

Article

Trapped in the Trans Experience: What Mary Couldn't Know

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Submitted: 19 August 2023, accepted: 19 September 2024, published: 30 October 2024

Abstract: Trans women make claims about their sex and/or gender membership, but they also make various claims about their inner life: that they feel like a woman or that they are a woman inside. I will consider the hypothetical case of Marty, who is a scientist studying the embodied experience of women. After years of research Marty realises that he is trans and transitions to become 'Mary'. Does Mary know what it is like to be a woman? Mary has all the scientific knowledge, but can only imagine what it is like to be a woman. After transitioning, she learns nothing new about being a woman, only about being a trans woman. In the second part I will assess Talia Mae Bettcher's 'first-person authority' account of gender avowals and the 'liberatory project'; this constitutes the strongest defence available for trans claims such as I feel like a woman or I am a woman inside.

Keywords: female embodiment; trans women; phenomenal experience; Talia Mae Bettcher; first person authority; trans liberation

How to cite: Imbrišević, M. Trapped in the Trans Experience: What Mary Couldn't Know. *Journal of Controversial Ideas* 2024, 4(2), 16; doi:[10.35995/jci04020016](https://doi.org/10.35995/jci04020016).

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Road Map

Part I: Recently, trans women have been claiming to have the phenomenal experience of women (*I am a woman inside; I feel like a woman*). Relying on Thomas Nagel¹ and Frank Jackson,² I will argue that they are in error. The inner life of trans women is fundamentally different from that of women, because the former cannot take up the female perspective. Being a woman means, among other things, to have a female body and, consequently, to experience yourself and the world through a female body. This is the core of being a woman, and trans women can never satisfy this condition, because they are – and remain

¹ Nagel, T. 1974. What is it like to be a bat?, *The Philosophical Review*, Vol. 83:4, pp. 435–450.

² Jackson, F. 1986. What Mary didn't know, *The Journal of Philosophy*, Vol. 83:5, pp. 291–295.

– male-bodied (regardless of any bodily modifications). Thus, such claims are simply wrong. Trans women are not physiologically equipped to share in the female phenomenal experience.

Without a female body there is no female experience; the latter relies on the presence of the former.³ This means that trans women are not women because a) they lack the respective body, and b) they lack the respective phenomenal experience. Their imitations of the female (experience) don't make them into women.

Part II: Trans theory offers a way out, by sidelining the body. Talia Mae Bettcher's account of 'first-person authority' (henceforth, FPA) about gender as well as the 'liberatory project' constitutes the strongest defence available to take the avowals of trans people (about sex, gender and their phenomenal experience) seriously. Bettcher's theory has two advantages. It doesn't matter whether you have a female body or not, and it doesn't matter whether you are mistaken about your avowals or not (i.e. the epistemic question). The avowals of transgender people have 'ethical force', rather than epistemic force. This would mean that we need to affirm trans women in their belief that 'trans women are women', and it would follow that the ethical force would underwrite their claims of feeling like a woman inside. I will subject Bettcher's cogitations to philosophical scrutiny; this is something that, surprisingly, is missing in the literature. Most subsequent writers adopt Bettcher's FPA uncritically. I will conclude that Bettcher's project fails, and that trans claims about having the phenomenal experience of women cannot find support from Bettcher's FPA.

Part I

Legal fictions

The legal recognition of trans people doesn't establish the truth (metaphysically) of what they claim about themselves, because the law employs a legal fiction. The state merely plays along and treats trans people as if they were what they claim to be. Legal fictions are usually created to further an important social good (e.g. in contract law: creating the category of 'legal persons') and normally there is no harm in creating such fictions.

Trans women make claims about their sex and/or gender membership. Such claims can only succeed if you sideline the body. Being a woman, then, is merely a psychological state ('gender identity')⁴. This is an error, because being a woman (or a man) is tied to having a particular sexed body. Women are 'adult human females' and men are 'adult human males'.⁵ Some well-meaning thinkers try to make the error go away by re-engineering the concept 'woman', so as to make it 'more inclusive'. The concept then depicts a different reality, one in which a trans woman is merely another manifestation of 'woman'. The word 'trans' is taken to be an adjective, qualifying the noun 'woman', just like in the phrases: young women, tall women, athletic women, French women, black women, disabled women, etc.⁶ Since language is a system of signs, re-engineering one concept will have repercussions for other concepts. A trans woman can then be a 'lesbian', and

³ A stillborn girl is female, although she will never have female experiences. Her body is the condition of the possibility for having female experiences, i.e. for 'being' a woman.

⁴ For the purposes of this essay, I will accept that there is such a thing as 'gender identity'.

⁵ Byrne, A. 2020. Are women adult human females? *Philosophical Studies*, Vol. 177:12, pp. 3783–3803.

⁶ I take this to be another instance of conceptual engineering. Originally, 'trans' didn't function as a descriptor. The role of the little word 'trans' is not to increase the informational content (e.g. a 'large' lion),

a 'penis' (also 'ladydick' or 'girdick') is not a male sexual organ *per se* anymore; 'lesbian sex' can then involve a penis (previously a symbol of the patriarchy).

Declaring yourself to be 'female' doesn't facilitate a material change of your body and sex. It can only have – narrow – juridical consequences: the state may recognise such a person as having a particular legal gender (strictly speaking: a 'legal sex'). As a result, the state will treat this person as *if* they were a woman (i.e. female) by creating a legal fiction (*fictio legis*).

I suspect that the legal recognition of trans people in the past decades has contributed to these self-misconceptions (i.e. believing to be a woman/female) by many trans people.⁷ The law created a legal fiction in order to permit males (or females) to change their sex on various documents (birth certificate, passport). The law is not changing the person's gender role, because, in liberal societies, this would be beyond the remit of the state. People are free to present themselves as they wish.

Legal fictions are falsehoods. They are employed in order to promote a societal good. This is reflected in the legal maxim: *fictio legis neminem laedit* – a legal fiction doesn't injure anyone.⁸ As a result, the law (or a court) allows statements to be made which are strictly false. But all involved, the law-makers, lawyers and judges, know this. Legal fictions go back to Roman law, but we also find them in the common law, as well as in Continental legal systems. When the state creates a legal fiction, it doesn't say so explicitly (because of the above-mentioned maxim) and it doesn't add a qualification to a statute: 'This is a legal fiction.'⁹ But some legal systems (the UK and Australia) have – wisely – built exceptions into their transgender legislation, e.g. trans women can be excluded from female sports competitions. The law-makers had anticipated that in this case the legal fiction could injure or harm people. Apart from their protective function, these exceptions also remind us that we are dealing with a legal fiction.¹⁰

Because of their nature, legal fictions have a narrow scope. They apply in some respects, but not in all respects: a company (i.e. a legal person) cannot get married; summer/winter time (as the name indicates) is limited to particular dates; the widow of a captured Roman soldier¹¹ cannot claim that her husband was never a slave, etc.

to tell us more about the 'woman' in front of us. It actually negates the noun (woman). In this context, 'trans' should be read as 'wishing to be seen as (belonging to) the opposite sex'. Not all adjectives tell us more about the noun they qualify; some invalidate the noun's meaning. Examples for such an invalidating function are 'ersatz coffee' or 'fake news'. Ersatz coffee is not just another type of coffee, and fake news is not just another type of news. Both 'ersatz' and 'fake' negate the accompanying noun. It is the same for the adjective 'trans'. This also goes for the compound noun 'transwoman' – so, the 'spelling wars' are pointless.

⁷ But not everyone fails to acknowledge their birth sex: [link to the article](#); also Chappell, S.G. 2020. Interview by Jean Kazez: Sophie Grace Chappell talks sex and gender, *The Philosophers' Magazine*, 14 August, [link to the article](#).

⁸ Although in this case it has led to women being harmed or losing out: in prisons, women's shelters, sports, etc.

⁹ But see the debate in the House of Lords prior to the 2004 UK Gender Recognition Act ([link to the article](#)) where Baroness O'Cathain acknowledged the creation of a legal fiction. (For a comprehensive treatment of legal fictions see Del Mar, M. and Twining, W. 2015. *Legal Fictions in Theory and Practice*, London: Springer.) Although, on rare occasions, the law is explicit about legal fictions, e.g. when obtaining a 'declaration of presumed death' for a long missing relative.

¹⁰ Apart from sport, there are three more qualifications in the UK Gender Recognition Act from 2004: succession, peerages and gender-specific offences.

¹¹ The *lex Cornelia* (81 BCE) created the legal fiction that a captured Roman soldier was a freeman; this ensured the validity of a will.

If trans women really were ‘women’ in all respects, then the different treatment specified in law would be a violation of natural justice. In legislations where there are no exceptions, some people start to believe the fiction. I suspect this may explain Rachel McKinnon’s (now known as ‘Veronica Ivy’) claim that she is not just legally but also ‘medically female’.¹²

The fiction that trans women are women was also aided by a change in how we refer to transgender people. The medical profession, until the mid-1990s, used the term ‘transsexual males’ for today’s ‘trans women’. Once the idea took hold that being transgender is not a mental health issue, the terms ‘trans woman/transwoman’ and ‘trans man/transman’ superseded the medical terms.¹³ In effect, the labels were switched. Men who identified as (or wished to be) women were called ‘trans women’, suggesting that they are just another manifestation within the class ‘woman’. Without this switch in labels, trans people and their supporters might have remained ‘realist’ about sex. And many of the resulting controversies (e.g. do trans women belong in female prisons?) might not have come about.

What does this all mean for the woman question? Trans women are not women, although the state will treat them *as if* they were women. However, when the rights of others might be infringed, then the state drops the pretence. In English law ‘rape’ is defined as ‘penetration with a penis’ without the consent of the other. The exception in transgender legislation related to ‘gender-specific offences’ takes account of this by affirming that a trans woman could commit a gender-specific offence:

Where (apart from this subsection) a relevant gender-specific offence could be committed or attempted only if the gender of a person to whom a full gender recognition certificate has been issued were not the acquired gender, the fact that the person’s gender has become the acquired gender does not prevent the offence being committed or attempted.¹⁴

Similarly, the new German self-ID law, coming into force in the autumn of 2024, stops playing along in times of conflict/war. Then, a trans woman will be treated as male for the purposes of military defence, as long as the change of gender is recent, i.e. within the last two months before the conflict started.¹⁵

The state suspends make-belief and becomes a ‘sex realist’ when the affirmation of trans identities would jeopardise important political aims or clash with the rights of others. Legislations which make no provisions for exceptions in transgender law will soon find out that legal fictions can and do harm others.

What is a woman?

Being a woman, understood as an ontological category (i.e. a type of sexed being)¹⁶ – as opposed to playing a particular gender role, is anchored in the material reality of having a female body – and vice versa for men. The idea that gender identity establishes

¹² McKinnon, R. [Ivy, V.] 2019. Interview on Sky News, 20 October, [link to the article](#).

¹³ According to [link to the article](#) the term ‘transwoman’ starts to be used at the beginning of the 1990s.

¹⁴ [link to the article](#).

¹⁵ [link to the article](#).

¹⁶ ‘Woman’ could also be framed as a natural kind term, whereas the gender role (e.g. in a Shakespeare play or in a drag show) is a social kind. Playing the role doesn’t make you into a woman; it is the biological reality (female) underneath any gender role which determines womanhood.

whether you are male or female is merely a strategic move by trans theorists in order to prop up their precarious position. It is fanciful to believe that our bodies are just neutral vessels (carrying the true or authentic gender ‘soul’ within) when it comes to determine womanhood or manhood. If that were the case, then one gender identity would suffice for all (males and females, or whatever else people will invent). The alternative is even more bizarre: gender identity is innate and it is pure luck whether we are born (!) as a man, woman, non-binary, gender fluid, etc.

I have argued that the law cannot establish that a trans woman is a ‘woman’. How else can this be achieved? Sidelining the body is the first step in trans inclusion. It is commonly claimed by transgender supporters that a biologically based definition cannot provide us with (widely agreed) necessary and sufficient conditions for being a woman. For example, not all women menstruate or give birth and because of surgery (for medical reasons) not all women will have a uterus or breasts.¹⁷

Since physiological features will not help in defining ‘woman’, the door is now wide open for the claim that the illusive ‘gender identity’ makes you into a woman, man, non-binary, etc. This means that the firm belief that you are a ‘woman’ or the feeling that you are a ‘woman’ is a sufficient condition for being a woman. But the irony is that even the godmother of the disembodied view of gender, Judith Butler,¹⁸ believes that gender identity is an illusion (I will say more presently).

Let us revisit the first step. Most biologists accept that females are designed to produce large gametes (ova) and males to produce small gametes (sperm) – see Goymann et al.¹⁹ Of course, there are sometimes deviations from the developmental pathways; as a result, the typical markers of being female (or male) will vary. Trans activists and their supporters²⁰ take this ‘indeterminacy’ to mean that men can be women too. But this is a fallacy. Just because a typical marker for being female is not present in a particular woman, does not mean that 1) the term ‘woman’ cannot be defined and 2) that males could therefore be classed as female (or as a ‘woman’). The above definition does the job. Goymann et al (2022) explain:

The development of an individual is characterized by complex interactions between genes, environment, and feedback mechanisms within the developing organism [...]. During these processes a lot can happen that makes the organism diverge from the usual path (thereby creating diversity which evolution can act upon), but this does not question the biological definition of sex.

Men are actually excluded by definition – *ex negativo* – from the class ‘woman’ because they are male. Furthermore, it is typical for them to have a penis, gonads, more body hair, etc., but these (male) markers are not typical for women. Even if a male lacked a typical marker (e.g. no viable sperm or no testes), this wouldn’t mean that they qualify to be a woman. It only means that there has been a variation/difference in their – male – developmental pathway.

¹⁷ There are also more bewildering claims that cross-sex hormone treatment or the surgery trans women undergo to get a neo-vagina (or transmen to get a medically constructed penis) somehow create a ‘biological’ reality – of being female. See Moyal-Sharrock, D. and Sandis, C. 2024a. *Real Gender: A Cis Defence of Trans Realities*, Cambridge: Polity Press, at p. 13.

¹⁸ Butler, J. 1990. *Gender Trouble*, New York: Routledge.

¹⁹ Goymann, W., Brumm, H., Kappeler, P.M. 2023. Biological sex is binary, even though there is a rainbow of sex roles, *BioEssays*, Vol. 45:2, pp. 1–6.

²⁰ See Moyal-Sharrock & Sandis (2024a).

If a typical marker is not present in a woman (or man), does this mean that she cannot 'feel like a woman'? It only means that she doesn't have a particular phenomenal experience (e.g. giving birth), but the totality of her experiences, because they are tied to a sexed body, are still female – not male.

Inner life

Trans women make various claims about their inner life: that *they feel like a woman* or that *they are a woman inside*.²¹ 'It doesn't matter here how you construct the relationship between gender identity and gender (see Cosker-Rowland²²); my focus is on the claims of trans women about their inner life.

Such statements may express a hidden subjunctive: *I feel as if I were a woman inside*. This sense is more likely associated with transsexuals²³ of old. Many contemporary trans women believe that they truly have the inner experiences of a woman, that they know what it is like to be a woman. Thomas Nagel is instructive about the language: 'the English expression "what it is like" is misleading. It does not mean "what (in our experience) it resembles," but rather "how it is for the subject himself."²⁴

Note that some trans women are realists about their inner life: 'I cannot comprehend the full physical experience of being a woman, whether in terms of menstrual cycles, pregnancy, sexuality, or certain forms of social recognition.'²⁵

Transsexuals often seem to rely on a Cartesian metaphysics: there is the body (*res extensa*), and there is subjectivity (*res cogitans*), hence phrases like 'born in the wrong body'. But feminist phenomenology has progressed to the realisation that we experience the world – and ourselves – as embodied beings.^{26,27,28} Attempts to alter one's appearance through surgery, medication (and/or dress) only provide the embodied experience of a trans woman, rather than that of a woman. These are merely imitations of the 'original': i.e. the female embodied experience. As Nagel explained, one can easily get confused about the phrase 'what it is like'. Some experiences by trans women may resemble those of women, but they are not in a position to know that their phenomenology is the same as that of females. Furthermore, the trans experience is not 'how it is for the (female) subject' herself.

In contrast, many trans women do not feel the need to alter anything about the body (or appearance) to be a woman. Their 'womanhood' derives solely from having a 'female' gender identity. They have abandoned the Cartesian metaphysics and have adopted a form of subjectivism. Having a sexed body doesn't matter; they have a male body and

²¹ [link to the article](#); [link to the article](#); [link to the article](#); [link to the article](#).

²² Cosker-Rowland, R. 2023. Recent work on gender identity and gender, *Analysis*, Vol. 38:4, pp. 801–820.

²³ The term has been replaced by 'transgender' people which has a wider remit (e.g. genders beyond the binary, cross dressers, drag queens and kings, etc.). Most transsexuals suffered from gender dysphoria. They knew that they had male bodies but wished to have a female body and to be treated/seen as a woman in society (see Chappell 2020). Many contemporary trans persons don't seem to be dysphoric. They are happy with their bodies and/or don't feel the need to change their gender presentation. What makes them a woman (or a man) is an inner feeling, their gender identity.

²⁴ Nagel 1974, p. 440, fn. 6.

²⁵ Mahr, D. 2021. *The Knowledge of Experience*, Singapore: Palgrave Macmillan, p. xi.

²⁶ Bigwood, C. 1991. Renaturalizing the body (with the help of Merleau-Ponty), *Hypatia*, Vol. 6:3, pp. 54–73.

²⁷ Grosz, E. 1994. *Volatile Bodies: Toward a Corporeal Feminism*, St Leonards, Australia: Allen & Unwin.

²⁸ Moi, T. 1999. What is a woman? Sex, gender, and the body in feminist theory, in her *What Is a Woman? And Other Essays*, Oxford: Oxford University Press, pp. 3–120.

they are comfortable with it.²⁹ As a result, it is even less plausible that they ‘feel like a woman’, i.e. have the phenomenal experience of a woman.

The idea that gender identity is some stable sense of one’s gender (woman, man, non-binary, a-gender and the recent proliferation of new genders³⁰ that are being discovered every day) from an early age is implausible. For this reason medical professionals record the sex of a baby, rather than assigning a gender identity. This is something Judith Butler gets right: ‘acts and gestures, articulated and enacted desires create the illusion of an interior and organizing gender core, an illusion discursively maintained for the purposes of the regulation of sexuality within the obligatory frame of reproductive heterosexuality.’³¹

The illusion of a gender identity will develop as the child experiences the effects of traditional gender roles. Butler realises that this illusion hinders the feminist cause: ‘The displacement of a political and discursive origin of gender identity onto a psychological “core” precludes an analysis of the political constitution of the gendered subject and its fabricated notions about the ineffable interiority of its sex or of its true identity.’³² Diagnosing this illusion is a problem for those trans people who ground their gender claims on having a gender identity.³³

Embodied experience

Taking my cue from Thomas Nagel’s essay ‘What is it like to be a bat?’ (1974), I will argue that the embodied experience of girls/women is categorically different from that of trans women. It is impossible for trans women to take up the female point of view, just as it is impossible for us to take up the bat’s point of view. Admittedly, we cannot communicate with the bat, whereas trans women can speak to women about their inner lives. Note that I am excluding trivial (but accurate) claims where *I feel like a woman inside* means *I feel like a trans woman inside*.

Queer theory offers an alternative justification for claiming to be female inside: embodied (trans) experience is socially constructed.³⁴ But the downside is that it conflicts with how trans people understand their avowals; they believe them to be ‘real’ and/or ‘material’.

Wearing women’s clothes and accessories (even if combined with minor or major medical interventions) cannot provide the embodied experience of a woman. It may make some trans women feel ‘warm and fuzzy inside’,³⁵ or they might be sexually aroused by the experience,³⁶ but this is far removed from being female on the inside.

²⁹ Koyama, E. 2003. The Transfeminist Manifesto, in R. Dicker and A. Piepmeier (eds.), *Catching a Wave: Reclaiming Feminism for the 21st Century*, Boston: Northeastern University Press, pp. 244–259.

³⁰ Consider ‘cogito gender’, which appears to have only one exponent: [link to the article](#).

³¹ Butler 1990, pp. 185f.

³² Ibid., p. 186.

³³ Bettcher, T.M. 2014a. Feminist Perspectives on Trans Issues, Edward N. Zalta (ed.), *Stanford Encyclopedia of Philosophy*, section 5.3, [link to the article](#).

³⁴ Rodemeyer, L.M. 2018. Feminist and Transgender Tensions: An Inquiry into History, Methodological Paradigms, and Embodiment, in C. Fischer and L. Dolezal (eds.), *New Feminist Perspectives on Embodiment*, Cham, Switzerland: Palgrave MacMillan, pp. 103–123, at 112.

³⁵ Liamputtong, P., Noack-Lundberg, K., Dune T., Marjadi, B., Schmied, V., Ussher, J., Brook, E. 2020. Embodying transgender: An analysis of trans women in online forums, *International Journal of Environmental Research and Public Health*, Vol. 9:17, pp. 1–15.

³⁶ Bailey, J.M. and Hsu, K.J. 2022. How autogynephilic are natal Females?, *Archives of Sexual Behaviour*, Vol. 51, pp. 3311–3318.

I take the best conception of that model ('woman') to be someone who experiences the world – and herself – as an embodied girl (woman). Being a woman means to have the phenomenal experience of being in a female sexed body, i.e. a body that has the propensity to produce large gametes; bodies that have the propensity to produce small gametes are excluded *ex negativo*. I will defend this claim in the following section.

What is it like to be a woman?

There are three factors we need to consider: shared elements of physiology (e.g. breathing), non-shared elements (menstruation) and, lastly, gendered experiences (societal in origin, e.g. leering).

Let's start with some of the basics for both sexes, things they ostensibly share: breathing, heart rate, walking, exercising. 'Compared with men, women have smaller airways and less respiratory musculature, even when matched for height and lung size, resulting in a lower ventilatory capacity'.³⁷ The sensation of breathing is different for women. Trans women breathe in a male fashion.

Women's hearts beat faster at rest than male hearts. Even though you may not normally be aware of your heart rate the phenomenal experience of a faster beating heart must be different:

The human heart beats approximately 70 to 85 times per minute in an average adult, with a notable difference between the genders. The average adult male heart rate is between 70 and 72 beats per minute, while the average for adult women is between 78 and 82 beats. This difference is largely accounted for by the size of the heart, which is typically smaller in females than males. The smaller female heart, pumping less blood with each beat, needs to beat at a faster rate to match the larger male heart's output.³⁸

The sensation of exercising between men and women differs with regard to their peak heart rate and the subsequent recovery: 'younger men have a lower resting heart rate and higher peak heart rate than women and [...] men's heart rates rise more dramatically during exercise and return to normal more quickly after stopping.'³⁹

Consider walking: the difference in hip rotation, a lower centre of gravity and the different weight distribution of muscle and fat in women provide a different phenomenology. A trans woman does not 'feel like a woman' when walking, nor when exercising. She doesn't even feel like a woman when doing nothing (because her resting heart rate is lower than that of a woman and her breathing differs from males). So, trans women fail when it comes to the basics. I have only picked out a few aspects here, but we could add much more (e.g. the nervous system, sleeping, the circadian rhythm, blood pressure, the digestive system, thermoregulation, the sense of smell, taste and touch, etc.).⁴⁰

³⁷ [link to the article.](#)

³⁸ [link to the article.](#)

³⁹ [link to the article.](#)

⁴⁰ Some trans philosophers acknowledge this: Chappell, S.G. 2023. Is consciousness gendered?, *European Journal of Analytic Philosophy*, Vol. 19:1, pp. 1–13, at 9: 'consciousness is sexed too, and obviously sexed, because the physical realities of what it is like to be male, and what it is like to be female, are distinctively different.' However, Chappell thinks that the male/female distinction is just one among many: e.g. age, health, illness, etc. But she doesn't realise that age, health or illness are refracted through the sexed body; these are merely particular experiences that are played out via a male or female body.

You could, of course, use drugs to raise your heartbeat (I don't recommend it) to female levels; that would give you one experience – in isolation from other factors – however, mediated through a male body. The female phenomenal experience consists of the interaction of all female physiological factors combined: e.g. the heartbeat in combination with breathing, either being at rest, walking (gait) or exercising, perhaps combined with the superior female sense of smell. The inner experience also depends on where the woman is in her monthly cycle, whether her breasts feel tender, whether she feels tired from blood loss, whether she feels abdominal pain, etc.

Now add to the basics the salient experiences by women that are linked to their female reproductive system – not shared by males: going through female puberty, menstruating and going through the menstrual cycle for decades, having vaginal sex, having a female orgasm, having smear tests, being pregnant over nine months and giving birth, nursing a child, having a miscarriage, getting breast cancer,⁴¹ going through peri-menopause and menopause, etc. Again, trans women do not know what it is like to be a woman, because the embodied experience of women differs fundamentally from those of trans women and the latter cannot share in those experiences.⁴²

Is it possible to share in the female physiologically driven experience? Consider an anatomically intact trans woman who is sexually aroused and gets an erection in contrast to a woman who is sexually aroused. The qualia are fundamentally different. Even if the trans woman opted for surgery, their 'neo-vagina' is built from (parts of their) male genitalia; they cannot share in the pleasure provided by the main genital erogenous zones of females. Consequently, what they feel is not what women feel. Similarly, breast implants will not simulate what happens during the female monthly cycle; women's breasts change, they often become bigger and/or more tender. Since trans women don't experience a monthly cycle, they don't know what it is like to have female breasts, and they miss out on the erotic stimulation that female breasts can give.⁴³

Taking a particular experience that may resemble a female experience will not provide a female phenomenology, because every singular experience interacts with the totality of the specific traits of a female body.

Transwomen may take a singular experience to have a female phenomenology but this is an error. Firstly, the experience can only be an imitation, e.g. when a trans woman tries to walk like a woman; this requires a particular effort because of the difference in hip rotation.⁴⁴ Here, a male-bodied person tries to imitate the gait of a female-bodied person. Secondly, every singular experience (e.g. walking) is embedded in what is specifically female: breathing, weight distribution (fat and muscle), heart rate, centre of gravity, sense of smell, sense of taste, etc. In contrast, the trans woman's singular – imitative – experience is embedded in what is specifically male about their body (breathing, weight distribution, etc.).

A trans man would actually have a stronger claim to 'feel like a man', because they are more likely to pass than a trans woman, particularly if they opt for hormonal treatment (resulting in more body hair/a beard and developing more muscle). But any singular – allegedly male – experience we might pick out will be mediated through a female body.

⁴¹ Some males can get 'breast' cancer.

⁴² Chemically induced lactation and 'chest' feeding are mere simulacra.

⁴³ Hormonally induced breast growth leads to disappointing results for trans women. About two thirds opt for breast augmentation.

⁴⁴ See Jack Lemmon in the movie 'Some Like it Hot'.

Let's imagine a trans man who is into body-building and who takes steroids (one of the side effects is anger/rage). Does the trans man experience 'male' anger? Since the anger emanates from a female body (regardless of the increase in hair and muscles), it is more likely that it will resemble female anger during the premenstrual syndrome (PMS).⁴⁵

Now let's consider female experiences that are societal in origin: being exposed to the male gaze from pre-puberty onwards,⁴⁶ often feeling ashamed of their body, experiencing sexual harassment and sexual assault from pre-puberty onwards, unwelcome touching,⁴⁷ experiencing fear when walking alone late at night, being ignored, belittled and talked over, etc. These and many other experiences are triggered by having a female body and living in a patriarchal society.

Let's accept that some trans women might pass as 'women' – like in the song 'Lola' by The Kinks. They may then say, 'I know what it is like to be leered at by men', or 'I know what it is like for a man to give up his seat for me on the bus.' But are these instances sufficient for claiming that you are 'a woman inside' or that you 'feel like woman'? And if you add that these experiences are mediated through a male body, rather than through a female body, then these claims go beyond what the experience could warrant. A passing trans woman may claim that they are familiar with some instances of how men treat women, but that doesn't mean they are a woman inside. Men can be leered at by other men, can be offered a seat by another (younger) man, can also be ignored, belittled or talked over. Would they be justified in claiming to be a woman inside? All they could say is that they are familiar with the experience.

Passing trans women can only share in those experiences that are societal in origin, but since early transition is rare, the majority will only share some experiences that resemble those that women have (but through the 'lens' of a male body). The female physiology is closed off to them, so they can only share some 'gendered' experiences (societal in nature), but the phenomenology will be different, because it is tied to their male (trans) bodies.

To sum up, whether passing or not, trans women do not have access to the inner life of women when it comes to the basics, nor to the salient experiences of having a female reproductive system. All they are left with are some gendered experiences which resemble those of women – but only for those trans women who pass. The label

⁴⁵ Men and women have different distributions of steroid receptors in their bodies, which means that the same hormone can have different effects depending on where these receptors are located. Furthermore, (Piatkowski, T., Robertson, J., Lamon, S., and Dunn, M. 2023. Gendered perspectives on women's anabolic-androgenic steroid [AAS] usage practices, *Harm Reduction Journal*, Vol. 20:56, pp. 1–11, see p. 2) 'compared to men, women experience lower patterns of aggression and psychological distress' when using anabolic-androgenic steroids.

⁴⁶ The routine objectification of the female body (it is there for male enjoyment) often results in a distortion of how females experience their bodies (and how society as a whole views their bodies). Chappell (2023) calls this 'gendered consciousness' (in contrast to sexed consciousness which relates to male/female bodies). See also Hamm: 'To be female is to have your childhood cut short unfairly'; Hamm, A.E. 2018. On feeling like a woman, *Feminist Current*, 7 July, [link to the article](#).

⁴⁷ Iris Marion Young (2005: 45) writes about the female experience: 'to be touched in ways and under circumstances that it is not acceptable for men to be touched, and by persons – i.e., men – whom it is not acceptable for them to touch.' Young, I.M. 2005. Throwing Like a Girl: A Phenomenology of Feminine Body Comportment, Motility, and Spatiality, in her *On Female Body Experience: 'Throwing Like a Girl' and Other Essays*, Oxford: Oxford University Press, pp. 27–45.

'trans woman' doesn't have any ontological power – it is actually misleading. The female phenomenology is inaccessible to trans women.⁴⁸

The ameliorative school⁴⁹ in feminism focuses on women's experiences that are societal in origin and ignores women's embodiment. This is why both Haslanger's⁵⁰ account and Jenkins's⁵¹ account of 'woman' fail. Being perceived and treated (i.e. systematically subordinated and oppressed) as a 'woman' (Haslanger), doesn't give you female embodiment; identifying with particular norms of 'womanhood' (Jenkins) doesn't provide the phenomenology either.⁵²

What about trans women who don't pass (the majority)? They don't actually experience 'transmisogyny', they experience 'transmisandry'. They are targeted because of their male bodies. Here, it is much more obvious that their phenomenal experience is not female – regardless of what the ameliorative school may wish.

Even if we lived in a non-patriarchal society, or one without gender roles, the 'basics' combined with the physiologically driven experiences of women (by their reproductive system) are closed off to trans women. All this doesn't mean that the embodied experience of women is uniform, e.g. not all women have periods, get pregnant, etc. As I explained above, not all typical sex markers are present in every individual female (or male), but the phenomenal experience is uniquely female (as opposed to a male or a trans experience⁵³).

Furthermore, throughout their lives women are constrained by their bodies (menstruation, pregnancy, menopause), something that males don't experience with such regularity and intensity (if at all). Yes, stressing that there are these specific differences of the female embodied experience is a form of essentialism, but one that isn't objectionable from the feminist point of view.⁵⁴ Women are not determined by their biology to live their gendered lives in a particular way, but their biology significantly shapes their embodied experience:

Going into my ninth month now: feeling heavy, out of breath, emptying my bladder every hour, bleeding hemorrhoids, sweating under my pendulous breasts. This weight. It is not a weight that I willfully bear with muscular strength like a pack on my back. It is a weight that I live with, that has slowly entered into every aspect of my bodily being. Heavy like stone.⁵⁵

These and all other physiologically driven experiences of women are out of reach for trans women.

⁴⁸ Irigaray, L. 1993. *An Ethics of Sexual Difference*. Ithaca, NY: Cornell University Press, p. 48f; Grosz 1994, p. 207.

⁴⁹ The aim is to re-engineer concepts to make them more inclusive; the re-engineered term 'woman' would then include 'trans women'. See Jenkins, K. 2016. Amelioration and inclusion: Gender identity and the concept of woman, *Ethics*, Vol. 126, pp. 394–421.

⁵⁰ Haslanger, S. 2000. Gender and race: (what) are they? (What) do we want them to be? *Noûs* 34, pp. 31–55.

⁵¹ Jenkins 2016.

⁵² Further shortcomings of these approaches are that not all women are subordinated/oppressed, and not all women identify with or acquiesce to gender norms that allegedly apply to women.

⁵³ For example, a neo-vagina will not provide the female phenomenology; the same goes for trans men undergoing phalloplasty. It is a uniquely 'trans' experience.

⁵⁴ With regard to feminist anxiety about 'essentialism', Susan Bordo (1990: 142) asks: 'Do we want to delegitimize *a priori* the exploration of experiential continuity and structural common ground among women?' Bordo, S. 1990. *Feminism, Postmodernism, and Gender-Scepticism*, in L.J. Nicholson (ed.), *Feminism/Postmodernism*, London: Routledge, pp. 133–156.

⁵⁵ Bigwood 1991, p. 59.

Consider someone who claims to be paraplegic (but who isn't). The trans paraplegic will not know what it is like not to feel their legs, to only ever have a sense of their upper body; they can only imagine what it might be like (or try to simulate the phenomenology through the administration of drugs that numb your legs).

But let us consider medical interventions by trans women. Here is Meghan,⁵⁶ a trans woman, describing her PMS symptoms after taking a new antiandrogen:

'Within a couple of weeks, I started getting much more emotional than I used to. My emotions started bombarding me and I would have these crying fits.' One day, Meghan came home from grocery shopping and, as she was unpacking the bags, her wife asked if she remembered to get diapers. 'I said, no, I forgot, and I immediately started bawling my eyes out,' she says.

Men with prostate cancer get similar drugs and similar reactions. They become more emotional and are more prone to crying, but they don't claim to be women or to experience PMS. Craving chocolate, experiencing anxiety, tiredness, mood swings, etc. are taken to be evidence for a trans woman's 'period'.⁵⁷ Shedding of the lining of your uterus and bleeding from the vagina are not part of this concept (trans women who don't opt for cross-sex hormones presumably don't experience 'periods' and 'PMS'?). But having some PMS-like symptoms doesn't mean that these trans women experience periods or suffer from PMS. Such claims rely either on conceptual engineering – or are delusional. The former cannot deliver an embodied female experience.

Gender-critical⁵⁸ feminists are often charged with adhering to (bad) 'essentialism'; this is a straw-woman, and/or a reduction of all varieties of essentialism to the objectionable one, i.e. that sex determines gendered behaviour. Having a female sexed body (where important parameters are specifically female: breathing, heartbeat, gait, etc.) and having (many of) the associated salient experiences (based on the female reproductive system) doesn't mean that there is a 'correct' way of being a woman; it only means that these experiences are veridical, rather than imagined. Trans women may experience themselves as having a female phenomenology, but this interpretation of their inner life is merely wishful thinking. Their phenomenology is inescapably male and/or trans.

Part II

Trans Mary

My aim is to highlight some of the epistemic shortcomings of trans statements regarding phenomenal experience. Consider Marty, a scientist who has studied the embodied experience of women all his life. He has all the physical information there is about women: their physical states, including their brain states. His focus has been on significant embodied experiences of females: menstruating, the female orgasm, giving birth, the menopause, but also differences between the male and female physiology (e.g. how women move differently,⁵⁹ their breathing, heart rate, etc.).

⁵⁶ [link to the article.](#)

⁵⁷ [link to the article.](#)

⁵⁸ Perhaps 'sex-realist' is the better phrase.

⁵⁹ Mitani writes: 'Females had a significantly higher Q-angle and hip joint internal rotation angle, and a significantly lower arch height index than males'; Mitani, Y. 2017. Gender-related differences in lower

At some point Marty realises that he is trans (or perhaps Marty knew that he was trans from an early age and this explains his scientific interests). Marty transitions to 'Mary'. Does Mary now know what it is like to be a woman, having studied women's embodied experience – from the outside – and possessing all available knowledge about them? Does Mary's phenomenal experience change after transitioning? Does Mary learn something new about what it means to be a woman?

Alternatively, if Marty's transition is merely a social 'coming out', and Marty has always been a woman inside, did Marty throughout 'her' life have the phenomenal experiences of girls/women?

All we can say is that Mary *imagines* what it would be like for a woman to have certain experiences, but Mary doesn't *know* what it is like, because Mary is a trans woman.⁶⁰ Mary's claim that she 'feels like a woman inside' is epistemically on a par with the claim that I know what it is like to be a bat. I can only *imagine*, through the lens of human experience and knowledge, what it might be like to be a bat; and trans Mary does the same with regard to being a woman. 'Imagination is a faculty that those who *lack* knowledge need to fall back on.'⁶¹

Mary is held back because the only epistemic route available to her is imagination, but even her imagination is restricted. As Thomas Nagel noted about imagining what it would be like to be a bat: 'if I try to imagine this, I am restricted to the resources of my own mind, and those resources are inadequate to the task.'⁶² The resources available to Mary are the experiences and knowledge of a male scientist (Marty) who transitions to becoming a trans woman. Mary is trapped in her own – male bodied – (trans) experience. Mary's breathing, heartbeat, gait, weight distribution, sense of smell and taste, etc. give her the male phenomenology. Furthermore, the salient female experiences that are linked to the reproductive system will also remain illusive to Mary.

The Australian philosopher Frank Jackson published a paper in 1986, 'What Mary Didn't Know', that became influential in the philosophy of mind. It is based on a thought experiment. Mary, a scientist has researched colour vision all her life and knows everything there is to know about the subject – but Mary lives in a black and white room. Eventually she leaves her room and perceives colours for the first time. Jackson asks: Does she learn anything new about colour vision? The answer is: yes, because now she knows what it is like to experience perceiving a colour, like the colour red.

Frank Jackson's Mary is physiologically equipped (through the colour receptors in her eyes) to see colours. Things are different for trans Mary; she is not physiologically equipped to have the phenomenological experience of females.⁶³ In fact there are marked

limb alignment, range of joint motion, and the incidence of sports injuries in Japanese university athletes, *The Journal of Physical Therapy Science*, Vol. 29, pp. 12–15, see p. 13). See also Ko, S., Tolea, M.I., Hausdorff, J.M., and Ferrucci, L. 2011. Sex-specific differences in gait patterns of healthy older adults: Results from the Baltimore Longitudinal Study of Aging, *Journal of Biomechanics*, Vol. 44:10, pp. 1974–1979; also Bruening, D.A., Frimenko, R.E., Goodyear, C.D., Bowden, D.R., and Fullenkamp, A.M. 2015. Sex differences in whole body gait kinematics at preferred speeds, *Gait & Posture*, Vol. 41:2, pp. 540–545.

⁶⁰ I suspect that for an embodied woman to imagine what it is like to be a woman is 'nonsense'.

⁶¹ Jackson 1986, p. 292.

⁶² Nagel 1974, p. 439.

⁶³ For this reason the objections to Jackson's Mary don't apply here.

differences in vision between the sexes: 'Women can differentiate between colors more finely, while men show more sensitivity to fine detail and rapidly moving objects'.⁶⁴

Scientists tell us that women have more taste receptors than men (and a better sense of smell): 'women evolved to be "supertasters" so they could check the safety of food for their offspring'.⁶⁵ Thus, women have a more sophisticated experience of tasting whisky (or anything else). Mary's experience of tasting whisky is the impoverished experience of a man. This phenomenal difference holds for all experiences where there is a physiological difference between men and women. Even phenomenal experiences that are societal in origin (the male gaze, unwanted touching, etc.) are experienced through the female sexed body. So, if Mary were to experience these, it would be a male or specifically trans experience (related to hormone treatment and/or surgery).

Many trans women adopt the following epistemic principle: if my inner sense of self suggests that I am a girl/woman, then I must be a girl/woman and, consequently, my phenomenal experience is that of a woman.

There are two problems with this move: 1) They could be wrong.⁶⁶ Believing something about oneself (*I am a woman*) and believing that, as a result, one has a particular experience doesn't mean that the experience is that particular experience. If my inner self suggests that I am a cat, dog, wolf – or bat, then this doesn't mean that my phenomenal experience is that of a particular animal. 2) The phenomenal experience of being a trans girl/woman is *categorically* different from that of being a girl/woman, because it is mediated through a male/trans body.

Often the sense of having the gender identity of a woman is supplemented by outward hyper-femininity (pearls, make-up, high heels, etc.).⁶⁷ This gives the illusion of feeling like a woman – from the inside.⁶⁸ Little children make the same mistake when they claim to be a cat, by copying the behaviour of a cat. But they cannot take up the feline viewpoint.

Even though trans women are not women, some maintain that they can nevertheless share in the phenomenology of the female viewpoint. I have argued that this is impossible, because their embodied experiences are tied to having a male body. Some of their experiences may differ from the typical male experience, if they opted for hormone therapy and/or if they had surgery to construct a 'neo-vagina'. In these cases they experience something specific to trans women, something neither males nor females experience. This experience is *sui generis*.

Talia Mae Bettcher has attempted to 'authenticate' what trans women claim about themselves, by moving away from the physical (embodied experience) to the psychological (gender identity). I will now consider the question: Could trans women be right about 'feeling like a woman' after all?

⁶⁴ Philippidis, A. 2012. Why men and women see things differently, *Genetic Engineering and Biotechnology News*, 17 September, [link to the article](#).

⁶⁵ [link to the article](#).

⁶⁶ Logue, H. 2022. Gender fictionalism, *Ergo*, Vol. 8:28, pp. 125–162, at section 1.

⁶⁷ Could it be that such avowals are a (male) projection of womanhood? Consider trans women's eroticised selfies on social media, dressed in French maid's uniforms, sexy nurse's uniforms, including fishnet stockings, etc.

⁶⁸ Gatens, M. 1996. *Imaginary Bodies: Ethics, Power and Corporeality*, New York: Routledge, p.10.

First-person authority

Bettcher strengthens the standing of trans people's avowals by positing that these claims have 'first-person authority' (FPA). She doesn't claim explicitly that the inner experience of trans women is that of women, but her FPA would support such claims. Bettcher states that there has been a shift in cultural practice: people are considered to have FPA over their gender. But, surely, even first-person avowals are open to error?

Bettcher takes the sting out of such concerns by distinguishing between 'mainstream culture and [...] transfriendlier subaltern contexts.'⁶⁹ Thus, FPA doesn't exist in 'many of the powerful "worlds" hostile to trans people.'⁷⁰ Bettcher understands 'FPA as an ideal for that which already exists in less-than-politically-ideal practice'.⁷¹ Her hope is – at the time of introducing the notion (2009) – that the authority of first person avowals would be taken up in mainstream culture. And this is indeed what has happened in academia, but also in politics. Politicians of all *couleurs* nowadays state with conviction that 'a trans woman is a woman' or, more trite, 'a woman is a woman'.⁷²

But, let's take a step back and ask: Where does the FPA in subaltern cultures stem from? It is grounded in the (widespread) agreement/acceptance of gender avowals within these cultures. Bettcher explains: 'in these contexts, a person's claim to a particular gender is determined by "existential identity" (that is, by *who* rather than *what* one is)'.⁷³

Bettcher contends that 'gender and sex are woven into forms of life that reflect and regulate interactions'.⁷⁴ This goes for the mainstream but also for subaltern cultures. It means that the practices within each realm are – normatively – on a par.⁷⁵ But Bettcher overlooks that the trans culture's use of certain words is parasitic on the mainstream culture.⁷⁶ The concept 'woman' (or 'lesbian') may be trans-inclusive in the subaltern culture, but its model is the female of mainstream culture. If it weren't parasitic, then the first-person avowals would just mean *I am a trans woman*, rather than *I am a woman*.⁷⁷ Bettcher complicates matters by acknowledging that some people might claim to be

⁶⁹ Bettcher, T.M. 2009. Trans Identities and First-Person Authority, in L. Shrage (ed.), *You've Changed: Sex Reassignment and Personal Identity*, Oxford: Oxford University Press, pp. 98–120, at 98.

⁷⁰ Ibid.

⁷¹ Ibid., p. 99.

⁷² A consequence of such beliefs was that the Scottish government initially permitted a double rapist to be housed in the female prison estate, [link to the article](#).

⁷³ Bettcher 2009, p. 99.

⁷⁴ Ibid., p. 98.

⁷⁵ Dembroff (2018) picks up on this, and claims that trans identities are 'veridical' in both contexts. Dembroff's attempts to establish 'non-binary' as a social kind seem laboured. They have to introduce endless distinctions (see section 4) to make the theory work. I don't see that the woman on the Clapham bus will be convinced by all this hairsplitting.

⁷⁶ To be fair, she does acknowledge that some trans people (the majority?) hold views which undermine her vision of trans politics. See Bettcher, T.M. 2014b. Trapped in the wrong theory: Rethinking trans oppression and resistance, *Signs*, Vol. 39:2, pp. 383-406: 'we can see a serious problem inherent in both the wrong-body and transgender approaches: they take the dominant meanings of gender terms for granted, thereby foreclosing the possibility of multiply resistant meanings' (p. 390).

⁷⁷ Byrne (2022: 20) recognises this: people may use the word 'woman' to include trans women, but they refer to its standard ('old') use, they 'are not using "woman" with a novel meaning'. This is one of the dangers of the ameliorative project: using 'woman' in a trans-inclusive way, doesn't mean/establish that trans women are actually women. Byrne, A. 2022. The female of the species: Reply to Heartsilver, *Journal of Controversial Ideas*, Vol. 2:1, pp. 1–22.

‘women’ for political reasons.⁷⁸ I will not pursue this, because this doesn’t seem to be a genuine attitudinal avowal – rather, this seems dishonest.

Bettcher adds a qualification to forestall some obvious objections: ‘Within such contexts, words have relatively fixed meanings: Persons may not declare themselves teapots and thereby make it so. Nor may they, through sheer force of will, alter the meaning of words within determining cultural contexts.’⁷⁹ Note that this is supposed to reassure us about the sanity of both cultures, but it is usually⁸⁰ in the subaltern context where we would worry that people might declare themselves to be something that is contrary to fact, but their community would nevertheless affirm them in these beliefs.⁸¹

Following Crispin Wright⁸², Bettcher distinguishes between phenomenal avowals, which are fleeting (*My foot hurts*) and attitudinal avowals, which are more stable (*I believe Christmas is on the 25th of December*)⁸³. Wright observes: ‘attitudinal avowals do not exhibit the strong authority of phenomenal avowals: to the extent that there is space for relevant forms of self-deception or confusion, sincerity-cum-understanding is no longer a guarantee of the truth of even basic self-ascriptions of intentional states.’⁸⁴ Here we encounter the problem of people declaring themselves to be teapots again (or historical figures like Cleopatra or Napoleon).

Bettcher acknowledges this problem:

This alleged epistemic advantage is not supposed to derive merely from the fact that one is in a better position to secure knowledge about oneself (since one is always ‘around’) but from the peculiarities concerning first-person perspective. In this view, interpretative cases that trump FPA must be exceptions to the rule. Yet this claim seems to me very controversial (if not patently false), given the degree to which denial, self-deception, wishful thinking, and unconscious attitudes are common (and detectable) in society. If I am right about that, it becomes unclear how first-person avowals could have any claim to epistemic authority.⁸⁵

Such doubts would weaken the notion of FPA and Bettcher suggests a way out; she declares FPA to be an ethical rather than an epistemic notion. This means, if others question/doubt our gender-related avowals, then they wrong us; it is a moral failure.⁸⁶

⁷⁸ Bettcher 2009, p. 110.

⁷⁹ Ibid., p. 98. One wonders if the ameliorative school in feminism isn’t doing just that?

⁸⁰ Sometimes governments take the ‘1984 route’. The UK Supreme Court declared in 2023 that Rwanda is not a safe country (for deporting illegal migrants). In response, the government under Rishi Sunak passed a bill declaring Rwanda to be a safe country (Safety of Rwanda Bill, 15 April 2024).

⁸¹ There is no need to allude to teapots; real-world examples are white people declaring themselves to be black, or Korean, disabled, or younger than their chronological age. So far, mainstream culture has resisted in affirming such claims. There are many more categories one could self-identify into. I will not pursue these issues here (but see Case, S. [previously published under the pseudonym ‘Whittaker, K.’] 2022. The limits of identity: Running Tuvel’s argument the other way, *Journal of Controversial Ideas*, Vol. 2:2, pp. 1–21). Moyal-Sharrock and Sandis (2024a: 63) dismiss such worries (identifying as a teapot) as a category mistake, but they fail to address the real-world examples above; these appear to be the right (human) categories.

⁸² Wright, C. 1998. Self-knowledge: the Wittgensteinian Legacy, *Royal Institute of Philosophy Supplements*, Vol. 43, pp. 101–122.

⁸³ My examples.

⁸⁴ Wright 1998, p. 105.

⁸⁵ Bettcher 2009, p. 100.

⁸⁶ Sunghuttee (2021: 45) floats the interesting idea that the (or one) reason why Bettcher introduces FPA as an ethical norm, rather than an epistemic norm, is to avoid the circularity problem (i.e. what does a

Bettcher states:

avowal concerns an *acknowledgement* as one might take responsibility for one's feelings. This exceeds mere judgment since it has special ethical force. Second, avowal often has the force of confession where concealment is presumed. Given the privacy of attitudes, it is unsurprising that there be a kind of guarantee involved in first-person avowals.⁸⁷

Because people in mainstream culture normally take responsibility for their feelings, Bettcher concludes that this 'warrant' also applies in resistant cultures.⁸⁸ This would also mean that trans women are 'women', and, therefore, we would have to accept their claims about experiencing the female phenomenology.

In an interview Bettcher stated: 'in mainstream contexts, "I am a woman" is like "I am six feet tall" in that one can charge the speaker with having made a mistake, while in trans subcultural spaces, "I am a woman" is like "I am angry" in that suggesting the speaker has made a mistake is typically "out of bounds."' ⁸⁹ Bettcher here constructs a contrast between matters of fact (the height of a person) and attitudinal avowals about gender/sex. In the former you can be right or wrong, but in the latter using these categories (right/wrong) looks inappropriate (is 'out of bounds').⁹⁰ But note that the analogy Bettcher uses (*I am angry*) is a phenomenal avowal; people are unlikely to be wrong about this, in contrast to attitudinal avowals (*I am a woman*). According to Crispin Wright, it is the phenomenal avowals that have strong authority, whereas the attitudinal ones are open to self-deception or confusion.⁹¹

Problems with FPA

Epistemic weakness

At first glance the claim to 'ethical force' looks odd: we have an *ethical* FPA about our attitudinal avowals. So, whatever we declare about our gender ought to be affirmed by

self-identifying woman identify with?). Sunghuttee, K. 2021. *Social Metaphysics, Situated Knowledge, And Democracy*, unpublished PhD thesis, University of Birmingham.

⁸⁷ Bettcher 2009, p. 101.

⁸⁸ Bettcher calls subcultures, their use of (gender) language, and their (gender) practices, 'resistant'. This looks like the juvenile urge to romanticise subcultures. There may be some activists (or philosophers) who interpret their practices as 'resistant', but it is more likely that the majority understand it as an alternative way of living, and in this sense – for them – it is 'conventional' rather than 'resistant'. Robin Hood and his Merry Men were a 'resistant' culture – but that was their *raison d'être*.

⁸⁹ Bettcher, T.M. and Goulimari, P. 2017. Theorizing closeness, *Angelaki*, Vol. 22:1, pp. 49–60, at 59.

⁹⁰ In a recent paper Kukla and Lance propose a variation on the 'ethical force' theme (Kukla, Q. and Lance, M. 2023. Telling gender: The pragmatics and ethics of gender ascriptions, *Ergo*, Vol. 9:42, pp. 1130–1159, at 1132). First person ascriptions of gender (*I am a woman.*) are exercitives (following J.L. Austin) and function (normatively) to organise social space: 'the question of whether they correspond to metaphysical reality misses the mark, if we are trying to assess their felicity and success as speech acts. Because we do not see gender ascriptions as primarily capturing and describing empirical features of reality.' Just like Bettcher they uncouple the epistemic question from such self-ascriptions. Austin would object that trans people lack the authority to organise social space through such speech acts – except perhaps in their subcultures. So, these first-person gender ascriptions are not even 'exercitives' that misfire, they are declaratives that pretend to be exercitives.

⁹¹ This suggests that Bettcher made a tactical mistake in her 2009 paper about FPA. If avowals like 'I am a woman' were phenomenal rather than attitudinal, then they would have the 'strong authority' Wright ascribes to them. The downside is that phenomenal avowals (*My foot hurts*) are fleeting. But perhaps this problem could be overcome? If so, this would have the potential to strengthen Bettcher's FPA.

others. But this move by Bettcher doesn't really solve the epistemic weaknesses of such declarations.⁹² The ethical notion of FPA cannot sidestep the epistemic scrutiny we owe to and expect from others. Furthermore, it would be epistemically irresponsible to affirm the attitudinal avowals of others without assessing their content, particularly for us as philosophers. If we were to follow Bettcher's lead, we would end up in the realm of religious faith.⁹³

Furthermore, what is so special about gender/sex avowals that they generate an ethical force? Why doesn't this hold for claims about race⁹⁴, ethnicity, age, disability, species membership, etc.? Why do gender identity claims – by trans people – have this special status? If it isn't epistemic, is this a political move by Bettcher (similar to the ameliorative school)?

The FPA protects first-person avowals from scrutiny by others; the critic's reasons and reasoning constitute a moral error and are trumped by the FPA's 'ethical force'. One wonders: how can it be 'ethical' to suppress reason? Bettcher considers such scrutiny/criticism as 'transphobic', because it is a 'basic denial of authenticity'.⁹⁵

There are two ways to understand 'authenticity'. Bettcher's take on 'authenticity' is uninformative/trivial (similarly Bialystok⁹⁶). Instead of asking: *Is what a trans person says – and does – an accurate description/reflection of their self/self-image/self-understanding?*, we want to know: *Is what a trans person says about themselves an accurate description of (material) reality?* The 'authenticity' of the former is a psychological issue; it is mainly self-regarding. But the 'authenticity' of the latter is other-regarding; it has political repercussions. Thus, when Bettcher charges someone, who doesn't believe that a trans woman is a woman, with 'denial of authenticity', then

⁹² This has been recognised by Ozturk; Ozturk, B. 2023. The Negotiative Theory of Gender Identity and the Limits of First-Person Authority, in R. Halwani, J.M. Held, N. McKeever, and A. Soble (eds.), *The Philosophy of Sex: Contemporary Readings*, 8th ed., London: Rowman and Littlefield, pp. 263–283, at 264.

⁹³ Logue (2022: 135), picking up on ideas from Dembroff, suggests another justification for accepting 'ethical FPA – it would diminish ontological oppression: 'Ontological oppression manifests "when the social kinds (or the lack thereof) unjustly constrain (or enable) persons' behaviors, concepts, or affect due to their group membership" (Dembroff 2018: 26). Ethical FPA implores everyone to look the other way, towards a more just gender system; but it does not itself eradicate the ontological oppression that it effectively instructs us not to reinforce through our thoughts and actions. Ethical FPA is a means to the end of eradicating this kind of ontological oppression'. The problem for Logue (and Dembroff) is that some social kinds are anchored in material or social reality (man/woman), but others (e.g. 'non-binary') are 'self-posed', which can and does lead to a proliferation of fantasy 'genders' ([link to the article](#)). Logue's solution is to treat all gender talk as fictional, but 'true' within the fiction. This approach creates several problems: 1) it makes all gender talk fictitious, whether trans or not; 2) even in fictional worlds people lie or are mistaken; 3) many trans people will object to this – they believe that their gender talk is not just 'true' but also 'real'; 4) it creates a fiction within a fiction, because concepts like 'trans man' and 'trans woman' are (legal) fictions. This takes us even further away from reality.

⁹⁴ See Tuvel who 'tried to show that reasons similar to those we accept with regard to individuals who transition to another sex extend to those who wish to transition to another race.' Tuvel, R. 2017. In defence of transracialism, *Hypatia*, Vol. 32:2, pp. 263–278, at 272. Case (2022: 20) ran Tuvel's argument the other way and concluded that accepting 'trans* selfidentification commits us to absurd consequences.' Dembroff and Payton claim that there is a 'deeply important asymmetry' between transgender self-ID and transracial self-ID; Dembroff, R. and Payton, D. 2020. Why we shouldn't compare transracial to transgender identity, *Boston Review*, 18 November, [link to the article](#). See also the special issue (Winter 2018) of *Philosophy Today* about Tuvel's paper.

⁹⁵ Bettcher 2009, p. 99.

⁹⁶ Bialystok, L. 2013. Authenticity and Trans Identity, in R.S. Stewart (ed.), *Talk About Sex: A Multidisciplinary Discussion*, Sydney, Canada: CBU Press, pp. 122–145, at 124.

Bettcher misses the point. The critic doesn't deny that the trans woman holds such views about her 'true identity', rather, the critic denies that it is true (in the sense of *adaequatio rei et intellectus*)⁹⁷. One view of authenticity is intra-subjective (or 'self-reflexive'⁹⁸) and politically trivial, the other is extra-subjective and politically sensitive.

Bettcher claims with regard to the critic 'that from the perspective of trans-resistant culture, such forms of "reality enforcement" must be seen as deep violations of FPA, executed through sexually abusive techniques.'⁹⁹ (There is some ambiguity here. I take it that by 'trans-resistant culture' Bettcher means 'from the perspective of the resistant trans-culture', because the 'reality enforcer' doesn't see it as a violation.) Anyone who doubts, for example, that a trans woman is a 'woman', is guilty of such 'reality enforcement'.¹⁰⁰ In trans culture this might be seen as a 'deep violation of FPA', but why should we take the perspective of the trans culture? Why accept that their so-called ethical authority pre-empts my own reasoning about the matter? Ozturk¹⁰¹ rightly states: 'Wherever there is a majority, the minority has to earn the majority's respect by showing it that the members of the minority are not simply delusional. This basic fact gives moral and ethical authority to the majority view.'¹⁰²

Standpoint epistemology urges us to respect the first-personal experience and knowledge of minorities. They may understand their own world (here: trans subcultures) best. But standpoint theory can only underwrite the trans experience; it cannot authenticate a trans woman's experience as being 'female'.

⁹⁷ Agreement of thing and intellect.

⁹⁸ Ibid., en 8.

⁹⁹ Bettcher (2009: 99): 'I argue that gender presentation communicates genital status and that often gender terms (such as "woman" and "man") are used to circulate information about genital status. In my view, these practices are sexually abusive.' She reduces gender presentation to genital status: 'Clothing serves a "concealing" function.' Bettcher's foray into anthropology is fanciful. Our primary reason for wearing clothes is to keep us warm and for protection from the elements. But gender presentation may communicate many other things: social class, politics, a sense of style, aesthetics, etc. Furthermore, we don't recognise someone's sex (or genital status) through their gender presentation (alone); a girl/woman wearing trousers will still be recognised as a woman. People who have never been to Scotland will recognise men who wear kilts as male. Bettcher is overstating the case for genital status. When we recognise somebody as being male or female, we don't (primarily) think of their genital status, because we know what their genital status is, based on their sex. It is odd that gender presentation in mainstream culture allegedly communicates genital status, but that this doesn't apply to trans people. They exclude ('refuse') genital status from being communicated (2009: 115). Bettcher idealises this into an act of resistance. But, of course, the reason why they allegedly refuse, is that they cannot communicate anything about their genitals through gender presentation. When we encounter trans people we don't know what their genital status is, because they may or may not have had surgery. Genital status may only be relevant in the romantic context, but not in everyday interaction between people. I don't really care about the genital status of the train driver, whether trans or not; I just want to get from A to B.

¹⁰⁰ Contrary to Bettcher, 'reality enforcement' isn't always a means of oppression. There is nothing wrong in telling Donald Trump that he did not win the 2020 election.

¹⁰¹ Ozturk 2023, p. 278.

¹⁰² This has been recognised by Turyn: 'If an epistemic conception of FPA can be included in an account of gender identity, then such an account can explain why we should *believe* other people's avowals about their own gender identities rather than merely treat others as if those avowals were true.' (p.2). Turyn worries about people 'playing along', but the real dangers are the implicit authoritarianism and the abrogation of one's autonomy, as well as the potential harm to others and to themselves (i.e. teenage girls having their breasts amputated (the standard euphemism for this is 'having top surgery'); Turyn, G. 2023. Gender and first-person authority, *Synthese*, Vol. 201:4, pp. 1–19.

Rather than relying on an 'ethical principle', Bettcher's FPA is a deeply authoritarian account of the morality of gender avowals.¹⁰³ When people start using words like 'deference' then alarm bells should go off.¹⁰⁴ Bettcher's authoritarian streak is echoed, unreflectively, by Bialystok (2023: 123). We find a similar authoritarianism in Dembroff: 'those in dominant contexts not only ought to make trans-inclusive classifications, but also ought to believe these classifications even when they are unsupported by available evidence.'¹⁰⁵

Note that keeping your ability to reason and to judge 'switched on' is not an instance of 'testimonial injustice';¹⁰⁶ it is to maintain one's autonomy as a rational agent. The most influential contemporary account of authority is that of Joseph Raz.¹⁰⁷ Unlike Bettcher's FPA, Raz's account of authority is not 'epistemically authoritarian', because he does not urge individuals to turn off their ability to reason. Individuals can still recognise 'clear mistakes' and 'great mistakes' made by the authority.¹⁰⁸ Similarly, Kant¹⁰⁹ insists that an attempt by authorities to enshrine that a prescription should hold forever, i.e. cannot be challenged or changed, is 'null and void', because the present society has no right to prevent future generations from increasing its knowledge, from discarding error and from promoting enlightenment. In contrast, Bettcher's FPA is unyielding; it doesn't permit disagreement, because this would be a 'denial of authenticity'.

Political repercussions

Of course, we can just posit an exception to the epistemic default position (i.e. any affirmation [of third-party claims] must not rely on shutting down our own ability to reason). Such an exception could read: *any avowals people make about their gender/sex are a) immune from error and/or b) ought to be affirmed on ethical grounds*. The former is a dubious claim, particularly for the many teenagers who think they are trans – confusion is the hallmark of being a teenager. Furthermore, this ignores the phenomenon of detransitioners. How could they have been wrong – or are they wrong about being wrong?¹¹⁰ Since the immunity from error collapses, the affirmation on ethical grounds never takes off. But if we don't make any epistemic claims about these avowals, as Bettcher seems to suggest, if we merely apply the 'ethical' rule: *first-person avowals about gender (by trans people) ought to be affirmed*, then we accept, implicitly, the moral (and epistemic?) authority of trans people in matters of gender avowals.

Let us consider avowals in other contexts. Somebody might claim: *I'm a philosopher* or *I'm an artist*. There is no need to antagonise these people unnecessarily. It is an act of kindness and/or respect to accept such avowals – for now presumptively. Even though none of these people may have produced any philosophy or art (as far as we know), it

¹⁰³ There is also the danger of physical harm to young people who opt for surgery and/or hormone treatment. If they realise they made a mistake, they will have to live with regret and life-long medical issues.

¹⁰⁴ Bettcher 2009, p. 110. See also Case 2022, pp.10f.

¹⁰⁵ Dembroff, R. 2018. Real talk about the metaphysics of gender, *Philosophical Topics*, Vol. 46:2, pp. 21–50, at 45.

¹⁰⁶ Fricker, M. 2007. *Epistemic Injustice: Power and the Ethics of Knowing*, Oxford: Oxford University Press.

¹⁰⁷ Raz, J. 1985. Authority and justification, *Philosophy and Public Affairs*, Vol. 14:1, pp. 3–29.

¹⁰⁸ Raz, J. 1986. *The Morality of Freedom*, Oxford: Clarendon Press, p. 62.

¹⁰⁹ Kant, I. 2024 [1784]. Beantwortung der Frage: Was ist Aufklärung?, in *Werke*, Academy Edition, Vol. VIII, pp. 33–42, at 39, [link to the article](#).

¹¹⁰ A reviewer pointed out that there is also the problem of people who transition late in life, who only then realised their 'true identity'. Were their previous sincere avowals wrong? Why can't they be wrong now?

may be ethically right not to challenge them, because a) they may still do so at a later stage, b) we don't know much about their inner life (it might be that of a great philosopher or artist) and, most importantly, c) taking such avowals seriously (or refraining from a challenge) will not have any detrimental effect on the rights of others. Only b) applies to Bettcher's justification for the ethical force of attitudinal avowals, but this aspect is too weak to ground the ethical principle: *treat them in accordance with their avowals*. Bettcher ignores the other two safeguards in my triad, which should apply to all avowals: a) an epistemic constraint (to avoid the 'teapot problem'), and c) a politico-pragmatic constraint (e.g. rights clashes and/or the danger of harm to others – and to yourself, e.g. amputation of healthy tissue¹¹¹).

Clash of cultures

The agonistic contrast between cultures is problematic because it paints mainstream culture as 'hostile' to trans people. Bettcher divides the world(s) into 'trans-friendly' and 'non-trans-friendly' contexts. One wonders where the discipline of philosophy stands within this binary. Many philosophers and feminists in academia have adopted transgender theory, but there are pockets of resistance (particularly in the UK). However, it would be wrong to characterise such resistance as 'hostile'.¹¹² That is actually what we do in philosophy: question accepted positions, within and without philosophy. And 'gender-critical' feminists insist that they are not 'anti-trans' but are simply defending women's rights.

Bettcher idealises the practices in subcultures. Note that this invalidates claims to normativity within the mainstream culture. This means that practices that are acceptable within subcultures can overturn normativity standards within the mainstream culture. This, in itself, is not a problem, except for the fact that it is assumed that the practices of the subaltern culture are always right, true, morally acceptable – and should be endorsed.¹¹³

That is the first defect, the 'original sin', of the idea of FPA; it ignores the mainstream view of reality (*what* you are – in favour of claims about *who* you are) and how words are used there. This leads to absurd exhortations (as diagnosed by Logue): 'we should not say, or perhaps even think, that others are wrong about their genders (even if they *are*

¹¹¹ The charge of paternalism may raise its head now, but note that paternalism is not always wrong. Think of teenagers believing X, Y or Z about themselves: e.g. *I love her, we must get married!* It is different when your offspring declares that they would love to study art and philosophy at A-level. Some parents may balk at this (*Wholly impractical subjects!*), but such objections do not affect the aspects a), b) and c) that I mentioned. Note that I have developed general criteria for accepting any avowals; in contrast, Ozturk (2023) has developed criteria (harm, privacy, and dignity) for when it would be 'permissible' to reject a self-identification.

¹¹² Such resistance is also not *a priori* right-wing (or even 'fascist'). Self-identifying 'left wing feminists', whether trans or not, should re-read their Marx. Rather than looking at the material basis of oppression (centrally, the female body), their trans theory worships a form of idealism (gender identity). They are far removed from being on the left.

¹¹³ This is a misguided version of 'social justice'. It stipulates that the demands of the marginalised are always just and should be supported. Bettcher appears to apply this to subcultures, specifically the trans subculture. See Bettcher, T.M. 2013a. Trans Women and 'Interpretative Intimacy': Some Initial Reflections, in D. Castenada (ed.), *The Essential Handbook of Women's Sexuality*, Santa Barbara, CA: Praeger. pp. 51–68, at 54. However, living in a subculture where you find validation, doesn't mean that this validation transfers to the mainstream culture. Yes, there is a power imbalance between cultures, but this doesn't mean that the 'dominant' culture is *a priori* wrong. A negotiation needs to take place between cultures, before subcultures can be included in the mainstream and/or a subculture be 'validated' and/or accepted (similarly Ozturk 2023: 267).

wrong).¹¹⁴ But Case reminds us; ‘whether one is a man or a woman is one of those things over which we lack firstperson authority.’¹¹⁵

Bettcher is not alone in privileging her feelings. One school of thought in trans phenomenology solves the problem of having a material, sexed, (male) body by retreating into a variation of idealism:

The phenomenological claim that the body is not just something I have or use, not merely an object I haul around, but is rather something that I am allows an understanding of the body as defined and constituted by what I feel and not simply what others see. In this phenomenological view, drawn largely from Maurice Merleau-Ponty, gender and sex can be understood as delivered to the subject through a felt sense rather than determined by the external contours of the body, thus circumventing a view of sex or gender that understands either to be a matter of bodily morphology as given.¹¹⁶

Here, the ‘felt sense’ of embodiment trumps the material reality of embodied subjectivity: i.e. the phenomenal experience of a sexed body. The sense of ‘feeling like a woman’ (in a male body) is – erroneously – taken to be an authentic manifestation of the female embodied experience. One wonders if there is not an element of delusion present?

Trans language as dialect

In trying to shore up her position, Bettcher actually makes things worse for herself. She narrows down the audience for gender avowals; they will mostly be found in subaltern and/or trans-friendly contexts:

there is sufficient cultural variability between dominant and resistant contexts that one unacquainted with resistant context is incapable of interpreting self-identifies. Thus, the first-person epistemic advantage is one shared by those who are likewise participants in the culture and speakers of the language.¹¹⁷

‘Speakers of the language’ are those who are familiar with the discourse of the subculture (i.e. their ‘dialect’). Bettcher claims that in order to understand the term ‘woman’ you need to be familiar with terms like ‘genderqueer’, ‘FTM’ (female-to-male), or ‘trans woman’. Bettcher here misapplies structuralist linguistic theory (going back to Ferdinand de Saussure¹¹⁸ to understanding the term ‘woman’. But the structuralist contrast posited by Bettcher applies mainly to subaltern cultures. In mainstream culture ‘woman’, centrally, needs the surrounding structure and contrast of ‘man’, ‘girl’, ‘boy’, ‘male’ and ‘female’. Terms like ‘genderqueer’, ‘FTM’, or ‘trans woman’ are only of peripheral importance, if at all, in the mainstream context – unless you are a supporter of the ameliorative school.

It may be true that what trans people say about themselves can only be understood in ‘resistant cultures’, but this, at the same time, reduces the purview of gender avowals to

¹¹⁴ Logue 2022, pp. 133f.

¹¹⁵ Case 2022, p. 20.

¹¹⁶ Salamon, G. 2014. Phenomenology, *Transgender Studies Quarterly*, Vol. 1:1-2, pp. 153–155, at 154. Similarly, Rubin, H.S. 1998. Phenomenology as method in trans studies, *GLQ*, Vol. 4:2, pp. 263–281.

¹¹⁷ Bettcher 2009, p. 113.

¹¹⁸ de Saussure, F. 2013 [1916]. *Course in General Linguistics*, trans. Roy Harris, London: Bloomsbury Publishing.

these cultures (and to trans-supporting allies in mainstream culture). The alleged 'ethical force' only transfers to mainstream culture if you buy into Bettcher's proposal.

Self-identity

Bettcher is aware that the 'teapot question' cannot be avoided. For this reason she introduces a further distinction:

Of course, when somebody is self-identifying in order to make a true statement about herself, this is because a particular gender term is taken as part of her identity. Here, I distinguish between metaphysical and existential self-identity. By metaphysical self-identity, I mean a self-conception that answers the question 'What am I?' It involves an overall picture of the world (including categories such as men and women) in which one then locates oneself. By existential self-identity, I mean an answer to the question 'Who am I?' ¹¹⁹

It isn't clear how this distinction helps transgender people who believe that they really are a woman (or man) in a metaphysical sense. But the introduction of existential self-identity makes it possible to sideline the body, material reality, and what others think (i.e. the metaphysical view) in favour of my own subjectivity.

Bettcher explains that existential self-identity is about:

the profound question 'Who am I, really?' The question, when taken in full philosophical significance means: What am I about? What moves me? What do I stand for? What do I care about the most? Unlike metaphysical self-identity, existential self-identity is not a *conception* of self. Rather, the fact that one holds all of the beliefs that one holds (true or false, self-regarding or not) goes into the set of facts that determines 'who one is, really.' Much of one's attitudes, values, and commitment go likewise into making this determination. This falls under the reach of FPA. ¹²⁰ [Footnotes omitted.]

Does this mean that metaphysical self-identity does not come under the protection of FPA, because I can be wrong about my metaphysical self-identity – but my existential self-identity is 'out of bounds' (i.e. beyond epistemic scrutiny)? If that is the case, then trans women are not women in a metaphysical sense, but only in an existential (i.e. self-regarding) – and trivial – sense.

In the above quote Bettcher admits that part of the existential self-identity are also false beliefs about the world – and oneself. Bettcher's definition appears to undermine the ethical force of FPA. How can false beliefs about one's membership in a sex class carry forward to certify avowals about gender, which would then have 'ethical force'? Wouldn't

¹¹⁹ Bettcher 2009, p. 110. There is also an element of confusion and circularity in Bettcher's reasoning here. Helping yourself to a particular gender term doesn't make the statement about your identity true. However, it is true that you made a statement. The trans woman is saying: *I identify as a woman, because being a 'woman' is part of my identity.* To be fair, Bettcher (2009: 110) proffers a political justification: 'When somebody engages in the political act of category-claiming, the question whether she has made a true statement isn't germane. Rather, if there is any defeasibility, it concerns whether this action reflects a genuine political commitment.' But do transgender people normally understand their act of category-claiming to be a political act – or rather as a 'true statement'?

¹²⁰ Ibid.

the attitudinal avowal that I am a dragon, wolf or bear have the same ethical force?¹²¹ Furthermore, the distinction between metaphysical and existential self-identity seems to collapse, because the *What am I?* question is part of my existential beliefs.

It is odd to claim that 'existential self-identity is not a *conception* of self' (unlike metaphysical self-identity) and to claim at the same time: 'Rather, the fact that one holds all of the beliefs that one holds (true or false, self-regarding or not) goes into the set of facts that determines 'who one is, really.' If this is not a conception of self, what is it (similarly Carpenter).¹²²

If we could separate existential self-identity from metaphysical self-identity, then the former (and any avowals one makes) has no bearing on membership in the class 'woman', because this would be a metaphysical question.¹²³ Existential self-identity avowals are then purely self-regarding (*I see myself as a woman; I am a woman, really; etc.*), without being able to cross into the metaphysical (i.e. ontological) realm.¹²⁴ Wouldn't such claims, contrary to Bettcher's aims, also be politically impotent?

The liberatory project

In a later paper Bettcher shifts the focus to the political: 'fixed meanings of gender terms cannot plausibly provide a liberatory theory.'¹²⁵ Here she argues against the 'Wrong-Body-Model' (WBM) and the 'Transgender-Model' (TM). Both approaches make the mistake of starting out from wrong premises, by accepting the dominant meanings of gender terms.

According to the WBM there is a misalignment between gender identity and sexed body: 'one's real sex, given by internal identity, is innate.' The TM challenges the traditional binary, claiming that trans people don't fit neatly in the categories 'man' or 'woman'. Bettcher diagnoses the problem with these models as follows: 'Both the Wrong

¹²¹ See Case 2022, p. 14.

¹²² Carpenter, B.J.J. 2024. *The Politics of Recognition in the Age of Digital Spaces: Appearing Together*, New York: Routledge, see p. 34. Bettcher's lack of clarity has in turn caused confusion among some of her interpreters (Moyal-Sharrock, D. and Sandis, C. 2024b. Bedrock Gender in Eriksen, C., Hermann, J., O'Hara, N. and Pleasants, N. (eds.), *Philosophical Perspectives on Moral Certainty*, New York: Routledge, pp. 35–57, at 35): 'Our existential self-identity is who we are prior to conceiving or imagining.' This sounds more like Sartre's pre-reflective ego, rather than a gender avowal.

¹²³ This has been recognised by Stephanie Kapusta in an interview: 'I tend not to be much in agreement with recent mooring that the recognition of trans* gender identification is above all an ethical recognition, rather than the acknowledgement of a factual claim. Many trans* women, for example, claim that they are women. As a trans*feminist, I think it is important to make sense of these claims metaphysically. Only then, can one fully validate those claims, and the people who make them'; Kapusta, S. 2018. Trans*feminism: How trans issues and feminism overlap, *Blog of the APA*, 9 August, [link to the article.](#)) Similarly, Bex-Priestley, G. 2022. Gender as a Name, *Journal of Ethics and Social Philosophy*, Vol. 23:2, pp. 189–213, at 194.

¹²⁴ Holly Lawford-Smith has similar worries. According to Bettcher, the existential identity (who you really are) does not risk 'running into conflict with the self-conception of others' (2009: 111). Lawford-Smith comments (2023: 65): 'This is a striking claim: one person's existential claim to be a woman has *no implications* for what a woman means in any general sense, and so does not threaten anyone else's different conception'; Lawford-Smith, H. 2023. *Sex Matters: Essays in Gender-Critical Philosophy*, Oxford: Oxford University Press.

¹²⁵ Bettcher, T.M. 2013b. Trans Women and the Meaning of 'Women', in N. Power, A. Soble, and R. Halwani (eds.), *The Philosophy of Sex: Contemporary Readings*, 6th ed., London: Rowman and Littlefield, pp. 233–250, at 247. See also Bettcher, T.M. 2017. Trans 101, in R. Halwani, A. Soble, S. Hoffman, J.M. Held (eds.), *The Philosophy of Sex: Contemporary Readings*, 7th ed., London: Rowman and Littlefield, pp. 119–137.

Body Model and the Transgender Model err in adopting what I call a “single meaning position”; that is, they assume that a gender term has one meaning only. This leads them to presuppose the dominant meaning of gender terms while erasing resistant ones.¹²⁶ Instead, Bettcher proposes a ‘multiple-meaning’ account of gender terms.

Problems with the liberatory project

Power relations

Bettcher believes that it is a bad starting point for trans theory and politics if trans people have to justify their gender claims, whereas non-trans people are free from such burdens. She balks at this asymmetry because it means ‘to effectively yield political ground from the very beginning.’¹²⁷ Her solution is simple: ‘once we accept resistant, subcultural meanings, there is no need to defend the self-identifying claims of trans people. Instead, the power relations by which trans identities are institutionally enforced from without become fully visible.’¹²⁸

The hidden premise is: the power of mainstream society to police and enforce sex/gender terms, not just within but also without, i.e. in subcultures, somehow disqualifies such acts – and/or the asymmetrical power relation itself. This is the naïve view of ‘social justice’: all marginalised (often minorities) groups in society are wronged by definition, *qua* being marginalised. Consequently, whatever their demands or claims may be, justice requires that we (i.e. mainstream society) accede to them – without subjecting these demands/claims to (philosophical) scrutiny. This would be epistemically irresponsible even for groups that are unjustly marginalised (ethnic minorities, refugees), but it would be even more irresponsible if this principle were applied to the justly marginalised (racists, incels, the Michigan Militia, people who believe in alien abduction, etc.).¹²⁹

Not all exercise of power is bad. It is often necessary to do so in private (over one’s children or over a parent with dementia) or by state actors in the public sphere. The important point is that the exercise of power is legitimate as long as it isn’t *ultra vires* (beyond the powers).¹³⁰ Now we finally get the missing justification for FPA: gender avowals are grounded (justified) through their resistant meaning in the respective subculture.

There is actually a reason why we have such apparent asymmetries, and it has nothing to do with an unequal distribution of benefits and burdens (i.e. having or not having to justify gender/sex claims) between the mainstream and subaltern culture. There has been a long-standing consensus in mainstream culture about who is a woman (or man): an adult human female. The category has been established – and justified – at some point in the distant past, and subsequent repeat-justification isn’t necessary in each instance – unless new evidence comes to light (e.g. Pluto isn’t a planet anymore).

¹²⁶ Bettcher 2013b, p. 234.

¹²⁷ Ibid., p. 235.

¹²⁸ Ibid.

¹²⁹ For a more comprehensive treatment of ‘inclusion’ and the marginalised see Imbrišević, M. 2024. Inclusion, eligibility and forfeiture, forthcoming in *Analitica*, Vol. 4, pp. 1–12.

¹³⁰ Parents may tell their child to go to bed, but they may not force their child to enter a particular profession; a teacher may assign homework, but she may not tell students to clean up her back garden; a policewoman may instruct me to take the detour, but she may not tell me to drive off the cliff.

Bettcher's claim that we 'unreflectively accept a dominant understanding of categories'¹³¹ is a straw-woman. It would be tedious and impractical to provide a historical justification every time we apply an established category. We only do so when challenged by the 'rebel'.

Her complaint about an asymmetry is really a complaint about an imbalance of power. Concepts are established – and policed – within mainstream society.¹³² The 'dominant' society enforces the membership conditions for its concepts, e.g. a white person declaring themselves to be black will not be affirmed. There is consensus about this, not just among blacks, but also among whites. Bettcher's asymmetry claim would require everyone in mainstream society to justify their racial status, so that there is an equal distribution of burdens and benefits between them and the 'rebel' who claims to be black. Here is where Bettcher goes wrong. The established category, normally, doesn't require a justification (it's there already); it is the 'rebel' who needs to show why the membership conditions of the established category need to be widened (or narrowed). The burden of proof lies with those who demand change.

Bettcher claims that 'the taken-for-granted assumption' is 'that the dominant cultural view is the only valid one'.¹³³ This is a misrepresentation. Dominant cultural views (in liberal societies) are not understood to be 'the only valid ones' (except by bigots), rather, they are the default position, until it can be shown that there is something wrong with some of these views (e.g. homophobia; prohibiting same-sex marriage, etc.).

Bettcher and contemporary social justice activists believe that being part of a subculture and/or being marginalised automatically entitles them to inclusion, affirmation, and validation by mainstream society. This is a social justice conception that is mistaken. There needs to be a negotiation between mainstream society and subcultures/the marginalised about such claims to entitlement. The 'rebel' first needs to show that the default position is lacking. Intoning the mantra, as many social justice activists do, *Trans Women are Women* is not a credible challenge to the default position. In contrast, Bettcher provides a more serious challenge to the dominant cultural view. This is part of the negotiation that needs to take place between the mainstream and subcultures.

Subcultural practices

Since the asymmetry charge (linked to the 'unjust' power relations in society) crumbles, all we are left with is trans people's FPA with its underlying resistant, subcultural meanings. However, Bettcher succumbs to the allure of a fallacy; let's call it the 'gender-ontological fallacy':

My starting point is that in analysing the meaning of terms such as 'woman,' it is inappropriate to dismiss alternative ways in which those terms are actually used in trans subcultures; such usage needs to be taken into consideration as part of the analysis. This is certainly the case when the question precisely concerns whether a trans person *counts* as a woman or a man.¹³⁴

When compiling a dictionary entry on the usage of 'woman', a good lexicographer will of course include how subcultures use the word. But word usage (in a subculture) doesn't

¹³¹ Bettcher 2013b, p. 245.

¹³² Sometimes they are imported from subcultures, but based on consensus.

¹³³ Bettcher 2013b, p. 242.

¹³⁴ Ibid., p. 235.

necessarily establish ontological claims. Imagine that one person in a UK subculture has been 'crowned' and is being called 'the queen', but this doesn't turn her into a credible pretender to the throne.¹³⁵ And our late monarch (Queen Elizabeth II) would certainly have been seriously displeased about any such claims to her throne. Just because subcultures call an X a Y, and treat them accordingly, doesn't make that X into a Y.

Furthermore, the different use of (familiar) words in subcultures means that they are talking about something else. We would then have two competing concepts. In the mainstream view trans women are not women. In the subculture view they are 'women'; but the latter is a different concept of 'woman'. The term 'trans woman' in a trans subculture appears to mean 'woman assigned to the male sex at birth'.¹³⁶ Bettcher's multiple-meaning position leads to a communication breakdown, because many non-trans people would disagree with the trans definition of 'woman' or misunderstand it.

Moreover, from the mainstream perspective this definition is not just question begging, it looks incoherent. Bettcher provides a great example to illustrate my point: 'the social meaning commonly associated with a body part is, in a subcultural context completely changed. [...] That testicles, penises, XY karyotype, and prostates count as *male* in the first place is precisely what trans subcultures are *contesting*'.¹³⁷

Bettcher's account is more radical than the ameliorative school. The latter simply want to modify or extend the meaning of 'woman' to include trans women. According to Bettcher's account we 'end up with entirely new criteria for who is a woman (specified in the criteria for counting a person as a trans woman). [...] Indeed, we end up with a notion of "woman" on which a trans woman is a paradigmatic (rather than borderline) case'.¹³⁸ This would mean that trans people control and police the membership conditions for the term 'woman'. The asymmetry, and power imbalance, that Bettcher complained about, is now reversed, and 'trans women are exemplars of womanhood'.¹³⁹ Resemblance and its object have switched places in these trans subcultures: trans women become the original, and women merely resemble them.

Bettcher's new concept of 'woman' is apt in trans subcultures because it reflects 'the underlying gender practices'.¹⁴⁰ But it doesn't reflect the gender practices in the mainstream culture, so its usage only makes sense in the subculture.

Bettcher's alternative concept of 'woman' leads to an ontological change. In such a world non-trans women (formerly known as 'women') would be borderline cases.¹⁴¹ As a result, gender avowals of trans people wouldn't need any justification. If we were to adopt the idea that trans women are 'exemplars of womanhood' in mainstream culture,

¹³⁵ A reviewer pointed out that in this case we don't have to rely on the adult-human-female definition of 'woman' – although real queens usually are adult human females; the social category 'queen' is not as permeable as trans activists take 'man' or 'woman' to be.

¹³⁶ Bettcher 2013b, p. 236.

¹³⁷ Ibid., p. 240.

¹³⁸ Ibid., p. 241. This is highly amusing and absurd. According to this redefinition, a paradigmatic 'woman' would be someone (i.e. a woman) 'wrongly assigned to the male sex at birth'. Why were all these paradigmatic cases wrongly assigned? Is the medical profession completely incompetent?

¹³⁹ Ibid., p. 245. Kapusta (2018) provides a variation on this theme: '*One of the problems in feminist philosophy has been the commonality problem; trying to find the common factor that unifies women. The emphasis in the past has been on cis-women. Perhaps one might just as well begin one's philosophy from the point of view of trans women as well as the linguistic practices and recognition procedures of trans* communities.*'

¹⁴⁰ Bettcher 2013b, p. 244.

¹⁴¹ Ibid., p. 241.

then one wonders whether non-trans women are 'women' at all. The 'roles' and the power relations would be reversed: trans women could question the gender avowals of women (would women claim FPA over their avowals?). This would be another triumph of the patriarchy: the marginalisation of women as a sex class. Note that the linguistic practices within a subculture don't facilitate an ontological change, neither in the dominant culture nor in the subculture – this is the fallacy.

Bettcher's multiple-meaning account is a threat to Mary's claim that she *feels like a woman* or is *a woman inside*. Because Mary is using the dominant meaning of gender terms when she makes such claims about her phenomenal experience. Mary is not saying: *I feel like a trans woman inside*. If we were to accept Bettcher's account, then women (in mainstream culture) could not fathom what trans women are saying, because they cannot take up their viewpoint (trans women being a paradigm case of womanhood). Only trans women, who subscribe to Bettcher's multiple-meaning account could understand what such phenomenal avowals might mean. To us (especially to girls and women), they are too alien to comprehend.

Afterthought

Bettcher, most likely, wanted (in 2009) the FPA of gender avowals to apply to adults. This makes sense because adults usually know their own mind. But the trans phenomenon has now gripped a lot of young people (children and teenagers), and activists and allies alike support the narrative that when it comes to gender issues, we need to trust what youngsters believe about themselves. But giving teenagers access to puberty blockers and surgery may cause serious harm.¹⁴² It would be irresponsible to subsume their gender avowals under FPA, because children and teenagers have no or only limited legal capacity. We restrict what young people can do because they often do not know their own mind and don't understand the short-term and long-term consequences of their actions: they cannot get married (below a certain age), buy and sell property, run for political office, vote in elections, have access to trust funds, sign employment contracts, join the military, consent to surgery, etc. Thus, Bettcher and her followers need to make it clear that FPA applies (primarily) to adults. Thankfully, more and more countries are turning away from the 'affirmative care' model for youngster with gender identity issues.¹⁴³

Conclusion

In part one of this essay I have shown that trans women cannot take up the female point of view (the phenomenal experience), because they are not physiologically equipped to do so. Without a female body you cannot 'feel like a woman' or be 'a woman inside'. Neither the label 'trans woman' nor professing that your gender identity is 'woman/female' can make you into a woman; only experiencing yourself and the world through a female body can do so. I have argued that trans Mary is trapped in her own trans experience. Frank

¹⁴² See the UK Cass Review 2024. *Independent review of gender identity services for children and young people*. [link to the article](#).

¹⁴³ Note that Ozturk (2023: 269) wants FPA about gender to apply to young people: 'Due to their incomplete psychological development, and because they are developmentally not ready to cope with rejection, children are not in a position to articulate adequate defenses of self and might be unjustifiably harmed by *any* act of rejection.' Ozturk is well-meaning, but affirming children who are in error and/or confused about their gender doesn't help their development. Ozturk wrongly believes that rejection/doubt cannot be part of good parenting.

Jackson's Mary, in contrast, is physiologically equipped to experience the colour red, and will share in our experience of colour when leaving her black and white room. Trans Mary cannot know what it is like to be a woman, she can only *imagine* it. Mary will never be able to become a whisky supertaster, because she is not physiologically equipped for it – her taste experience is male. And this applies to all aspects of trans women's phenomenal experience.

In the second part I have assessed Bettcher's account of phenomenal avowals. Her approach is a sophisticated attempt to sideline the epistemic content of such avowals and to give them ethical force instead. But her narrative suffers from serious defects; the epistemic cannot be uncoupled from the ethical, because it informs the latter. FPA relies on an epistemic authoritarianism (veiled as 'ethical force') that nobody, especially philosophers, should support.

Secondly, the liberatory project fails because Bettcher introduces a competing and altogether different concept (used in subcultures) of 'woman', wrongly assuming that this can establish any ontological claims. In a second step she wants to replace the original concept with one that operates in a subculture, making 'woman' (understood as: adult human female) into a borderline case. This requires the wholesale 'rejection' of the dominant cultural view: 'a trans woman can reject the entire dominant gender system as based on false beliefs about gender and gender practices that are harmful and even oppressive.'¹⁴⁴

So, in Bettcher's account, when trans women make claims about feeling like a woman, they mean something else, perhaps something that is only accessible to trans women. Furthermore, this conceptual switch will likely lead to a tyranny of the minority. Thus, neither FPA nor the liberatory project help in defending claims by trans women about having a 'female' phenomenal experience or inhabiting the female point of view.

Funding: This research received no external funding.

Acknowledgments: I wish to thank my mother for carrying me around inside her for nine months, and for so much more. I am grateful to Marie-Luise Vollbrecht for her scientific advice.

Conflicts of Interest: The author declares no conflict of interest.

¹⁴⁴ Bettcher 2013b, p. 243.