes little sense to think of it as true. If 'gender self-categorization' (1054) cannot be assessed for truth value, FPA is not on the cards.<sup>11</sup>

Ashley's paper is not completely coherent. We have focused on one dominant strand: a psychological account of how one categorizes oneself as having a certain gender. Even that suffers from the problem of the obscurity of 'gender', but a coherent fragment can be extracted if we limit genders to the familiar ones.

We are not confident in our attribution to Ashley of the belief account of gender identity. If that attribution is incorrect, and gender identity is 'unique or queer among psychological phenomena' (1059), the subject of Ashley's paper has not been adequately explained, and the question of evaluating its theory of the origin of gender identity does not arise. Ashley remarks elsewhere, 'my own gender identity remains largely unintelligible' (2019: 231) – perhaps that can be generalized.  $\sqrt{(2)}$ 

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<sup>&</sup>lt;sup>11</sup> Two other possibilities are worth noting. First, L.W. might type the shruggie in the box indicated for his 'gender' to indicate bafflement or indifference, or type 'Feminazgûl' with the playful intent to refer to the heavy metal band of that name. Second, arguably some fashionable 'gender labels' found in online lists function as fictional common nouns (like 'orc' or 'elf'). Here truth and falsity are at least in the vicinity (truth in fiction, in the latter case). But neither of these possibilities involves gender self-categorization in a sense relevant to FPA.

<sup>&</sup>lt;sup>12</sup> Ashley's erroneous citation practices should not pass without comment. For example, Ashley claims that the proposition that trans women are women (TWAW, presumably with its usual interpretation of 'All trans women are women') 'has been defended in other publications' (2023: 3), giving six citations. None defends TWAW. Bettcher (2009, 2012) suggests that TWAW is false (with 'woman' having its customary or 'dominant' meaning). Díaz-León (2022) writes: 'I believe *most* trans women do belong to the same gender as cis women (in particular those who self-identify as women)' (231, fn. 4, emphasis added). Moreover, Díaz-León's contextualist theory of the meaning of 'woman' implies that attributing views to her is not straightforward. On her theory, 'Most trans women are women' is true relative to some contexts and false relative to others (238–42). Hernandez (2021) might tacitly assume TWAW but does not argue for it or even mention it explicitly. Jenkins (2016) takes TWAW as 'a foundational premise ... which I will not discuss further' (396), and Kapusta (2016) says at the end of her paper: 'I have not touched upon the metaphysical question of whether Laura [a trans woman] is a woman' (514).

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