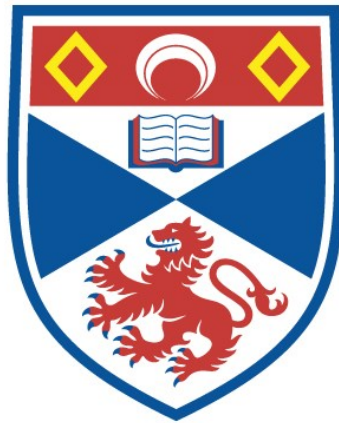# SELF-IDENTIFICATION, GROUP-MEMBERSHIP, AND THE RACE-GENDER ANALOGY

Kim Laura Kopec

A Thesis Submitted for the Degree of MPhil
at the
University of St Andrews

2022

**Self-identification, group-membership, and the race-gender analogy**

Kim Laura Kopec



This thesis is submitted in partial fulfilment for the degree of

Master of Philosophy (MPhil)

at the University of St Andrews

July 2021

**Candidate's declaration**

I, Kim Laura Kopec, do hereby certify that this thesis, submitted for the degree of MPhil, which is approximately 39,709 words in length, has been written by me, and that it is the record of work carried out by me, or principally by myself in collaboration with others as acknowledged, and that it has not been submitted in any previous application for any degree.

I was admitted as a research student at the University of St Andrews in September 2017.

I confirm that no funding was received for this work.

Date: 26.07.2021                                    Signature of candidate

**Supervisor's declaration**

I hereby certify that the candidate has fulfilled the conditions of the Resolution and Regulations appropriate for the degree of MPhil in the University of St Andrews and that the candidate is qualified to submit this thesis in application for that degree.

Date: 26.07.2021                                    Signature of supervisor

**Permission for publication**

In submitting this thesis to the University of St Andrews we understand that we are giving permission for it to be made available for use in accordance with the regulations of the University Library for the time being in force, subject to any copyright vested in the work not being affected thereby. We also understand, unless exempt by an award of an embargo as requested below, that the title and the abstract will be published, and that a copy of the work may be made and supplied to any bona fide library or research worker, that this thesis will be electronically accessible for personal or research use and that the library has the right to migrate this thesis into new electronic forms as required to ensure continued access to the thesis.

I, Kim Laura Kopec, confirm that my thesis does not contain any third-party material that requires copyright clearance.

The following is an agreed request by candidate and supervisor regarding the publication of this thesis:

**Printed copy**

No embargo on print copy.

**Electronic copy**

No embargo on electronic copy.

Date: 26.07.2021                                   Signature of candidate

Date 26.07.2021                                    Signature of supervisor

**Underpinning Research Data or Digital Outputs**

**Candidate's declaration**

I, Kim Laura Kopec, hereby certify that no requirements to deposit original research data or digital outputs apply to this thesis and that, where appropriate, secondary data used have been referenced in the full text of my thesis.

Date: 26.07.2021                                    Signature of candidate

Abstract

Self-identification is often quickly dismissed as a possible criterion for group-membership. I explore what self-identification might be and how it might figure into group-membership. I set out desiderata for an account of group-membership that considers the analogy between race and gender to have some merit as well as the broad theoretical framework underlying discussions around the nature of race and gender. I argue a constructivist framework of some kind is most appropriate as it has the potential of being maximally inclusive as well as ameliorative. I criticize Haslanger's ameliorative account, which focuses on social positioning as a membership criterion, based on its lack of recognition of the interactive nature of social groups and its normativity. Haslanger's account lacks the inclusion of individual "choice" on one's individual identity. I explore Jenkins' inclusion problem and argue that her solution of multiple and equally weighted target concepts has some shortcomings as she fails to consider that these concepts might conflict when they are practically applied, and hence cannot be equally weighted. I distinguish between self-identification and self-declaration. I argue that the former has more relevance pertaining to actual group-membership rather than perceived membership. I argue that, especially in the case of race, it cannot be the sole criterion due to arbitrariness objections and the interactivity of social concepts. I further lay out why it cannot be one of many equally weighted criteria: The risk is self-identification will be outweighed by other criteria, which would result in it not figuring into group-membership after all. This risks entrenching historical injustices, and is similar in structure to my objection against Jenkins.

Hence, I put forward that self-identification might come into play when other criteria don't give a clear indication. This is also where the race-gender analogy might fall apart as the restrictive criteria might differ. However, examining this stipulation is outside the scope of this project. This dissertation aims to contribute to a clearer understanding of race and gender concepts as they have practical policy implications.

# Contents

**Self-identification, group-membership, and the race-gender analogy**

## Introduction

This dissertation is on group-membership and self-identification. Using race and gender as case studies I explore what self-identification is and how it might figure into an account of group-membership. My account will be broadly speaking constructivist and ameliorative as this is best suited to an account that aims to have practical implications on policy. Public discourse on trans issues often centres around self-identification due to the controversy surrounding arguments made by so-called TERFs.

Since, in public discourse, this analogy is often used to argue either in favour of 'transracialism' (if we think you can 'choose' your own gender you should be able to do the same for race) or against the legitimacy of trans* identities (if self-identification doesn't matter in race, it shouldn't matter in gender either), I think it is appropriate to use this analogy between these two social groups to explore if self-identification plays a role in group-membership of social groups. In Chapter One I lay out considerations that an account of group-membership generally should meet. In Chapter 2 and 3 I give a broad overview of the theoretical framework accounts of race and gender respectively might have and argue that essentialism and scepticism cannot serve the purposes of accounting for those social groups. I argue that constructivism in some form is the framework that best serves an account of group-membership and the political aims of an ameliorative inquiry. I then lay out what Jenkins' inclusion problem is and why I think her solution of multiple target-concepts is flawed when thinking about policy applications. I distinguish between self-identification and self-declaration and argue that the former figures into group-membership but cannot do so as a sole criterion or one of many equally weighted ones. This dissertation aims to contribute to a clearer understanding of race and gender concepts as they have practical policy implications. While I lack the space to argue for this here in detail the involvement of self-identification might be what breaks the gender-race analogy apart.

## 1. Considerations

Accounts of social phenomena often start out with observations of their consequences within the societal context in which they appear. The aim of this chapter is to lay out some criteria for social group membership. The aim is for these to build on the way race and gender are spoken about in public discourse. Specifically, the analogy that is frequently made between

the two social groups is also taken into consideration.[1] This list of assumptions (building on often opposite ends of the public and academic discourse) will show the internal division within this debate. On the one hand race and gender are both structurally similar (and thus it seems they should have similar membership "criteria" and on the other they are clearly treated as different from each other.[2]

Mallon (2004) lays out multiple criteria an account of race should meet and lays out an underlying framework. Mallon argues that there are three underlying frameworks in which an account of race could potentially fall: constructivism, realism and scepticism.[3] While it is too extensive to elaborate on his reasoning here, Mallon's "constraints" on accounts of race operate within the constructivist framework.[4] However, following Mills (1998), he highlights the importance of such an account treating race as "real" without treating it as biologically or otherwise essentialist, before framing his constraints in this context. This is especially important in my view, since notably the constraints that fit into a constructivist framework best such as *passing* -the idea that one can *be* a member of one racial group whilst at least on some occasions being externally perceived as a member of another- are topics that continuously come up in public discourse on this topic. One consideration that is absent from Mallon's constraints however is self-identification. Self-identification, much like passing is widely discussed in relation to race and gender. In popular discourse on gender, it is often viewed to have profound impact on one's identity. When talking about the construction of race concepts, self-identification is often dismissed. Since this is a crucial diversion from the widely used analogy between race and gender, it is worth exploring this social phenomenon further.[5] Mallon's criteria point at many important aspects of social group membership and indicate which type of account can accommodate the criteria, he doesn't specifically talk about self-identification. Indeed, discussions on self-identification only recently entered mainstream discourse in Europe and North America and received global media coverage after in 2016 the Public Facilities Privacy & Security Act or so-called "Bathroom bill" was introduced allowing gendered public facilities to only be used according to ones assigned gender. This, along with a series of white women "identifying" and presenting themselves as black that came into public knowledge with the Rachel Dolezal case, presented new challenges for existing metaphysical accounts of both gender and race and lead to the need of an update in desiderata and assumptions from those laid out by Mallon.[6]

Similarly, others like Haslanger (2000) often merely build an analogy between race and gender, but do not examine the role self-identification plays in this analogy. While it seems

---

[1] Although it will become clear in later chapters that the analogy does not necessarily hold up, since it is publicly discussed it seems of some value in exploring how these categories might be similarly socially constructed.

[2] It will appear later on that I think this is in part not a structural issue but a content issue. Race might simply have more previously restrictive criteria than gender. Thus, the structure of both categories is similar, but the content within each structural element is what makes them different.

[3] (Mallon, Passing, Traveling and Reality: Social Constructionism and the Metaphysics of Race, 2004)

[4] For an explanation of these concepts and a theoretical overview of these frameworks: see Chapter 2.

[5] The gender-race analogy is widely discussed in both public and academic discourse. E.g. Haslanger (2000)

[6] Mallon's papers on the topic were published in the early 2000s and hence before those developments.

that self-identification does not have the same influence on racial group membership as it does on gender, it still seems worth exploring how, why and when it might influence the desiderata an account of group membership has. Hence, building on the assumptions that exist within the literature that seem specifically relevant to self-identification, I aim to supplement these with considerations that have come up in public discourse more recently.[7]

1. An account of group membership should be able to **explain the actual experiences** that members of these groups have that are independent of their internal state of mind.[8] These can include socio-biological or social factors like income and access to medical care. It also includes racism and sexism as well as implicit biases. The existence of true scientific generalizations and mistreatment based on group-membership must be explained by an account seeking to adequately represent social group-membership. While these groups are not biologically real, the consequences or the existence of such concepts and socio-biological generalizations are.

   Mallon's reality constraint explains that regardless of race being a biologically or otherwise "real" concept or not, its usage and perception as a descriptive category have consequences on groups and individuals they are used for.[9] Race concepts and gender concepts alike manifest in societies where such concepts are used to make scientific and non-scientific generalizations about groups. The usage of such concepts also has an impact on these groups as a whole and individuals that are perceived as members. Even though these categories are not biologically real in the way naturalism would describe them to be, membership of such a group impacts an individual's life. Meaningful scientific generalizations can be made about groups.

   > For instance: *"[T]here is evidence that the maternal mortality rate amongst black women in England is increasing and that the gap between black and white women in terms of their mortality rate is increasing."*[10]

   Individuals perceived as a member of a certain gender, race or sex experience the effects of a racialized (or genderized) society. The assignment of identities affects how much an individual gets paid, what access to medical care of educational opportunities individual members have. These translate into generalizable observable phenomena (i.e., some groups being more prone to diabetes or dying during childbirth). Although these categories are not essentialist biological ones, their social

---

[7] These phenomena have also come up in the academic literature (see Jenkins for example) but to my knowledge have not been put in the context of comprehensive desiderata that should be accommodated by an overarching metaphysical account of group membership.

[8] Racist attacks or a higher risk of diabetes happen regardless of an individual believing themselves to be a member or believing that they are at higher risk.

[9] (Mallon, Passing, Traveling and Reality: Social Constructionism and the Metaphysics of Race, 2004)

[10] (Marian Knight, July 2020, 34(4)), See also: (Summers, 2021)

effects (e.g., living in a food desert and hence having inadequate access to healthy foods) manifest as clinically observable and often biological phenomena (i.e. diabetes). An account of group membership should be able to incorporate that these dynamics exist without falling into a kind of essentialism that would justify the existence of inequalities and discrimination that result from these socio-biological grouping of individuals.[11]

Other experiences that exist on the group level are less subtle. Outright racism and gender-discrimination also form part of what members of marginalized gender and racial groups experience. While some members are exposed to these experiences more frequently than others, they form a unique and specific part of the group experience.[12] According to Mallon an account of group membership should be able to explain what kind of experiences members of these groups have, map out and explain who experiences these things, who doesn't and why. As a consequence, this means that an account of race must be able to account for the group-specific experiences based on **external identification** (e.g. colorism, racism, sexism, lookism), since experiences of oppression are often based on external markers of group membership that the perpetrator uses in order to group that individual into a group that they deem to be inferior and hence (on their view) worthy of oppression.[13] Again, while race or other group concepts are not biologically essentialist, they are real in the sense that their existence or use as a descriptor of a cluster of individuals, has an effect in society. Because people think of them as "real" in whatever sense, they use them to wrongly infer other moral facts about an individual or group. As a consequence, a belief is formed about moral status and superiority and the actions resulting from that (microaggressions, hate crimes) are real and have a physically and psychologically real effect.

There is a need to include these group experiences stemming from a systemic cause (e.g. race and gender based income inequality) as well as those that more directly and individually are tied to specific individual external identification (e.g. a racist comment based on skin color, catcalling). This may seem counterintuitive, because we want to avoid essentializing group membership (of a racial group) by conflating its socio-biological effects with one or a few observable characteristics (e.g., skin color). On the other hand, we want to be able to account for experiences that are often caused by someone making a judgement about group membership from externally observable characteristic. This external identification and subsequent behavior (i.e., discriminatory comments) are part of the experience that needs to be described by an

---

[11] This also ties into the need for scientific accuracy of a theory.

[12] This includes the likelihood or threat of being exposed to such experiences regardless of experiencing it. Since the threat of such a harm can constitute a harm and form an important part of one's identity.

[13] Racism is based on racialism. Racialism is the idea that one can infer another trait from another observable characteristic about a member of a certain group. Racism is the view that racialism is true plus the belief that because of this that individual or group is morally inferior.

account of social group membership. Hence, this paradox of external identification has to be taken into account when theorizing about group membership.

2. Tying into this "reality" constraint that an account should explain both these group-based socio-biological phenomena as well as the realities of lived experience as a member of a social group, it also must be consistent with scientific evidence.[14] This includes the realities of social phenomena.[15] However, the conclusions of natural science must be included too. [16] An account of group membership must be **consistent with scientific evidence**. Scientific inquiry is designed to test the veracity or falsity of hypotheses (e.g., "There are biological races and group X is one"). A popular hypothesis among biological essentialists has been that racial groups are genetically similar and that explains other characteristics that supposedly occur within a racial group. If this were true, it would justify grouping people together on a mere biological criterion or based on skin color. However, this assumption is false. The genetic similarity of members of one socially identified racial group (e.g., black Americans) are no greater than among the general population. Additionally, these groups are not genetically isolated in the way one would expect of a distinguishable biological race. Instead, this hypothesis is sometimes true for groups that we don't commonly externally or socially identify as racial groups, such as some orthodox communities. Mallon calls this lack of correlation (let alone causation) between socially identified racial groups and biologically essential group characteristic the *mismatch problem*.[17] Since there is no biological basis for the delineation of what we often call races, these racialist races do not exist.[18] However, there are groups we collectively identify as races from within and outside of the group and often take to be a biological kind, because of the socio-biological phenomena mentioned in point 1. Hardimon calls this phenomenon a *socialrace* "that is taken or thought to be a biological group of a particular kind, namely a racialist race."[19] These groups that we socially delineate as races are not racialist races, because there is no scientific basis to prove this to be true. Instead, there is scientific evidence that the hypothesized scenario is more accurate for different for groups that are not *socialraces*.[20] The conclusions of scientific inquiry should be included in an account of group membership. In the case of race this means the conclusion that races are not biological kinds in the relevant sense or racialist races must be incorporated into an account.

---

[14] *"The Reality Constraint: On a constructionist theory of race, race should(a) Figure in explanations of the differential impacts on individuals in racially divided settings. And (b) Figure in the formulation and explanation of true, nonaccidental generalizations"* (Mallon, 2004)

[15] See point 1.

[16] The socio-biological phenomena like disease frequency in certain groups I count as a phenomenon described by social science since they are expressed in demographic data rather than individual biological explanations.

[17] (Mallon, A Field Guide to Social Construction, 2006)

[18] Racialist races would be races where other attributes can be inferred from one biological characteristic.

[19] (Hardimon, 2017, p. 131)

[20] Although this may not mean that we need to describe these groups in the terms of racialist races either.

If applied to gender as well this entails that there is no essential biological characteristic that individually makes you a member of a group.[21] Gender itself is a social concept much like *socialrace* that is often taken to be grounded in the biological reality of sex.[22] However, similarly, to race sex is not a binary and essentialist biological category either.[23] Sex itself is not as binary between male and female as might seem. The existence of intersex people and women with Turner syndrome (where one X chromosome is missing and changes during puberty often don't occur without hormone treatment) or other similar case, as well as the possibility of reassignment surgery show that even sex is not biologically essential. The markers of sex often used to rationalize essentializing of sex categories (the so-called sex chromosomes, reproductive ability, secondary sex characteristics etc.) are not all unchangeable or individually necessary or sufficient to being a member of even that medical category of sex. Since sex is often taken to be the basis of gender it's important to be aware of the conclusions of natural science regarding this as these findings impact the theoretical possibilities that are based on them.

Equally, <u>social science</u> and demographic data and the conclusions drawn from them are important to include, since gender and the norms attached to it are social phenomena. A proportion of the population do identify as trans and the concept of being trans also receives uptake in society. Because these social phenomena are real and have an identifiable effect on people, they must be included in an account of gender. Equally, there are real phenomena attached to *socialrace*. Regardless of what the basis or metaphysical criteria for race might be the social reality is measurable by social science. Racial wealth and wage gaps are measurable, discrimination and hate crimes are well documented. Usage of the n-word outside of legitimate contexts (i.e., in-group artistic usage), police violence against black Americans and sexual harassment at the workplace are just a few examples of phenomena that are studied by social scientists. Because the purpose of the social sciences is to describe which social phenomena and systems exist, the findings of social science must be included in an account of group membership of social groups. Hence, these phenomena must inform such an account.

---

[21] When we distinguish between gender and sex as a social and a biological phenomenon, it would seem that this may not apply. However, sex is not biologically essential either. While it's beyond the scope to elaborate on this here, it suffices to say that there is variation along multiple dimensions even within a supposedly biological or medical category. There is no tick list of biological criteria that make one a woman, but instead a spectrum of indicators that in turn help place a person on a spectrum of biological sex rather than a binary of male and female. In addition, intersex people and the existence of other people that do not obviously fall into the binary categories of male and female demonstrate that one can have some biological indicators of each binary category, which shows the existence of a spectrum. People with that experience as well as those who have undergone reassignment or confirmation surgery are not to be discounted in a positive metaphysical account.

[22] Not to be conflated with gender expression, which is an individual's specific way of marking and signifying their gender.

[23] Again, there is more discussion regarding this in the following chapters.

3.  An account of race or gender <u>must not give way to racism or sexism</u>. Racism is the belief that racialism (a form of racial naturalism) is true and that based on this we can make the moral judgement that some groups are superior or inferior to others.[24] Sexism also usually builds on biological essentialism and denies the sex-gender distinction. Because women, on this view, have certain natural traits it is both natural and imperative for them to perform certain tasks (e.g., any nurturing, care profession et cetera). Sexism, like racism, also implies a hierarchy. Where racism is the belief that one racial group is naturally superior to other races and sexism that men are superior to women (or anyone non-male) and hence the activities that are ascribed to them due to their supposed natural disposition are also assigned with a moral weighting. Moral weighting of individuals or social groups is problematic both inside and outside the context of a metaphysical account of their nature. Whilst this is too extensive to elaborate on here, within the context of a metaphysical account it is problematic, because (1) Racism and sexism are already based on a metaphysical account, making the argument circular. Both racism and sexism are built on the assumption that there are natural socio-biological traits members of different groups necessarily have. Thus, these isms are based on the naturalism as a metaphysical account of group membership and presuppose its truth. Any argument based in favour of naturalism based on racism would then be circular and logically fallacious. Thus, a metaphysical account of a group cannot include or have as motivation any *isms* pertaining to that group. (2) In addition, the essentialist principles racism and sexism are based on are factually inaccurate. As I have argued above in point 2 even, in contexts where it is necessary to assign grouping this is not done in such a way that within the context of one trait that either puts a person into one category or not. There are socio-biological factors at play in social group membership in certain contexts (i.e., medical). However, precisely because many of them are socio-biological (i.e., higher rate of childbirth fatalities) and not fixed individual traits that are necessarily present from birth, those that use them to base their racist and sexist beliefs on mistaken about their nature in the first place.

    Most importantly (3) racism and sexism are morally wrong. Judging someone to be morally inferior based on social group membership can be directly and indirectly harmful to individuals and groups. It can be directly harmful through actions motivated by the wrong belief that the targeted groups are inferior, such as physical hate crimes, assaults or active intended discrimination and unconscious bias. Following Mill's Harm Principle, direct harm to any person or group is prima facie wrong. Hence, an account that can have as a consequence a belief that leads to direct harm should be viewed with suspicion. If someone holds a belief that another

---

[24] (Mallon, A Field Guide to Social Construction, 2006, pp. pp.525-551(p.5))

individual or group is morally inferior to them this can lead to a slippery slope of not only viewing them as such, which is problematic, but also treating them as inferior. This can vary in intensity. The instances where it is harmful in a very linear way the belief that the victim is inferior to the perpetrator there is an added element of dehumanization as a cause for action. Not only does the perpetrator belief that the individual or group is morally less important than them, but they also think that it is morally defensible to lessen their freedom and actively seek to harm them because of this. For instance, racist and sexist beliefs often lead to racist hate crimes, gender-based or sexual violence on an individual level. Someone committing a racially motivated assault for instance believes that the assaulted person is inferior to them and therefore deserve to be harmed. On a bigger scale these attitudes lead to genocide, persecution and oppression of those perceived to be of a particular race or gender.[25] Similarly to the individual, genocide is the deliberate killing and attempted eradication of a group based on race, religion, nationality or ethnicity. It is based on the idea that a group as a whole are morally inferior and therefore it is morally permissible to harm and even systematically eradicate them. Since this is morally reprehensible and the assumptions that underlie these actions clearly are linked, an account of group membership should not allow for the beliefs that are themselves morally repugnant but also lead to observable harmful actions. Racism and sexism can also be indirectly harmful through instances of hate speech, lack of inclusion or other more systemic phenomena. These don't necessarily harm an individual directly but aggregate through repetition to a harmful effect.  Both direct and indirect harms can be physically harmful (e.g., assault, lack of adjustments leading to lack of access to healthcare, education et cetera). They can also be mentally harmful. Discriminatory practises and biased policies can lead to a lack of individual self-confidence as well as more systemic internalized attitudes on the group level (i.e., colourism, internalized racism, lack of confidence, imposter syndrome, self-stereotyping). These internalized attitudes (and sometimes explicit beliefs) can lead to a material reality that may harm the individual, but at the very least can restrict the choices and life models that are open to them and thus has a material effect. An account of social group membership should not include as a constituent a set of beliefs that causes harm to its members. The definition of membership of a particular group should not give way to discrimination or claims of moral inferiority and should minimize if not entirely exclude the possibility of justifying racism or sexism. An account that necessarily justifies racism should also be viewed as inadequate. Equally an account that justifies the opposite (e.g., white supremacy) is not acceptable. It follows that an account that is built on racialism or that denies a sex-gender distinction, may be inadequate if there is an alternative account that can explain the current dynamics between groups and experiences of individuals without potentially justifying racism and sexism.

---

[25] In fact rape of women in conflict is sometimes discussed as a constituent of genocide.

Racialism or biological essentialism applied to sex and gender may not necessitate views on moral superiority or inferiority. However, the rope is very slippery and an account that does not have this problem would be preferable.

4. An account of race (and of gender) should account for **real phenomena that are experienced by members** of the group those concepts attempt to describe. This means that in addition to the experiences mentioned in criterion 1 that are about experiences imposed on members of such groups from people external to themselves and/or their group, an account of group-membership should be able to explain the internal and group-specific states of mind that members of experience internally and the varying individual ways they experience and conceptualize their identity as members of their specific group. Phenomena like **passing, self-identification and ambiguity** are experienced by individual members of a group and are not exclusively linked to external identification in the way that phenomena in paragraph 1 are. must be taken into account, because they are phenomena that are actually experienced by people.

5. As mentioned in point 3, it should not be part of the definition of certain groups to assign moral value to individual or collective identity. However, the historical treatment of groups as either inferior or superior forms an important part of the formation of the groups' identity. The historical maltreatment of groups in culturally specific contexts is something that an account of membership must incorporate. Mallon (2004), in his discussion of the non-travelling constraint, talks about the need for control groups outside of the immediate cultural and historical context in order to be able to make claims like 'black people in the USA were subject to segregation and discrimination' and in order to make comparative claims about groups throughout time and in different contexts. Hence, while an account of group membership cannot form a moral judgement of them as part of the definition, the definition must be able to make sense of these collective historical experiences. These are similar in structure to the more individual experiences mentioned in Point 1. However, since they are collective and historical injustices there is an important difference as the connection between cause/perpetrator to effect/victim is not as linear as in cases that are taking place today. Ameliorative projects such as Haslanger's even go a step further and incorporate political goals into concept formation itself. Marginalized groups have often been excluded from formatting their own group concepts and rather their identity and criteria for group membership have been externally imposed on them (e.g., Jews in Nazi Germany). Historical injustices are such a traumatic and formative aspect of the way groups often see and define themselves and it this awareness is important to prevent similar future harms. The struggle to combat and correct historical injustices stems out of how formative it is for the group experience and has

itself often become an integral part to the group experience (members of marginalized groups often experience the expectation to position themselves politically, i.e., womxn with respect to feminist movements). Additionally, in many cases the usage of group concept is political. Many discussions involving denoting groups have a political component, and these concepts are used to compare political positioning over time. This highlights how intertwined concept formation of social groups and political projects are. Hence, I think it is crucial to include the need to combat historical injustices that marginalized groups are exposed to both on a conceptual and on a practical level (in concept formation and considering the way those concepts are applied practically). This is also important because historical injustice and its consequences influence and characterize the group-specific experiences mentioned in criterion 1. Hence, a metaphysical account of social group membership should consider the purpose of such an account and usage in political projects and include this as criterion.

6. Accounts of race and gender (and other marginalized groups) must also be inclusive and take seriously first personal authority (and by extension self-identification). First personal authority is the view that individuals can judge the content of their own identity or experience better than someone who is not them and hence doesn't actively experience this identity. Womxn experience and identify themselves as womxn and view the norms that exist around their gender as relevant to them. Because they as individuals experience and view themselves as womxn, they have better access to what being a womxn may mean. Similarly, someone who is not black will be in less of a position to judge what the experience of someone who is might be like qualitatively. Even those that are not externally viewed as members of the group they view themselves at will be able to describe their qualitatively as they experience the norms of their group as relevant to them and can attest to the difficulty of consolidating one's identity with external expectations of performing that identity. This suggests that the variety of ways in which people view and experience themselves must be taken seriously. This is both for ethical and epistemic reasons. It seems prima facie unethical to undermine someone's description of their own experience where there are no obvious reasons to do so (e.g., psychiatric delusion). This would not just undermine a person's judgement in a particular instance, but because group identity is intrinsically important to many, prima facie infringes on their autonomy. Following J.S. Mill infringing on someone's liberty is only ethical when this prevents harm to anyone but the person themselves. Hence, undermining an individual's autonomy and authority over the formulation of their own experience seems an infringement of that person's liberty.

The epistemic argument in favour of first personal authority and by extension self-identification is not based on autonomy but instead on the epistemic proximity the individual has to their own qualitative experience. Because externally one can know

factual information about this experience but not the qualitative aspect, those actually experiencing their identity have first personal authority (FPA) over their own state of mind.[26] This means that if an individual person that views themselves as a member of group X we have a prima facie reason to believe that they are in fact a member of X. Equally, if there are identifiable socially constructed criteria for group membership, the self-identification of an individual as having this trait is a prima facie reason to believe that they do in fact have this trait (e.g. heritage from a group, internal self-identification with their gender). This can be extended to the group level. If members of group X view (a set of) characteristic(s) Y to be criteria for group membership of X, we have prima facie reason to believe that Y is/are criteria for membership of X.[27] It follows that a group plays an important role in setting out membership criteria for their own group. The reasons for this are parallel to first personal authority in the individual case. The members of a group have greater epistemic access to the collective experience and hence are in a better position to identify what make one a member of it. Additionally, it would be infringing on a groups collective autonomy to dismiss their views and claim of what the group consists of.[28] Hence, a group concept cannot be solely externally imposed on a group and include the collectives own view of themselves and include the way people view and conceptualize their own identity.

7. The <u>**gender-race analogy is prima facie plausible**</u>. The gender-race analogy is the view that both gender and race are the same kind of grouping category and are structurally similar. From this an argument is often made that if one arrives at conclusions about one, parallel conclusions must also be arrived at for the other. In practise, this is commonly used to compare the metaphysical possibility and ethical validity of trans identities with so-called transracialism. Prima facie the analogy seems plausible. Both race and gender describe at least in part social groups. There are social norms attached to both race and gender and "markers" of identity that are taken to signify group membership. Members of these groups experience a sense of belonging with their fellow members and a sense of otherness in relation to members of other groups. Both race and gender describe general social categories where particular groups are marginalized in relation to others. In fact, many discussions around both categories are centred around combatting marginalization of politically subjugated groups. Parallels are often drawn between the overarching categories due to the similarity in power dynamics. While their individual histories of subjugation and marginalization differ, there are parallels in the kinds of discrimination both continue to experience. Hence, it seems prima facie plausible that there is a general similarity

---

[26] (Bettcher, Trans Identities and First-Person Authority, 2009) also see later chapters.
[27] (Jenkins, Toward an Account of Gender Identity, 2018) makes a similar point.
[28] These views will differ within the group but it is important to consider a relative cultural consensus within a group.

as both are social categories the present with similar social manifestations and problems (e.g. pay gaps, group-based violence or hate speech).

Additionally, both groups have a formal and informal aspect. Informal, because we use vocabulary describing them in ordinary language, but don't create them intentionally with strict membership criteria (e.g., a university). Rather the way we use such concepts points at there being multiple informal cluster criteria. This means that one can have a trait that commonly points at group membership of group A in this temporal or cultural context, but be a member of group B. For instance, wearing dresses in western European culture was and is associated with being a womxn, but is neither necessary nor sufficient to being one. Some men wear dresses and some womxn wear trousers. However, there are formal aspects too. While there is not necessarily a universal definition reaching across all cultures, there are comprehensive definitions or norms in equality legislation. Although in many cases the groups are not explicitly defined, they often pick out who counts as a relevant member of a protected group through application. For example, regardless of there being a legal definition of womxn there is an effective legitimization of some claims of self-identification over others in practice. This is evident in things like rape crisis centres. Some have questioned if transwomen should be serviced by these facilities for a variety of reasons that I lack the space to elaborate on here. However, the mere fact that decisions are being made in practice on who is given group-specific services or is protected by equalities legislation, means that we do formalize groups with specific interests to be protected. By either refusing to provide gender-specific services or providing them to trans people we either admit them to the group or not.[29] These formalizations exist in order to combat inequalities and protect the interests of those that are picked out by them. Although these are not universal and certainly don't cover all actual members, this partial formalization is something that points at a structural similarity between race and gender. Similar laws and policies exist for both. The fact that both social categories have formal and informal aspects, again points at a structural similarity. This makes the analogy drawn between them prima facie plausible.

Another structural similarity seems to be the broadly constructivist framework both fall under. As we will see in later chapters both race and gender on my view cannot fall under an essentialist framework. In both cases it seems that biological essentialism (1) gives way to racism and sexism. For essentialists moral and cultural facts can be drawn from biological traits. This is a slippery slope to allowing claims of superiority that must be avoided by a metaphysical account. In addition, essentialism about these two categories is (2) scientifically false and disproven. Genetic similarity within one group is no higher than in the general population, for instance. One's

---

[29] Of course, this doesn't apply to services that someone simply does not need. In the same way a ciswoman may not have to make actual use of a particular kind of service a transwoman may not have to make use of one either.

biological sex does not necessarily have anything to do with one's gender. Even within the category of sex there is a spectrum rather than a formal binary group. Essentialism also has problems explaining (3) actual experiences people have. This includes cases of passing. Essentialism seems inadequate. Another option would be scepticism. However, it seems unhelpful in discussing power dynamics or equality legislations, as it simply does away with race and gender concepts. Since these concepts are used as if they are real and hence have real consequences in society, this seems unhelpful. Especially when considering the previously discussed desiderata (e.g., the need to combat historical injustices and explaining phenomena experienced by actual people). Since the problems with these two types of accounts are parallel for both race and gender, this again points at a general structural similarity. Hence, this makes the analogy plausible and raises a question of where and why the analogy may fall apart.

8.   As we have seen the race-gender analogy seems prima facie plausible. However, there is a disconnect between the structural analogy seeming plausible and the conclusions that seem to follow being similarly plausible. Many who believe there to be a plausible analogy between the two groups also argue that the conclusions stemming from this analogy should also be parallel. So-called TERFs have used this analogy to argue the following: Because we intuitively think that transracialism -the act of transitioning from one racial group to another-is ethically wrong and metaphysically impossible, the same should apply to transitioning gender. Alternatively, they have also made the argument that since transgender identities are valid this means transracialism must be possible too. If the analogy seems plausible it follows that this argument from analogy is also prima facie plausible. If it is to break apart this cannot be due to its structure alone.

However, public discourse on the topic at least in the US and UK suggests that this argument is not in accordance with how groups themselves collectively self-identify (and as we've already established their view of themselves must be taken into account). In addition, while trans* identities are becoming more accepted and people identifying as such are (although inadequately) protected by equality laws, transracialism is by and large still viewed as ethically and metaphysically problematic. This can be seen in the different reactions to publicly prominent cases such as Rachel Dolezal whose claims of self-identification were met with backlash. While there is of course marginalization and backlash to trans* identities, it seems that within the group of people that recognize them as valid there is no automatic conclusion that transracialism is valid, too. In addition, the groups themselves don't necessarily define themselves in a way that is exclusionary. Many ciswomen, as a socially less powerful group, recognize transwomen as women and do not feel betrayed if they learn that a

specific womxn is trans.[30] Of course, there are people who do not recognize transwomen, but within feminist discourse it seems that a more inclusive approach is the mainstream or at least large enough to be statistically relevant. Thus, the group itself or a large enough proportion of it identify their own group as including transwomen.[31] Although this might not be the majority it's still relevant and in stark contrast to so-called transracialism. The responses to various publicly known cases of white women "transitioning" to black has been largely negative. This is evident by the consequences that were drawn from Dolezal being found to have been born white. Dolezal and others were not welcomed by the black community in the way many trans people are. In fact, the fact that she was born white and had no intrinsic cultural attachment to or heritage from the black community was mentioned as a disqualifying criterion. This different social reaction and hence collective self-identification suggest that so-called <u>transracialism seems prima facie wrong</u> both in the metaphysical and ethical sense,<u> while transgender identities are valid</u>. This seems a problematic case for the structural analogy between race and gender. However, it is not straightforward why there are different outcomes here given the prima facie structural similarities between both concepts. Hence, an account must take into consideration that there is a misalignment between what one would conclude based on a structural analogy that is prima facie plausible, and what is actually concluded.

9. Tying into the need to be considerate of what society of it understand a concept to entail: <u>Social concepts (even when revised) need to be workable within general society</u>. Many like Haslanger emphasize the need to re-conceptualize social groups in accordance with the political goal of combatting associated inequalities. This requires conceptual change and hence a change in meaning of words that had been used differently up until that point. In the case of gender this means womxn no longer necessarily applies just to ciswomen. Previously gender equalities legislations and activist's causes made provisions primarily for cis white women (e.g. voting rights were first secured for white womxn in many contexts, feminist causes often focused on ciswomen's rights to break away from traditional gender roles). While the role of feminism has expanded to be more inclusive and inter-sectional, it hasn't always been this way. The conceptual change in who we see as members of a group is closely aligned with the political goals. Applied to race this may mean that race is no longer seen as a biological category by many, but as a socially constructed group affected by

---

[30] I use both transwoman and ciswoman throughout rather than trans woman and cis woman. This isn't to imply either aren't "real women", but merely to not drive-up word count. I use womxn throughout as I'm most familiar with its use as an inclusive alternative to "women" or "womyn". I take womxn to include trans and cis womxn but am aware not everyone using this term does. So, to clarify I use womxn for transwomen and ciswomen (as both must be included) and the general concept.

[31] Of course, it is true that transwomen are also members of the group and their self-identification also contributes to the group identity. However, this might be argued to assume the conclusion. For brevity's sake I cannot follow this line of argument here.

historical power dynamics. Concepts do change and if we take them to be important in combatting historical injustices the way they are used need to change to fulfil this goal. The nature of how and why these concepts must change, however, is outside of the scope of what we're talking about here. For now, it's only important to recognize that they can and do change.

We have already established above that the way groups identify themselves and set out their own criteria for membership matters.[32] We have also pointed at the fact that some of the actual experiences an account must accommodate are based on external identification and out-of-group usage of the group concept.[33]

Since conceptual changes could potentially be drastic it is likely they would be met with some resistance.[34] Especially for out-of-group users this might apply since they are not collectively going through the transformative experience as a group that accompanies the conceptual change.[35] Hence, they don't have epistemic proximity to the group experience and may not understand or support conceptual change. That means that if a concept doesn't change organically or changes "radically" from a previous use, there may not be uptake in out-of-group usage.[36] There is a need for these concepts to change, be maximally inclusive and incorporate the view of group members for such a concept to fulfil its function of combatting historical injustice and describe the group to which it is applied.

However, it must also be used and accepted within society.[37] That is because a concept can only be useful to achieve such goals if it is used in the relevant contexts (policy making, activism, but also society as a whole where one's identity becomes relevant). Social concepts, in order to be useful, need to be understood and used by most people within a linguistic community where the concept is used. Hence, even when there are sides that might disagree and the weighting of input is not necessarily the same, both sides should be taken seriously.[38] That is to say in order to accomplish the political goal attached to these concepts we must be pragmatic and ensure that they are actually used.

As mentioned in later chapters on the inclusion problem one could argue that there may be different meanings or uses of such concepts depending on which application

---

[32] See point 6.

[33] See point 1.

[34] E.g., the gender-neutral singular "they" is an example of this reaction. The inclusion of transwomen into gender-specific spaces and laws has already been met with some resistance.

[35] Of course, there is a question of what comes first: conceptual change or the in-group experiences and members who have them being included in the group.

[36] In-group users may also disagree with a new definition. However, I have excluded them here because it would presume the existence of lack of legitimate

[37] Note that the discussion here is not about conceptual engineering or how concepts acquire meaning. It is simply about the way it may be used in order to fulfil the political goal Haslanger and others assume it to include. It's also worth noting that I don't think we are necessarily revising concepts by making them more inclusive. However, this is out of the scope of this discussion.

[38] It seems due to the epistemic proximity in-group users have to the realities of the concept there would be reason to give their input more weight in concept formation.

area we are talking about. There could, for example, be a broader social concept of gender identity and a narrower one that is applied in specific policy contexts. Someone who might fall under "womxn" in the social sense where they are generally perceived to be a member of the group and treated as such, but not in the policy sense. This means their interests and rights might not be protected as they might not be included in the relevant legislation. However, with respect to social groups and gender or race specifically, the social perception of someone as a member influences group-specific experiences and hence plays a role in defining group membership in the first place. Because the social concept of gender (or race) partially defines or influences group self-identification and membership that leads to the need for protection from legal institutions, it seems they cannot be easily separated. If someone is perceived as a womxn they are often treated as part of the group and hence subject to sexism and mistreatment that informs their collective identity.[39] A concept that centres political goals must identify the demographic that is being affected by policy and discrimination in order to do the work, it seeks to accomplish.

In addition, there can be a difference between how a concept is viewed in society and its legal definition.[40] While this seems to make sense with many concepts. It may not apply with social groups, since the social and legal ramifications of the same concept are intertwined. Social perception of the concept doesn't influence other concepts in policy and law in the same way. For example, the way a murderer is treated or if they are seen as a murderer does not make them more or less of a member of those who have unlawfully killed someone. The material act of killing someone stays the same regardless of them being viewed as a murderer in society. Of course, public opinion on a specific instance of killing being ethical or not has a bearing on legal concept changing. However, the experiential aspect of being a member doesn't contribute to the group self-identification.[41] What has to most weight here is a material fact of having killed someone. This is not the case in social groups like gender and race. Here, the experience is shaped by group membership and vice versa. Because this experience is based on external identification there is a lack of control members of the group have over having this experience. The reason someone in another category might be having a certain experience is because of their (criminal) action. The passing

---

[39] Even when someone isn't externally identified as womxn they can experience discriminatory treatment as a result of their identity not matching what they are externally being categorized as. Often this means that they experience being called slurs that point at that assume that they fall outside of the norms of their gender group.

[40] i.e., murder in a social context is more akin to any act of killing, but in the legal sense is an unlawful killing with pre-meditation and intent.

[41] This is of course debatable. One could make the argument that every legal category is influenced by public perception. However, two things are important to not (1) many categories like this are not interest categories but criminal ones. Social groups are the former and the comparison I just made the latter. Criminal categories like "murderer" do (2) not share that experiential element that contributes to the necessity for a grouping concept to exist (in order to achieve a political goal)

problem illustrates that sometimes people are identified in race and gender groups as a member of a group they are not a part of. Additionally, those same people might be legally speaking in a different group to what they are socially identified as. However, because the social and legal concepts are so intertwined this seems problematic. As we've established above, the reason why people need legal protection for their group interests is in part the way the social concept is established. Because the (mis)treatment is a part of what makes one a member of the social group in the first place having separate concepts for different contexts would fail to consider their interdependence. If we have two separate but equal concepts not only might they not accept the connection between the two. They might end up talking past each other in practise. Someone talking about the legal concept might be talking to someone who is talking about the social concept whilst using the same terminology.[42] Otherwise, one ends up with two co-existing concepts that talk past each other. When we have two or more separate but equal concepts that don't foster great understanding of issues that are discussed using the concept because of these misunderstanding, it is unlikely these concepts receive great uptake in the linguistic community. Because of this and the need to include self-identification, accounts of race or gender specifically need to take into account the views of both members of the group and those outside in order to ensure that uptake of such a concept is maximized.[43] Maximization is necessary because of the nature of the debates as far reaching social discourse such concepts are involved in.

---

[42] e.g., they might be talking about what the collective interests of womxn are, but one is concerned with those included in the legal definition and the other one with those in the wider social sense of the word.
[43] (Ásta, 2018, p. 115) makes a similar point.

## 2. Overview of theoretical framework in the metaphysics of 'Race'

Mallon distinguishes between three types of accounts in the more recent literature on Race: Racial Naturalism, Scepticism about Race and Constructivism.[44] In line with this I will give a general explanation of each type of framework that an account of Race can fall under highlighting why essentialism and scepticism seem problematic generally and for self-identification specifically. I will argue that in terms of framework constructivism would be able to account for the desiderata laid out in Chapter One.

### Racial Naturalism[45]

Defenders of racial naturalism believe race concepts to point at a biological reality or natural difference between the skills, intellectual and physical characteristics different racial groups possess. The fundamental belief underlying the theory of racial naturalism is 'Racialism', which is the view that members of racial groups are unified by "fundamental, heritable, physical, moral, intellectual and cultural characteristics with one another that they do not share with members of another race".[46] This seemingly entails that there is something more than mere correlation between some physical characteristic and other cultural and social characteristics like intelligence.[47] Racism is the view that Racialism is true *and* because of this there is a moral difference or hierarchy between different racial groups. The connection between racialism and racism is almost inevitable. Due to the appeal of the racialist to a multitude of shared characteristics (including strictly physical traits as well as intellectual and moral traits) it's entailed in this view that one can make assumptions about other traits (e.g. intellectual traits) that an individual has on the basis of other directly observable characteristics such as skin colour. Racialism allows for overgeneralizations and hence prejudice.[48]

Naturalism seems appealing because it explains the racialized experiences members of some racial groups have. Racial membership is treated as though these concepts are physically real and this has great impact on the group experience. Racial membership influences different

---

[44] (Mallon, Passing, Traveling and Reality: Social Constructionism and the Metaphysics of Race, 2004)

[45] (Mills C. W., 2000)

[46] (Appiah, 1996)

[47] This may not mean that in entails a causal connection in all variations of this view. However, considering the historical (and disproven) discourse of the discussions around race and intelligence I think it is fair to say that a causal link was presumed. Hence racialism is almost indistinguishable from racism, due to the moral weighting that was placed on intelligence.

[48] This view is naturalist/essentialist because it places the membership criteria on an 'essential' biological criterion (i.e., skin color), scientifically inaccurate and leaves room for racist conclusions. Considerations of space prevent me from discussing other versions of realism, such as (Spencer, Racial Realism I: Are Biological Races Real?, 2018) as my project is mostly concerned with social aspects and consequences of group membership.

aspects of people's lives from income inequality to healthcare and racist attacks. Racial naturalism seemingly explains why those things are racialized: if racial categories point at natural differences in people, then other social factors will be influenced by that natural difference, the thought is. People behave as though races are biologically real. To supporters of this view this is appealing because it explains why a great number of people behave this way. If it is true, then we can draw inferences of other traits people have from an externally identifiable 'biological' trait. Behaving as though they are real then would merely be a consequence of the fact that they are. Rather than merely justifying the behaviour people who think race is real exhibit, naturalism also seems to offer a very simple explanation of why people believe the underlying assumption this behaviour is grounded in: because, if racial naturalism is true then this explains why many people believe that it is real (and also justifies their behaviour).[49] Naturalism would help us explain historical and currently existing inequalities.

However, the reality of the experiences of those categorized as certain racial groups and minorities can also be explained by other theories that do not commit us to other more problematic claims (i.e. give an excuse racist behaviour on the basis of a 'natural' difference between people) and hence violating what we've said previously. These consequences are problematic because they don't represent the truth of what it means to be a member of these groups. The behaviour associated with those beliefs is marginalizing at best and directly harmful at the worst.[50] Hence, an account that avoids arguing that these harmful consequences might be part of or can be justified has serious advantages compared to racial naturalism. Racialism is unable to do that and hence gives way to racism.

Naturalism also has other problems. One obvious issue is that it is false. The idea that based on one physical trait assumptions can be made even about other physical/biological traits has been largely debunked by the scientific community. For example, genetic similarity within groups we often view as races is occurs even less than within the general population across multiple racial groups. This suggests there are no biological traits that all members of supposed racial groups share. If there are no such traits no conclusions can be drawn about any other non-biological traits such as intelligence that have a judgement of moral superiority attached. Racial naturalism, hence, is inconsistent with desideratum two as it's inconsistent with scientific evidence.

Additionally, even if it were true that all members of a racial group share some arbitrary characteristic, it does not follow that this is due to their being a member of this racial group. Non-physical characteristics such as culture are often shared across different racial groups

---

[49] Behaving as though races are real could mean many things from being aware of structural disadvantages and the real consequences of being of a certain way to behaving as though race is real in the sense that this assumption is used to justify one's racism (the belief that race is real + belief that there are inferior and superior races) and behaviour associated with that.

[50] (Adichie, 2009) argues that the problem with stereotypes is not that they are not part of the truth, but they present a too limited and limiting view of what it means to be a member of the group.

and are not homogenous within one racial group. For instance, two people can identify and be externally identified by others as African American (however problematic or unspecific that term might be)[51] where one takes themselves to be American with black skin and a descendant of former slaves; and the other takes themselves to be a naturalized American citizen or second-generation immigrant with black skin. Both are sometimes grouped as the same racial category, but their cultures and cultural attachments differ greatly.[52] This is significant because on a naturalist view cultures and behaviours are supposed to be somewhat causally related to the supposed biological fact of someone's race. African Americans and Black Americans have different cultural attachments. They do not necessarily share these non-physical traits merely because of the colour of their skin. Other non-racial groups (i.e., people of the same religion) are much more likely to share such traits.

Racial naturalism also has other problems. Because of its reliance on racialism even if we disregard the fact -which we shouldn't- that it has been debunked from a scientific point of view, it allows for racist claims. It allows a slippery slope argument from members of a group sharing a morally neutral trait such as skin colour to claiming that people of that skin colour share a morally or socially relevant trait like trustworthiness and therefore violates desideratum three. Racialism allows for assumptions to be made about other cultural/social characteristics from a biological trait. Some of these social characteristics (e.g., intelligence, trustworthiness) are viewed to have different moral standing. The thought is that the biological trait that allegedly unifies the group has a direct link to the moral trait. Hence, the moral trait would be also generalizable to everyone with the biological trait. This can be a slippery slope to racist claims and overgeneralizations about minority groups. The essentialist connection between one physical and one cultural characteristic that racialism allows for is problematic enough in its own right, since it is limiting to actual members. However, the added moral weighting of these characteristics in society make racialism and racism fundamentally interconnected and give a basis to statements of inferiority or superiority of entire social or racial groups.

Further, racial naturalism also cannot account for any ambiguity in external identification or the phenomenon of racial passing, and hence conflicts with desiderata one and four.[53] Mallon lists this as one of the criteria an account of race has to be able to accommodate.[54] Passing happens if one is a member of racial group x but gets externally perceived or identified by other people as a member of a different racial group. This happens often to mixed-raced/biracial people or those with light skin tones. The reason racial essentialism

---

[51] (McWhorter, 2004) argues that there is an important difference in calling someone African American rather than Black.

[52] Cultural variation matters, because according to racial naturalism one can deduce social and non-social facts about an individual from one (set of) essentialist facts about the person. Further, the correlation between many of these social facts and physical characteristics has not been scientifically proven.

[53] And by extension any type of naturalism is unlikely to be able to do this since it would most likely always depend on some sort of external identification. This might be true even if such a trait is not strictly observable or physical (i.e. when the type of essentialism is not necessarily a form of naturalism).

[54] (Mallon, Passing, Traveling and Reality: Social Constructionism and the Metaphysics of Race, 2004, p. 648) Although Mallon speaks only of constructivism the criterion can be applied generally.

cannot account for this lies in its name. For essentialists there are essential biological/physical facts that make one a member of a certain race, and we can make assumptions about other physical and non-physical characteristics. If someone's appearance deviates from the externally prescribed "archetype" of essential characteristics, the naturalist has no physical "fact" to base their assumption on. In racial passing there is an actual race the person belongs to, and one that they appear to belong to, based on the perception of an external observer. Naturalism cannot distinguish between these two because it appeals to strict essentialist criteria in order for the terms used around racial groups to apply. The physical characteristics are part of these strict criteria, and hence should point towards a person's 'actual' race. The point naturalists attempt to make is that one can in fact draw conclusions from one characteristic a person has to their other characteristics. If the external identification of individuals isn't straight forwardly reliable, that undermines the idea that these "membership conditions" are as absolute or essential. It's simply not true that we can tell from externally observable traits if someone is a member of a racial group. Essentialists might argue that in the case of passing, the person is either still a member of the group they are externally identified as, or there is one specific standard where a certain skin colour always means you are a member of one race but not another. In this case they must admit that racial membership is either context dependent or membership criteria are arbitrary. Context dependant, because of essentialists reliance on the external factor of how people classify a specific skin colour in a specific context. People are differently externally classified depending on context (i.e., the same person might be viewed as member of group A in context 1 and group B in context 2). This then would mean that these criteria are not "essential" after all. If this is not the case the essentialist must admit the membership criteria are arbitrary, because people with absolutely nothing in common but the specific colour of their skin, with different cultures et cetera, would be grouped into one category merely by virtue of an arbitrary physical trait. This arbitrariness severs the connection between the other cultural and heritable characteristics one is supposed to be able to deduce from one physical fact, according to racialism. There is no unifying cultural trait among those grouped together in this way. Naturalists seemingly think that there is a necessary connection between physical and other characteristics. Physical traits like skin colour, in their view, are linked to socio-biological or social facts (e.g., culture, health). This assumption they are committed to -that these supposedly unified physical characteristics that are the external markers of one's racial membership are inevitably linked to these social and moral facts- is, of course, simply false.

> "Essences, geography, phenotypes, genotypes, and genealogy are the only known candidates for physical scientific bases of race. Each fails. Therefore, there is no physical scientific basis for the social racial taxonomy".[55]

---

[55] (Zack, Philosophy of Science and Race, 2002, p. 88)

This shows that biological essentialism in this sense fails, because it is not in line with scientific evidence, thereby violating one of the assumptions we have made in Chapter 1.[56] Therefore, we need to have an explanation of how we proceed in theorizing about this. However, there are other conflicts within biological realism about race. It has trouble explaining the legitimacy of the passing phenomenon and allows for racist claims to be made. Hence, it conflicts with multiple desiderata we set out in the first chapter.

Race is not biologically essential. This seems to entail that it is not physically real since there are no essential physical criteria for membership.[57] Of course, there may be other forms of essentialism or even naturalism that have an easier time accounting for these things. However, it seems that essentialism's tendency to a binary system and strict(ish) membership conditions would remain a problem. It's precisely because of there being essential criteria that an account based on them will likely run into similar problems and have a hard time accounting for social phenomena like passing whilst being consistent with scientific evidence. A basic Tennent of essentialism is that race is a material reality.

Since this is not the case in the essentialist sense, but we operate as if it were, we need an alternative view. Given that race is not a natural kind, we need an explanation of why we still use racial concepts and have racialized experiences. Alternatively, we need an account that tells us why we're mistaken in using race concepts to describe our racialized identities and experiences.

There are two prominent alternatives attempting to explain what race is or isn't: *racial scepticism* and *racial constructivism*. Both differ from essentialism in that they accept that race is not a natural kind. Sceptics (like Zack) argue that because these categories have no 'physical scientific basis' we should cease to use them. Constructivists believe that while there is no physical reality of race, the categories manifest in society through the consequences of their use.

First, I will introduce racial scepticism which, for the purposes of this overview, I take to be inevitably linked to eliminativism. I argue that scepticism about race concepts is unhelpful, since we do use them and there are lived experiences attached to them. I will then introduce constructivism and argue that this type of framework has important advantages over scepticism (and naturalism), since there is a possibility for racialized experiences to be accounted for.  Self-identification and external identification form part of this experience. As will become apparent in subsequent chapters, both can both be accounted for within a constructivist framework.

---

[56] Spencer defends racial naturalism as "empirically successful biology" (Spencer, How to Be a Biological Racial Realist, 2019). However this view is far from uncontroversial (see: (Hochman, Volume 110, Issue 6, June 2013)), Hoowever, it's outside the scope to discuss naturalism in detail here. It serves the purpose of motivating a constructivist account here.

[57] Physical criteria might still play a role in that they are viewed as markers and the treatment that characterizes group experience

## Racial Scepticism/ Eliminativism

Racial scepticism is the view that racial naturalism is false and considering this, race isn't real in any way. Eliminativism is the view that because race is not real, we should cease using race concepts. Race is not biologically essential as genetic variation within what we commonly refer to as races has been disproven and there are no essential physical traits that make one a member of a racial group. Essentialism has been debunked by the scientific community and has problems explaining real social phenomena. Sceptics argue race cannot be 'real' and racial terms don't point at a natural concept that exists independently of our knowledge and treatment of that concept. Because race is not real in this naturalistic way, racial sceptics argue that it is not real in any meaningful way. Sceptics recognize that racial concepts are used but argue those that who use them are mistaken.

> "*Race exists insofar as people use race to identify themselves and others racially. What does not exist is a biological foundation for human races or human racial divisions. It is an empirical question whether broad public understanding of this lack of foundation, in a society where many think that such a foundation in biological science exists, would result in an ''elimination'' of race terms and practices.*"[58]

Sceptics about race argue that because race does not exist in a naturalistic way, we should no longer be using those concepts. This is despite our continued usage of concepts creating experiences and effects in society.[59] This type of scepticism about racial concepts or normative consequence thereof is called Eliminativism. Eliminitavist provide one possible solution to what Mallon calls the mismatch problem. As we've seen in the first Chapter the groups that are often socially identified as races do not have genetic similarities. Other groups that have stronger similarity are not described as races. That is what Mallon calls the mismatch problem. As we've seen that is a problem for essentialism because it doesn't explain the way we currently use race concepts. If the groups that we socially view as races are not races in the biological way, there is no explanation as to why we call them races under essentialism.[60] Eliminativism provides a solution: Because race is not biologically real, we should stop using race terminology altogether.[61] For the eliminitavist racial concepts we use in society don't make sense and are not useful to describe any physical or social reality.

---

[58] (Zack, Race and Mixed Race, 1993)
[59] (Appiah, 1996)
[60] (Appiah, 1996)
[61] The distinctions are arbitrary in that the assumptions about biology are arbitrary because they're not grounded in biological evidence (racial groups in the classical sense do not exist). From that premise there is open theoretical space for both scepticism (and the normative conclusions that follow it) and constructivism. Hence, it doesn't necessarily follow from the arbitrariness of the biological categorization that racial categories are entirely arbitrary. This is where sceptics and constructivist differ. While both agree that biological essentialism is false, sceptics argue that because of this, racial categories in general are meaningless. Constructivist, based on the relative arbitrariness of these distinctions argue that this must not necessarily entail that these categories are entirely meaningless. Instead there is a social reality.

We may use them now, but we are mistaken in doing so. For the eliminitavist these concepts either must describe a real natural concept, or they are arbitrary. Since we've established that they don't describe an essentialist concept, because the genetic similarity among groups we describe as races are non-existent, they must be arbitrary. If they are arbitrary, they refer to groups where the membership conditions are also arbitrary. There is no biological closeness and the traits that are viewed as markers of identity (like skin-color) are arbitrarily picked. Because of this membership conditions of the concepts, we mistakenly use might overlap or be altogether intangible. A group concept that has no real or arbitrary membership conditions prima facie seems not like one we should use as it would artificially divide people and create social consequences where don't need to be any. Hence, the eliminitavist argues we should stop using these concepts. As previously said, for brevity's sake I will treat scepticism as entailing eliminativism. There might be versions of scepticism that don't entail. I suspect that these might either run into similar concerns as stated below or collapse into constructivism.

One issue that comes up with respect to scepticism about race is that it seems to minimize two things: the reality of historically entrenched systematic oppression, and the racialized experience of members of marginalized groups today.[62] Although races are not a biologically real concept, the assumption that they do exist has impacted our social reality, lived experience, and created structures of oppression.[63] Historical injustices, policies and social practises have been committed under the assumption that these concepts do describe groups that exist and hence have created a social reality where the effects of this assumption are real. If we don't have concepts describing these historical injustices or the groups that were and continue to be affected by them, we are accepting these effects of concept use as part of our reality and cannot fulfil the goal of combatting historical injustices. It is another question if group concepts are still necessary if the effects of a racialized society have been combatted. This isn't something I have the space to answer here. It's important to note, as well, that this is not the case at this time.  Since race-based experiences, discrimination and racism are not a thing of the past, not using the concepts that help describe those issues seems unhelpful. Since the sceptic's solution to the mismatch problem doesn't give us a way of dealing with historical injustices, racialized experiences and doesn't give us a way of describing the inequities studied by social science, there must be another solution. Constructivism could be that solution.

---

[62] Although many of the philosophers arguing for this view -i.e. (Zack, Race and Mixed Race, 1993)- are black one can imagine the problems brought by statements such as 'I don't see colour' as they seemingly undermine and disregard the fact that people do in fact have experiences they take to be racialized.

[63] Policies and social practises that exist today may be based on racist assumptions or fail to combat an already existing asymmetry in the way they affect different groups. E.g., up until recently black NFL players had to have a higher level of brain damage in order to qualify for compensation.

## Constructivism

Constructivism about race is an alternative theory. It reacts to the problems of naturalism and scepticism. Racial naturalism is both false and has theoretical drawbacks (e.g., its inability to account for passing). In light of naturalism being false, sceptics argue that race concepts are not real at all, and we should stop using these concepts. They are unable to explain why there are racialized experiences or explain our continued use of these concepts. Hence, a view that can both argue that race isn't physically real and still give an explanation why we still use racial concepts and have racialized experiences is needed.

Proponents of this view argue that race is not real in the biological sense and race terms don't refer to any real natural concepts but is real in the sense that it describes a social reality of some kind (be that power imbalance, certain specific experiences or the way one is externally grouped by other members of general society). Constructivist accounts tend to focus on one specific social reality that might characterize the membership of different racial (or other social) groups. Generally speaking these theories tend to focus on one of two things with respect to their relevance to group membership: how an individual is treated by other people in society - i.e. how they are externally identified and if they experience of racism and group based oppression - or how they themselves characterize what it means to be a member of a group that they are a member of - i.e. self-identification.[64] This type of account focuses on the experience of racism and group-based oppression, and argues that this is something that doesn't only characterizes an individual's experience of their own identity. It is a constituent part of that identity. To be a member of a racial group one must be treated like a member. This can, to an extent, capture the systematicity of racism, since people 'experience' the reality of racism regardless of them recognizing that they are personally affected by it. Hence, constructivism prima facie does a better job at accounting for racialized experience, but still fails to explain the systematicity of racism. If race is constructed socially due to external identification by some trait that is taken to make one a member of the group creates or manifests that reality.

This is problematic. It seems that fixing group membership on only the experiential element would result in a kind of social essentialism that is highly dependent on a kind of authority that comes from outside the group itself.

Constructivism has problems accounting for the experiences (e.g., passing) of mixed-race people.[65] This is because of its apparent reliance on external identification. If we rely on the way people are treated to "tell" us their group membership, it seems their group membership might vary across and within cultural contexts. Different people experience different levels of racism. Some who pass as members of a privileged group might not experience overt racism, but still experience the systemic effects of centuries of historically embedded oppression. It may seem that constructivism centres external identification because it emphasizes racialized experience as important to identity. This may lead down the

---

[64] (Tuvel, 2017)
[65] Passing doesn't exclusively affect mixed or biracial people, but it's more common.

path where group membership is extremely dependent on culture and the groups' self-definition is disregarded. The former would eliminate the usefulness of race concepts to identify out-of-context "control groups".[66] No comparative statements across time or culture could be made with respect to one group if the group exists at one point in time, but not at another. If at time A no one is externally identified as a member of a group, but at time B they are, the group wouldn't exist at A if constructivism takes only external identification to matter. It would also mean that those that aren't externally identified as a member, because they pass as someone of another group and are externally identified as such, are not actual members of that group. Race then seems situational because external identification can vary even within a culture. This is a slippery slope to membership changing with each individual instance of external identification. Constructivism's seeming reliance on how a group is viewed by a majority external to itself is hence problematic.[67] The alternative is that there is some set standard or level of the trait that is taken to be a group-defining trait that is relatively if not entirely arbitrary.[68] This is exactly the argument the sceptic makes in favour of eliminativism. Because races are not biologically essential, membership conditions are either variable or arbitrary. If they are variable, they are not useful, because they cannot be used to describe overarching social phenomena or formulate policy. If they are arbitrary, they don't have meaning. Further, grouping people solely by experience does not account for those who don't share group specific experiences, but are still members. Experiencing passing indicates that one lacks group-specific experiences, but still belongs in the group. This means that constructivism also has problems describing who we view as members of certain groups.

However, some constructivists such as Haslanger seem argue that the role of constructivism isn't to merely describe who categories are used for and how they are used.[69] Instead, Haslanger suggest that, because these group concepts are in fact used, we must actively construct them to suit out political goals. Because these categories have social consequences

---

[66] Mallon (2004) argues that we need an out of context control group to make comparative claims like 'Group X in America is affected by something more than Group X in Europe', which seems to be an argument against context-dependence. Categories like African-American/Black-American referencing skin colour, make little sense if there is no non-American control group. I think that this is enough reason to reject context-dependence as an underlying framework, but I do not have the space here to argue for this further. However, I think context-dependence might still come into play in determining the previously restrictive criteria. How groups view themselves and their membership conditions might differ in different contexts. It might also explain why these concepts change over time and can too an extent be updated in line with what and to what degree members of non-members of a group take to be important to group membership.

[67] It's not necessarily the case that the external part is the "majority", but they often hold more power in the linguistic community and hence are viewed as the majority.

[68] What I mean by that is that externally identifying someone who is black might not be identified as such or someone might be said to be 'less black' or 'less' a member of their group due to their lighter skin tone. This is often the case in Latino and black communities where words like 'lighty' and 'blanca' are sometimes used.

[69] Haslanger doesn't explicitly call herself a constructivist. Her emphasis is on the fact that her project is ameliorative. But I think it's fair to say that she is a constructivist in the sense that she agrees that we do in fact use racial (and gender) categories to a political effect and with meaning and purpose. Although she does say that if part of being a woman is being socially positioned in an oppressive way then we should eliminate the concept women OR ameliorate it. Hence, she might be both a constructivist and an eliminitavist.

regardless, we must use our influence on conceptual formation to effect positive political consequences.[70] Hence, we might end up with different definitions for group concepts in different contexts (i.e. the law v. in general society), because the goals differ. If this is - at least in part - the goal of the constructivist, then constructivism has a serious advantage over the sceptic. For sceptics group concepts either have arbitrary membership criteria or are context dependent.[71] Hence, scepticism cannot account for the current use of these groups and the different effects of how these terms and group concepts are used. Sceptics merely think that if people were fully informed and rational, they would likely no longer use them.[72] Constructivism has an advantage over scepticism in this way because it doesn't disregard the social reality that people are being divided by those group concepts, and that they are used. Constructivism leaves it open whether these concepts are meant to be descriptive of the way we use those concepts or, at least to an extent, prescriptive or ameliorative in the way that Haslanger suggests. If they are descriptive, the worry of the sceptic that they are either arbitrary or context dependent, seems warranted. But if they are ameliorative the constructivists have an advantage as they account for the political reality of how these concepts are used. Both types of accounts are possible under constructivism. However, I think that even an account attempting to be merely descriptive can easily end up being normative when it's formalized into law and policy. When concepts are normalized or formalized, they affect social reality weather it's intended or not. Considering that it's important to combat historical injustices, an account of race must be ameliorative to an extent.

One might argue Haslanger's account to be too normative and restrictive. This is mentioned with respect to her account of "woman".[73] Haslanger's account implies that it is part of being a womxn to be in a socially disadvantageous position (and we should hence work toward the non-existence of women). Applied to race, this seems similarly normative and restrictive. Haslanger considers the social and political reality of how these concepts are used and takes this to be their meaning. Hence, oppression becomes part of the meaning because these concepts are often used to oppress. To be a member of the category 'woman' or a member of a racial group one must be oppressed because of their group membership. This is problematic for multiple reasons.[74]

Although it's not clear how or who by oppression is defined, making oppression part of the necessary criteria for group membership is deeply problematic. If part of being a womxn or a member of a racial minority is to be in a disempowered position within society, not only does that definition seem circular, but it also makes it normative for anyone who views themselves

---

[70] (Haslanger, Gender and race: (What) are they? (What) do we want them to be?, 2000)

[71] Mallon (2004) mentions the need for control groups in this context.

[72] See above: scepticism.

[73] Haslanger uses "woman". I'm using womxn subsequently.

[74] By restrictive I mean it limits who counts as a woman or a member of a racial group to those that experience group-specific marginalization and hence does not take self-identification into account. This is limiting to the autonomy of those that are part of a traditionally marginalized group although they might not themselves be marginalized on an individual level. It's restrictive because it restricts the individual's autonomy in conceptualizing their own identity.

as a woman or self-identifies as a member of a racial minority to be oppressed. Precisely because categories are in part always prescriptive and manifest themselves if they are normalized this seems to prescribe the oppression of those identified under this concept. This is problematic for two reasons: (1) it should be possible for a minority to exist and (collectively) self-identify as a (member of a) group without being oppressed. In fact, this is the goal of some constructivists in acknowledging current oppression, rather than erasing those groups entirely, they want to erase the oppression associated with those groups. Similarly, to essentialism it seems to (2) exclude mixed identities as well as those who might pass sometimes but not others as a member of a privileged racial group.[75]

Jenkins observes a similar problem regarding Haslanger's account of gender that she calls the Inclusion problem. Because on Haslanger's account, one is only a woman *iff* one is subordinated because of their being perceived as female, this according to Jenkins excludes transwomen from womanhood.[76] While Haslanger places an emphasis on the way womxn are treated externally by society, Jenkins points out that such an account cannot respect the way in which womxn, especially transwomen, view themselves and their identity as womxn. Having what Jenkins calls 'gender as class' (or applied to race 'race as class') as the target concept of our reconceptualization, limits those members of the group that are externally identified and treated as members. Those that are socially positioned as womxn or members of a certain racial group, are limited to their already marginalized position within society, because it's a normative requirement for membership. If they are no longer marginalized, they lose the continuity of what they might view as an essential part of their own identity. Marginalization figuring into group membership in this way also takes away authority over one's own individual identity or the formation of group concepts. If one ceases to be marginalized, they lose the continuity of their group identity even when they still identify as a member and other members are still marginalized. This further entrenches an already existing inequality. The goal of ameliorative inquiry is to combat the injustices individuals experience in virtue of their group membership. Hence, it seems counterproductive to disregard their own input into their own individual identity and the group concepts. Those affected by group concepts are marginalized in both the formation of these concepts as well as through the prevalence and nature of their use. If we fail to incorporate the self-identification of those externally put into those groups, we fail to combat historical injustice. Hence, an account that merely takes current marginalization into account seems problematic because it takes away agency and autonomy from those that have in the past been members of these groups or whose ancestors have been. It also conflicts, again, with the need for out-of-context control groups.

---

[75] Haslanger is happy with getting rid of oppression by getting rid of the groups that are oppressed in that sense. However, I think that group concepts to an extent have been reclaimed as something positive without endorsing the oppression that has caused them to exist in the way they do now. It is also a limitation on individuals and groups to determine their own conceptualization and disregards the importance of first personal authority. This would conflict with the desiderata I have set out in the previous chapter.

[76] (Jenkins, Amelioration and Inclusion: Gender Identity and the Concept of Woman, 2016, p. 400)

Further, an odd consequence of this is that privileged womxn or members of a racial group, who have individually never been socially subordinated, aren't a member of the group until they experience the first instance of marginalization. It might be the case that someone is raised in a gender-neutral or antiracist environment, free of stereotyping. They might self-identify as a member of a group, either now or will do so later and may not have had experienced being socially subordinated based on their external appearance. They might not have been externally identified a member within their immediate social circle, or their circle doesn't subordinate womxn within their (closed-off) environment (i.e. if you live in a progressive community and are shielded from other influences). A child raised in an environment where they themselves weren't aware of their membership but if asked would identify themselves as a member, may not have been subjected to racism despite the fact that they have been externally viewed as a member of that group. On Haslanger's account this would mean that those who have not been subjected to oppressive behaviour at all, because they have been sheltered from it in some way would not be members of the group, they consider their own if they stay sheltered. It wouldn't allow for "uncontroversial" cases of group membership to exist without them still being marginalized. There are members of gender and racial groups whose identity is seldomly questioned even from an external non-sympathetic perspective (i.e. TERFs). Even those members wouldn't be members if their membership is dependent on their marginalization. Having oppression as defining criterion for racial membership is equally problematic as it makes it essential to membership of a group that has been traditionally oppressed to stay oppressed. Hence, on Haslanger's view we should want minorities to stop existing, rather than for them to exist but end the associated oppression. This seems counterintuitive as it does not take anyone's view of themselves seriously. What the individual identifies as does not matter if they are not treated as a member of that group on Haslanger's account. That violates what we've set out in Chapter 1.

Others place more emphasis on the individual's ability to conceptualize their own experience, and that of the group. Someone who self-identifies as part of a group has a right to conceptualize their collective experience regardless of being externally identified or not.[77] Tuvel's account places great emphasis on self-identification in race and Jenkins does the same for gender.[78] Jenkins' account views gender as maps of norms that people view as relevant to themselves. It's based on Haslanger's account of race. She distinguishes between gender as class and gender as identity.[79] She argues that an ameliorative inquiry can have multiple target concepts, and that in addition to Haslanger's gender as class target concept, we also need to take seriously the self-identification of individuals (gender as identity). Her

---

[77] This can still be understood as a constructivist account, because the arguments here seem to be that for at least some groups we have collectively implicitly agreed to self-identification being a group-defining characteristic through the repeated use of the associated concepts in a manner that is consistent with taking self-identification seriously. (i.e., we have been taking self-identification seriously in gender for a while).

[78] Since considerations of space prevent me from going into both accounts here, I've chosen to elaborate on Jenkins account as I think it has more interesting practical applications (i.e. policy work).

[79] (Jenkins, Toward an Account of Gender Identity, 2018)

account is a form of pluralism as she argues that both concepts are equal but distinct. Extending her account to race means for an individual to perceive certain (racial) norms as relevant to themselves. This includes viewing colourism (the view that lighter skin is a sign of higher status and the pressure to use skin whitening products) as relevant to yourself, or pressure to not be too light skinned (where pride in one's dark skin has been an act of reclaiming agency). Jenkins's framework can distinguish between race as class and race as identity. The former is the external identification and treatment because of ones perceived identity that is similar to what Haslanger had outlined in terms of gender. The latter are the racial norms one perceives as relevant to themselves (i.e., one's self-identification as a member of a race).

An advantage over Haslanger's framework this account has, is that it views these target concepts as equally important. It recognizes the importance of taking the input of individuals on their own identity, as well as that of their group, seriously. It doesn't privilege the unjust social reality of oppression in influencing conceptualization of identities in the way that Haslanger seems to. Instead, by having two equally important target concepts that both point at something important (one the social reality of the oppression of marginalized groups and the other pointing at the way affected individuals do conceptualize themselves), Jenkins includes multiple perspectives, which make for a far more inclusive account.[80] Group concepts are interactive. Focusing only on one or the other consideration seems to disregard that those concepts need uptake in society without further entrenching biased concepts, and the associated oppression.

Further, Jenkins's account is less normative. She argues that group-membership consists of maps of norms one perceives as relevant to one's self and identity.  This doesn't mean every member has to adhere to all norms. It recognizes the current common usage of these concepts, without committing to the consequence of losing one's group membership when deviating from the norms of membership. Hence, this account is more inclusive of the varieties of identity within one group and allows for norm-deviation.[81] As I argued above Haslanger's account has difficulties with normativity and accounting for self-identification and variation. 'Women' are subjugated by definition. The same happens when it's applied to race. Fixing group membership on this criterion excludes many that self-identify and are externally identified as members. This undermines self-determination and the first personal authority desideratum. Jenkins' account of multiple target concepts is more inclusive. However, I will argue later that those concepts don't exist independently, and this is problematic because they can conflict.

---

[80] Of course, Haslanger might respond that the point is to get rid of oppression and exclusion of people from identity categories and the way to do this is by getting rid of these categories that are associated with marginalization. However, I think this is problematic for multiple reasons that I don't have to space to elaborate on here. It's important to mention that it seems by getting rid of those categories that traditionally are subjected to marginalization, those identity categories (e.g. men) that aren't associated with oppression aren't necessarily gotten rid of, since they exist without being oppressed. Because we want to eradicate oppressive treatment the groups that are oppressed disappear while those that aren't don't.

[81] I will elaborate on Jenkins later.

# 3. Gender

In this chapter I will lay out the general debate around the metaphysics of gender. This debate has a similar shape to the debate around race. As argued in Chapter 1, gender and race as group concepts seem prima facie structurally similar. Hence, I am adhering to a similar structure as in the previous chapter.

Much like accounts of race, the existing accounts of gender can roughly be grouped using Mallon's framework. Essentialist accounts (1) deny the gender-sex distinction completely.[82] Behavioral norms and practices that characterize gendered experience are a biological consequence of sex. This is equally as problematic as essentialist accounts of race. Sceptics about gender (2) believe that does not exist in the biological or social sense.[83] The third type of account in the literature around gender is constructivism. Gender categories are real in that people use them, and this has tangible consequences (i.e. policies are made using those concepts, people are treated in certain ways based on group-membership). Constructivists point at how and by whom gender is constructed and what grants one group-membership.[84]

## Essentialism

Essentialism about gender is the view that gender and sex are the same thing, and the terminology associated with those categories describe the same physically real phenomenon. Essentialists deny the sex-gender distinction, which is the view that sex is a seemingly natural phenomenon and gender its social manifestation.[85] The biological features of an individual person on this view, are what cause behaviors and dispositions. These are stereotypically associated with specific genders within a binary framework of gender concepts. These differences between 'men' and 'women' are argued to be the consequence of metabolic/biological differences between the sexes.[86] In the same way that the assumption

---

[82] "TERF is an acronym that stands for trans-exclusionary radical feminist. TERFs believe in a radical feminism that narrows down the definition of a woman to their birth sex. In doing so, TERFs negate transgender individuals' legitimacy in their self-identification and, specifically, deny transwomen access to women-only spaces." (Persio, 2018)
See also: (O'Brien, 2019)

[83] It seems that oftentimes gender and sex are conflated when sceptics speak about this. However, this isn't necessarily the case. There is room for the possibility that one might be a sceptic about gender, but not about sex: one might think we should not be using gender concepts but doesn't necessarily share the same theoretical framework for sex.

[84] In line with Mallon's criteria I am going to limit my discussion to these types of views. I exclude context sensitive views (e.g., Diaz Leon) because of the need for control groups of the same 'kind' outside of the individual context that a statement on gender is made in (Mallon, 2004). Context sensitivity might run into similar problems as pluralism about group concepts. For example, Jenkin's solution to the inclusion problem (see Chapter 4) and context sensitivity, are structurally alike as they involve multiple target concepts. However, a point within my account where context sensitivity might become relevant is in deciding the restrictive criteria. These are meant to consider how people actually use these concepts. This can differ depending on what group we talk about and in which context.

[85] (DeBeauvoir, 1972)

[86] (Sir Patrick Geddes, 1889)

of racialism in theories of race leads to racist generalizations and justification of racism, this view continues to be used to justify sexism in public discourse. 'Women', which is presupposed to mean 'biological females', on this theory have a different metabolic system than 'men'. This supposedly means that they also have different cognitive abilities, social inclinations, and ultimately moral value within society.

The supposed connection between the physical and social is used by self-proclaimed 'Gender critical' feminists to delegitimize the identities of trans* individuals, and their authority to determine their own identity.[87] This dismissal of people's genuine self-identification undermines first personal authority. TERFs often dismiss self-declarative statements, whilst some trans rights defenders tend argue that nothing else is needed for group-membership. Since people have privileged access to their own experiences (Bettcher, Trans Identities and First-Person Authority, 2009), it's odd to dismiss someone identifying as a member. Equally, it's problematic to dismiss the structural harms inflicted on those who have been externally identified as womxn and (mis)treated because of it. Hence, there is an inherent tension between self- and external identification.

Dismissing claims of self-identification is bad for two reasons: (1) it seems unwise from an epistemic point of view. It also (2) causes real harm to those whose authority over their identity and validity is being questioned.[88][89]
The epistemic problem is that the nature of qualitative experiences such as identity are uniquely accessible to the person experiencing them. This includes individual experience, one's relation to group identity and society. Someone with similar experiences might know the type of feeling that person is experiencing or have more empathy towards them. They might know more about the structure of those experiences. However, they can't *know* what it's *like* to have that unique experience of another's identity or group. The specific way they experience themselves and their identity isn't directly accessible to the external person. Regardless of how many attributes or similar experiences they share with them they aren't the one qualitatively experiencing this identity. This applies to group-specific experience and collective identity, too. Non-members can't intimately know the nature of the group or its experience. Hence, it seems unwise to dismiss claims of self-identification from an external perspective.[90] Biological determinism with its fixed criteria doesn't allow for self-

---

[87] What TERFs seem to be criticizing are cases of oppressor to oppressed transition (OTOT). For instance, In (Overall, 2004) one of the points of criticism of trans* identities is in OTOT: transitioning may seem like a further violation by someone who, in virtue of being assigned a privileged group at birth, seems to be in a less precarious social position than the cis members of the group they;re transitioning to. This criticism, according to Overall, does not apply where someone is transitioning away from an oppressed group, as this could be done as a reaction to the inequalities oppressed groups face.

[88] (Jenkins, Amelioration and Inclusion: Gender Identity and the Concept of Woman, 2016) treats this as an assumption. Hence, I will be too.

[89] The harm of telling someone they aren't a member on a personal level might be worse personal relationships and undermined confidence. Gatekeeping on a policy level also results in physical harm. (E.g. Transwomen being kept out of womxn's shelters results in harm as it exposes them to even more violence.)

[90] External to both the group and the individual. If one is part of the group they still don't know what and how the person experiences.

identification. Hence, it's epistemically problematic.

However, opponents might counter that trans* experience is transformative, and self-identification doesn't play a role as it can be present prior to the required experience. A transformative experience is one where one cannot know, before having the specific experience, what it is going to be like to go through this change or to have gone through this change. Someone who self-identifies but hasn't had so-called reassignment surgery or is not externally perceived as womxn has, according to TERFs, not had the requisite physical or social experience of being a womxn. Hence, they aren't one. This ties into essentialism as it fixes group-membership on physically observable criteria. Often these are biological one's (e.g. hormone treatment, surgery). Essentialism about sex and gender, much like about race, is scientifically inaccurate.[91] However, even when some of these "biological" criteria are met through treatment, those that use them to deny transwomen's reality, and the individual need for readjustment still deny them their status as womxn. Even then, the argument seems to be that the qualitative experience isn't the same as one of a ciswoman who's always been identified as such. The essentialists both rely on supposed biological criteria and experience, it seems. This is hypocritical and doesn't fit with the essentialist framework that anyone who shares these criteria is in fact a womxn. Hence, the essentialists argument against self-identification seems ill-fated, and a diversion from the premises of their own view. The argument, if anything, shows that one can't become cis. It doesn't show one can't become a womxn.[92] The argument relies heavily on a type of essentialism that we know not be true.

However, the claim that one can become a ciswoman isn't one that is typically made. The claim is that those who self-identify as such are womxn and neither cis nor transwomen hold authority over this identity. It's not merely wanting to be in a socially disempowered position. It's not inconsistent for a ciswoman to never having been individually subjected to gender-based oppression and still be a womxn. Neither is it inconsistent for a transwoman to not have been subjected to this pre or post presenting as womxn. Were there no power imbalances and no specific group disempowered, a ciswoman could still be seen as a womxn, and retain her sense of identity without appealing to fixed essentialist biological criteria or to a disempowered position.[93] Even if the essentialist could make this argument within their framework, the epistemic objection to self-identification doesn't work because the experiences of womxn are not homogenous. Some experience oppression directly or systematically, and some might not. The lack of knowledge of what being a woman will be like pre-transition cannot be a reason to dismiss self-identification, since it is not conceptually necessary for an individual to experience gender-based oppression in order to qualify as a woman. The essentialists appeal to experience based on biologically fixed criteria doesn't work. However, it again shows the tension between self-identification and external identification. The challenge is to balance the need to respect the privileged access of people

---

[91] Sex and gender both exist on a spectrum.
[92] Else this would also have to apply to children who don't externally present as a specific sex in a social setting,
[93] This is where I disagree with Haslanger.

to their own experience and retain a workable concept that acknowledges the role of external viewpoints.[94]

---

[94] This is akin to what metasemantic externalists (ME) argue. I don't have the space to defend this view here, but I recognize there's a debate if ME justifies ameliorative projects or makes them impossible.

## Scepticism

As argued previously race and gender have a prima facie similar structure. Hence, the framework of skepticism applies here too. There are two possibilities for sceptics: Skepticism about sex/gender is (1) the view that gender as a social phenomenon is not real. If everyone rationally agreed with gender not being biologically real, the use of these terms would decrease, and everyone should agree that it's not real. Secondly, skepticism might also be the view that (2) even sex as a biological category isn't biologically essential. This important , because (1) leaves open a theoretical debate about concepts of sex and hence trans* issues that are of a non-social nature. For brevity's sake, I assume sceptics hold view (2).

Skepticism recognizes the partial performativity of gender, and the changeability of behaviors associated with it. This is because they're not 'real' naturalistic categories. If a category isn't 'real', it makes sense that behaviours associated with it are relatively changeable, because they're arbitrary. Under scepticism these terms don't mean anything. Behaviours wrongly associated with them are hence changeable because people's associations with a non-existent category are equally random.  At the face of it this seems positive as it allows for the variation of gender expression previously mentioned.

Skepticism is an anti-essentialist view of identity categories. Naturalism adheres to a binary framework. Biological and social realities must be directly linked. Contrary to this, skepticism can recognize that people whose identities aren't captured under naturalism do view themselves in these (falsely used) terms. It recognizes the deviation from the paradigm since it does not privilege the paradigm cases of cis people. Again, this seems a step up from naturalism. However, skeptics don't believe those identities to carry any validity. They can don't privilege cis identities because they believe the underlying framework to be nonsensical.

As these examples show, manifestations or performance of those excluded by an essentialist framework can exist under skepticism. Behaviors and manifestations don't pose a threat to the framework. The legitimacy of gender expression or associated behavior isn't undermined. They merely are wrongly associated with membership of a nonexistent group.

Upshots of skepticism include: it allows for deviation from paradigm gender-expression, which seems to legitimize non-binary and non-conforming people. There is no moral reprimand of the actions we see as gendered, built into the account itself. Since, no one can be a member of a non-existing group, there can be no normativity attached to membership of said non-group. The behaviors just cannot be gendered behaviors. Still behaviors associated with gender and deviations from norms, are not a problem in the same way they are for the naturalist. The advantage over naturalism is that while gendered behaviors are not directly conceptualized, they are also not entirely erased from the theoretical conceptualization of these kinds of social groups, because the existence of the actual behavior does not pose a threat to the framework of skepticism.

This apparent advantage of skepticism over essentialism with respect to privileging the interests of one group over another, however, also comes with a drawback. While skepticism about gender categories does not privilege any view of what gender is or might be over

another view, that is because it takes neither view seriously at all. For the sceptic gender isn't real in *any* meaningful way. Hence, the apparent advantage of fairness between opposing views this theory has is just a way of avoiding answering the question of what gender is altogether. Rather than merely falsely erasing the views of trans* people as essentialism does, it delegitimizes both cis and trans* identities, as well as genderqueer identities. If there is no such thing as gender , there can be no cis, trans* or queer identities.

This is problematic, again, because these identities are ones that people take themselves to have. There are consequences of (taking oneself as) having any identity. Gender-based violence and oppression are part of the collective experience of people who identify within those groups. Merely denying these concepts doesn't erase the associated exclusion members experience. As I have argued in Chapter One it's imperative for an account of any group to explain and include the experiences of its members. People experience themselves as members or non-members of groups. An account of gender or any group should be able to accommodate that. Failing to do so, much like essentialism, undermines first personal authority.

While skepticism initially has an advantage over essentialism, it's divorced of the lived reality of individual people, and isn't useful in addressing the issues of gender equality (e.g. gender-based violence, policies around access to gender specific places).[95] While there might be other arguments in favor of skepticism,  I agree with Mallon (2004) that such accounts of social groups need to be anchored in reality. This includes social reality. Skeptics argue these concepts lack biological foundation and hence don't describe anything "real". Ignoring their influence on this social reality, skeptics argue we should stop using them altogether. This is the fundamental difference between the skeptics' framework constructivism, which I will describe next.

We have seen that there is a need for a concept to be usable as well as incorporate ameliorative goals. Both usability and amending concepts are important in working toward genuine equality.[96] Skepticism seems to be unable to achieve either of these since in denying

---

[95] Gender-specific spaces are a protection mechanism for those of marginalized genders. Womxn's crisis centres protect womxn from domestic violence and further harm. They also serve to mitigate these harms. Rape crisis centres are an essential resource in processing these traumatic events. The reason these spaces are often gender-specific places is that this is necessary for them to fulfil their function. The reason given by many for not allowing transwomen into womxn's only spaces (especially in the case of rape crisis centres) is that some transwomen may present as male. Their perception as such might impact recovery of cis victims, or so the argument goes. They place great emphasis on external identification, since the cis victim's reaction might be based in bias based on it. While the victims themselves might not form a moral judgement their "knee-jerk" reaction might be negative to male presenting transwomen. The argument is that despite this bias the function of the space is to make them feel safe, which according to TERFs might not be possible if transwomen are in these spaces.
However, transwomen -who are even more likely to be victims of violence- have the same right to protection from harm. Women's centres also have a responsibility to protect them from direct and indirect harms. In addition to there being an equal interest that needs protecting, we must consider the harm done by delegitimizing self-identification. While a single instance of this might not cause harm (although given the context it likely does), the cumulation of such acts results in a sense of insecurity for individuals and the group. It also increases the cases where harm is directly linked to being turned away from a crisis centre.

[96] It might even be that they are amended multiple times and the end goal might be the same as the eliminitavist's. However, scepticism takes neither perspective seriously.

the social reality of these gendered experiences it denies both, cis and trans* identities. Hence, while it does not privilege either type of identity, it also does not account for neither trans* nor cis identities, as it denies the validity of the foundation of both.

## Constructivism

Constructivism about gender/sex broadly speaking is the view that gender isn't biologically essential, but that those categories are socially constructed. Because we use gender/sex to categorize people and divide them, there are social manifestations culturally entrenched over time. These manifestations can seem like natural differences. The way we use these categories and how we understand our own identity within their context also has real consequences on an individual and collective level. Gender and sex are real, not as biological categories, but in virtue of their effect on people who are categorized in them. Because they are real and in fact used within society, constructivists think these categories are social constructed within our community through the way they're used and associated with certain practices. Butler famously writes that "Gender reality is performative which means, quite simply, that it is real only to the extent that it is performed".[97] The way people experience their identity as any gender is both a result of the way gender has been understood in the past, and an act of concept construction itself. These categories are constructed interactively by the people that use them. They might construct the category to pick out social positioning or other traits that "unify" individuals into members of a group.

This marks an important difference to skepticism. Sceptics don't view the existence of these group concepts or the consequences of their use, as metaphysically legitimate. According to them the oppressive consequences of the social reality of these concepts is morally reprehensible but can't be a result of their metaphysical framework, because there isn't one. The skeptic can acknowledge the existence of these consequences, but not as consequences of a socially constructed category.

 Different constructivists point at different things in society that make an individual a member of an identity group. Haslanger points at social positioning (including external identification), and Butler at socialization as ''female' that leads to certain performative behaviors associated with and in a way constitutive of one's gender.[98]

Haslanger writes:

> *"S is a woman iff (i) S is regularly and for the most part observed or imagined to have certain bodily features presumed to be evidence of a female's biological role in reproduction; (ii) that S has these features marks S within the dominant ideology of S's society as someone who ought to occupy certain kinds of social position that are in fact subordinate (and so motivates and justifies S's occupying such a position); and (iii) the fact that S satisfies (I) and (ii) plays a role in S's systematic subordination, that is, along some dimension,S 's social position is oppressive, and S's satisfying (i) and (ii) plays a role in that dimension of subordination."* [99]

---

[97] (Butler, 1990)
[98] (Butler, 1990)
[99] (Haslanger, Resisting Reality: Social Construction and Social Critique, 2012)

Certain repeated behaviours, or one's gendered disempowerment within society as a whole are what make one a womxn.

Both, Haslanger and Butler put the power -and hence the normativity inherent in group concepts- in the hands of others. Members are defined in relation to those outside of the group rather than within and by themselves. This takes away agency from individuals and cumulates to a disempowerment of the whole group within concept formation. A constructivist account emphasizing social positioning or externally identified behavior that expresses one's gender (rather than define it), gives us a definition that is heavily biased against those inhabiting those identities.

This is bad from both an epistemic and an ethical point of view.
Bettcher's analysis of FPA suggest that people are usually in a better epistemic position to conceptualize their own identity.[100] Those who experience an identity are in a better position to tell us what it's like to do so, and what their identity consists of. Hence, including members' views of themselves and their group is epistemically advantageous.
Ethically, marginalized groups have already been subjected to excluding and oppressive treatment, in concept formation and life as a group-member. The privileging of externally defining these groups should at least not be perpetuated in an account.

However, recognizing the ethical and epistemic considerations, there are reasons to go further than that. As we've addressed before it's important to include political goals like redistributing conceptual power in metaphysical accounts of identity groups. Groups have a better way of understanding themselves than outsiders do. Often members of marginalized groups understand their group experience to include oppression but don't view oppression as something necessary or sufficient to be a member. There are members that self-identify as such and, on an individual level, don't experience oppression.

Haslanger disagrees with this approach. On her account, to be a womxn one must be socially marginalized, and consequently we should work towards the nonexistence of women. I agree with her that the social consequences of how these categories are presently constructed (like sexism and racism) are what should be our primary focus. However, this doesn't mean that we should 'get rid of wom[x]n' by building subjugation into what it means to be a womxn. Stone observes this consequence of Haslanger's view:

> "[A]ny woman who challenges her subordinate status must by definition be challenging her status as a woman, even if she does not intend to […] positive change to our gender norms would involve getting rid of the (necessarily subordinate) feminine gender."[101]

Haslanger wants the mistreatment of womxn to end by eradicating womxn as socially subordinate people. However, being a womxn has historically been important in the fight for

---

[100] (Bettcher, Trans Identities and First-Person Authority, 2009) (Bettcher, Trans Identities and First-Person Authority, 2009)
[101] (Stone 2007, 160)

womxn's rights as womxn. They understood themselves as womxn, but as womxn who deserved equal rights. Beyond the collective identification, a womxn's identity as such is personally important to many even in situations where they don't experience oppression. Womxn's social situatedness has changed and differs in each culture and context. Excluding this collective history and individual importance of identity doesn't help eradicating the marginalizing experiences womxn have and undermines their understanding of themselves. This further marginalizes them. Hence, in addition to Stone's that the norms of femininity aren't consistent over time and across cultures, building subjugation into an account takes the autonomy from those amelioration is meant to benefit. In failing to consider the imbalanced structures of concept formation, Haslanger's account doesn't return power to the marginalized, but discounts their autonomy.[102]

Other constructivists place more emphasis on self-identification. Both Jenkins and Tuvel point at the importance of self-identification. Self-identification is controversial as it's argued ,in popular discourse, to overemphasize individual agency. This disregards the interactivity inherent in socially constructed categories and risks making membership entirely arbitrary. The argument is that if only self-identification matters anyone can identify as a group-member. If only one's state of mind about one's group-membership or declaration thereof matters, this leaves room open for delusion, mistakes, or even impulse to figure into group-membership. This would make membership arbitrary and variable.[103] For the same reasons self-identification as a sole criterion, might -like skepticism- disregard socio-political realities affecting those that get externally identified as members.

I hope to have shown in the past few chapters that there are certain things we must keep in mind when building a framework for an account of group membership. Due to the limitations of essentialism and skepticism, social constructivism seems our best option for both race and gender.
We've seen that accounts that center subjugation, while incorporating political goals, fail to give authority over their own identity to individuals and groups. However, self-identification prima facie has its own problems. Tuvel and Jenkins both write about this. I lack the space to go further into Tuvel's account but will explore Jenkins' 'inclusion problem' to illuminate what self-identification is, why we must include it and how. Jenkins, similarly to what we've found in Chapter 1, argues that the interactive nature of social concepts warrants inclusivity.

---

[102] This may seem like circular reasoning on behalf of those that are self-identifying as members of a group. It assumes that self-identification has influence on their group-membership, thus presupposing their membership. However, there are two reasons why this isn't the case: ( 1) It is not circular, because self-identification isn't or might not be the only thing that matters in membership as will become apparent in subsequent chapters;  (2) even if it was circular, arguing the opposite would be circular reasoning on behalf of out-of-group users. They would be making assumptions about group-membership themselves without further justifying them, privileging their perspective in the process. Since I think there are independent ethical and epistemic reasons to take self-identification more seriously than is currently the case, these would still be present if this were circular reasoning.
[103] This is based on a simplistic view of self-identification.

## 4. The Inclusion Problem

### What is the inclusion problem?

Jenkins' inclusion problem is a way of formulating the need for accounts of social groups to include a plurality of identities.[104] Jenkins argues we must respect self-identifications because failing to do so would constitute a serious harm.[105] This premise seems controversial to so-called trans* exclusionary radical feminists who argue that womxn are "biological females".[106] In contrast, inclusive accounts, like Jenkins', treat the premise as foundational.

I agree that respecting people's own views of their identity is essential to any project dealing with social identity groups.[107] Doing otherwise undermines FPA and is, both epistemically and ethically, problematic. This can be expanded to the collective. Many of those externally and self-identified as womxn include transwomen in their use of words like "women", "womxn" or "womyn". Not including a significant number of concept users that use this concept in a specific way (i.e., to include transwomen in womxn) seems to make the concept biased in favor of those that use it another way (i.e., to exclude transwomen).

Jenkins treats the respect for self-identification and FPA as foundational. She grounds its necessity in the potential harm to trans* individuals, but doesn't justify it further.[108] My goal in this chapter is to lay out why this assumption is justified. I will argue that, beyond the capacity to actively harm transwomen by excluding them, it's also epistemically bad to do so. What might justify the need for the inclusion of self-identification is what Bettcher calls first personal authority (FPA)[109] While I agree that self-identification must be discusses in order to arrive at a fair and usable concept of gender, I recognize that the disagreement within feminist spaces is more fundamental than just how to include self-identification. It's important to justify why we must do so in the first place.[110]

---

[104] If there's a prima facie value in the analogy between race and gender, this means the inclusion problem also might apply to race. I have previously stated the analogy isn't obviously false. I will argue that where the analogy breaks down is because they have different restrictive criteria. At this stage what is being said about the inclusion problem here can also be applied to race as a group concept.

[105] (Jenkins, Amelioration and Inclusion: Gender Identity and the Concept of Woman, 2016)

[106] Although this notion is in itself problematic. I lack the space to elaborate.

[107] Individuals tend to have privileged access to their own experience and hence conceptualization of their identity experience. However, I lack the space to go into FPA in great detail. There is a vast literature on this, but my overall focus here is the tension between the consequences of FPA and external identification.

[108] There's an ethical argument to be made why we shouldn't have to justify premises like this. For considerations of space I can't elaborate on this.

[109] (Bettcher, Trans Identities and First-Person Authority, 2009) (Bettcher, Evil Deceivers and Make-Believers: On Transphobic Violence and the Politics of Illusion, 2007), (Bettcher, Trans Identities and First-Person Authority, 2009)

[110] e.g., TERFs don't agree that it should be included.

In order to understand why FPA gives us reasons to include self-identification into an account of group-membership we need to understand what it is.

Bettcher advocates for *ethical* FPA. This is the argument that a trans* person has the right to self-identify for reasons of personal autonomy. Much like I have argued earlier, Bettcher thinks that the ethical consideration of autonomy of the individual over their own identity is what warrants the inclusion of self-identification. Because the individual must be given the same consideration as everyone else, we must include what they take to be their identity into how their identity is constructed.

*Bettcher however rejects epistemic FPA due to the possibilities like self-deception and lying.* *Epistemic* FPA is the view that, in virtue of being themselves, individuals have an advantage in knowing their own attitudes, beliefs and facts about themselves. Bettcher rejects epistemic FPA due to the possibilities like self-deception and lying. She argues that this might be an empirical question and cannot be decided a priori.

> *"In my view, FPA over attitudinal states is not constituted by a serious epistemic advantage in the way here supposed; rather, it is ultimately a kind of ethical authority. My argument is based on a dilemma: either epistemic accounts of FPA in attitudinal cases must make a claim about epistemic advantage that is not true a priori, or they must make a weaker epistemic claim and thereby fail to account for the actual phenomenon of FPA."[111]*

I agree with Bettcher that FPA has an important ethical component that is based on personal autonomy and the right to personal privacy. However, I think there most likely is an epistemic component to this.[112] This will become apparent later when I distinguish between self-identification and self-declaration.[113]  The focus here isn't to discuss FPA itself, its nature or which type of FPA has merit. For now, we focus on the need for inclusion of self-identification that stems from FPA.

Ethical FPA understands respect for personal autonomy to justify the need for an individual's self-conceptualization to be recognized. Denying someone this autonomy to have a say into who they fundamentally are is an infringement on their right to personal autonomy. Thus, it constitutes a harm. Self-identification is an instance of ethical FPA. In not incorporating self-ID the individual's right to conceptualize themselves is infringed upon. They are actively

---

[111] (Bettcher, Trans Identities and First-Person Authority, 2009, p. 100) (Bettcher, Trans Identities and First-Person Authority, 2009)

[112] This component might be empirical still. However, I think it's important to include it here regardless.

[113] (Bettcher, Trans Identities and First-Person Authority, 2009, p. 110) does not seem to have a clear distinction between the two. "The background reasons for acting also inform how the success of the **self-identification** is to be assessed. 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. This can be assessed through the conformity between the person's overall intelligibility-conferring narrative with their overall pattern of actions." [emphasis added]. This suggests that she conflates self-identification with category-claiming ( self-declaration).

harmed in a direct and indirect way. The direct harm comes from the lack of access they suffer as a result of their self-ID not being respected, which can be physical. The indirect harm comes from being deemed not competent enough to know facts about oneself. This is an instance of gaslighting and undermines their confidence. Hence, this is mentally harmful. It's indirect, because one instance may not cause harm. A systemic exclusion of self-identification, however, likely does. This is what Jenkins presumably means by treating self-identification as foundational due to the potential harm not including it could cause.

From an epistemic point of view the harm seems more obvious and direct. An individual or group that has an experience is in a better position to comment on its qualitative nature. Disregarding self-identification then prevents us from having a concept incorporates the nature of the experience itself. If that's the case self-identification must be included. Bettcher rejects epistemic FPA due to the possibilities of delusion and lying. We will see later that self-identification isn't affected by the latter since it's an internal attitude.

The former applied to self-identification, especially in the context of transwomen, seems problematic. One, delusion or self-deception on something fundamental such as one's own identity don't seem to be common generally. People often deceive themselves about smaller things (i.e., who won a particular fight, who's a more talented painter). When they deceive themselves or are deluded about their own identity this isn't considered normal (i.e., thinking you're Napoleon, forgetting your own name, believing in conspiracies) and is more likely tied to mental health crises. Hence, the question why self-identification would give an epistemic advantage isn't empirical as Bettcher suggests. The one why it wouldn't seem to be what needs empirical justification as these cases are generally very rare.

Secondly, precisely because of the rarity of such cases it's problematic to argue against self-identification using self-deception. Self-ID comes up when arguing for transwomen's access to womxn's spaces. Not acknowledging epistemic FPA because of delusion and hence questioning self-ID, seems to suggest that there is a higher risk for delusion in cases where self-ID is often discussed. This seems a slippery slope to classing transwomen as more likely to be incompetent about classifying their experience. Considering the rarity of self-delusion about identity generally, suggesting this in this context suggests that transwomen are more likely to be suffering from delusion. I'm not aware of any data that would prove this, and this slippery slope seems highly problematic. Hence, the rarity of what Bettcher is worried about and considering the context, epistemic FPA doesn't seem unlikely either providing further support for the inclusion of self-ID.

There are also reasons to include self-identification that are tied to the considerations discussed in chapter one. General considerations for social group-membership may arise from a specific topic within the general discourse. Self-identification is one of these topics. It's widely debated regarding gender and race. In discussions on the former, many activists

see it as uncontroversial to acknowledge self-identification. However, it's controversial to include self-identification in an account of race.[114]

One thing we've previously talked about is **workability**. The concept itself must be constructed in such a way that its use and understanding can be maximized. Linguistic influence from sides that disagree with each other or emphasize different things must be balanced.[115]  That is because we must balance the need for understanding with the need for "amelioration".  The "original" concept is usually in mainstream use and hence this must inform the account in order for there to be willingness in the general population to use the "new" concept.

I don't take this project to be about amelioration or conceptual engineering, but about redistributing conceptual power to where it should've been in the first place. Hence, we're not 'changing' the concept. For the sake of simplicity, I use "amelioration" as change in recognized meaning and use should occur, but not a change in actual meaning.

The "original" concept is deeply entrenched in society but has often been constructed on false assumptions and from an external perspective. Gender, for example, was long presumed by (at the time predominantly male) to be coextensive with sex, biologically determined and associated with certain "feminine" traits. Those that were externally put in those categories but were not part of the initial concept construction were harmed by their exclusion as we've seen in the paragraphs above. Conceptual power should be re-distributed to them by including their view of themselves. The meaning of the "original" isn't changed but is restored to what it should have been if ethical and epistemic considerations had been weighed properly.[116] Hence, self-identification must be included in such a redistributive account as it rebalances the constructive process.

Not including self-identification causes harm. It alienates and excludes the perspective of numerous concept users. When self-identification is not incorporated those that should be described by the concept under a constructivist account are excluded. As we've seen from the discussion on Haslanger some constructive accounts don't include even those that fall under this "original" concept that caused the associations with gender in the first place. Not all womxn are subjugated and certainly not all ciswomen are individually oppressed. They still view the norms associated with being a womxn as relevant to them and self-identify as such. Hence, self-identification helps us ensure that those that use the concept in the mainstream "original" way still understand the concept as number of those they identified externally are still included in the concept. Hence, an element of external identification is still part of the

---

[114] E.g., the initial backlash to (Tuvel, 2017). There are problems with Tuvel's account see: (Weinberg, 2017). However, self-identification is just one of them.

[115] (Ball, forthcoming) suggests that the way to do this is to be maximally inclusive in concept formation as the restrictive meaning (womxn as ciswomen) isn't lost by "expanding" the concept to include transwomen.

[116] Of course, excluded groups are not homogenous and if they were to be weighted proportionally there is a risk of a Millian tyranny of the majority even within the excluded group (i.e., women, power dynamics within racial groups).

account. The "original" concept was built on external authority. Self-identification helps balance the need for uptake with the need for amelioration as it "preserves" something from the older narrower concept restores the meaning to be more inclusive.[117]


Tying into the need to ensure maximal uptake of the "ameliorative" concept by including self-ID, the risk of **verbal disagreements** is another reason to do so.

The "original" concept must have enough overlap with the "new" one to ensure a partial consistency with the use of it from both sides of the spectrum: those who only see the "original" as valid and those who think self-ID plays the biggest if not only role.

Transwomen are womxn and self-identify that way. Their use of the concept of womxn and that of many others includes self-ID.[118] The concept use based on the mistaken assumptions of the "original" concept doesn't include self-ID. Hence, the inclusive "revised" concept might be describing a different referent than the "original". If we have a constructivist account that centers subjugation in an ameliorative project, for example, it seems that those who would be womxn under the original concept don't all make it to the new one, because some of them are no longer oppressed.[119] It seems that without including self-ID there would be significant tension between users of the "old" misguided concept and the "new" one. If ciswomen aren't included in the new concept this could lead to verbal disagreements when the concept of womxnhood is discussed. For instance, in a policy context the "old" concept doesn't necessarily refer to the same people as the revised one. A concept resulting from a revisionary project might refer to a different demographic.[120] This can lead to verbal disagreements when discussing policies that might affect the referents of such concepts. It can also lead to verbal disagreements in more day-to-day contexts.

The reason this is bad seems obvious: in order to have effective and targeted policies, we need to know who we're making policy for. If we don't know whose interests must be protected, we can't make a start on how to protect their interests. Supposedly substantive argument between those that use the term in different ways not being substantive at all. Positions on policy that seem to substantively disagree can then be said to talk past each other.

---

[117] Additionally, recognizing the self-identification of non-oppressed ciswomen ensures we have a control group to compare the historical situation of womxn to today's standards. Mallon (2004) argues that this is needed to make comparative statements about the social situatedness of a group.

[118] See accounts like (Jenkins, Toward an Account of Gender Identity, 2018) and (Tuvel, 2017).

[119] We don't want those that don't want to be included there to make it into the new one of course. Transmen are often still viewed as womxn under the "original" concept. However, considering the proposed solution is self-ID they won't be included.

[120] Of course, it's the point of a revisionary project to change the referent as well. However, this is only to a degree since there is a difference between changing the meaning of the term 'apple' and still talk about the same concept and changing it to what we usually describe as strawberries. In the same way a concept of 'woman' shouldn't include cis or transmen or exclude cis or transwomen.

What including self-ID can do even in an account where subjugation is recognized is bridge the gap between the misguided "old" concept and the new one. If subjugation or other group-specific experiences figure into the continued construction of a group, self-ID ensures that these experiences don't become "essential" to membership. We've already argued that non-oppressed womxn should still be group members. Self-identification can ensure that they aren't excluded from something central to their self-conception or have their autonomy undermined. This can reduce the verbal disagreement as it is inclusive of both a potential revised concept, as well as the "old" one. It might be that the "old" concept includes womxn who are no longer oppressed, and the new one has a focus on explaining and combatting oppression. If that's the case, including self-ID can both include a great majority of those that fall under the "old" concept while also including those that are socially positioned as womxn and identify that way, thereby respecting FPA.

We've already seen that a concept in order to be useful needs uptake in the general linguistic community. This doesn't just mean avoiding alienating users of the old concept by including who they refer to in the "new" concept. It also means including those who center the importance of self-identification. Excluding self-ID would risk substantive disagreements being non-substantive as it would alienate users who have a revised concept in mind. Disregarding the way in which a significant number of language users define a concept leads to verbal disagreements in situations where it matters who is picked out by a concept. [121] Again, if users of the "old" concept think policy X applies to the demographic they pick out in their use, and users of the revised one don't think of the exact same referent, there may be verbal rather than substantive disagreement on the policy in question. Policy that's written with Haslanger's definition of womxn in mind might protect interests of those affected by gender-based violence, for instance. However, it seems to fail to preventatively protect those who haven't (yet) been affected themselves. Some womxn benefit from other privileges including class and race. Within their context their risk of being exposed to a specific threat (e.g., job discrimination) might be low. Just being inclusive of one definition ignores the need for preventative policy protection.

Similarly, the problem of uptake exists for the multiple equally important target concepts Jenkins suggests. These concepts are equally important but applicable in different contexts. This creates a similar dynamic as the verbal disagreement. If the "old" concept is used in policy context X, those who understand the policy to be about the revised concept are going to understand those affected by the policy to be a different demographic. Alternatively, they won't feel represented in concept and policy formation, which can mean they're unlikely to

---

[121] (Ball, forthcoming) makes a similar point. The importance all these highlights is the balance of ('metasemantic') input. Social concepts (regardless of us thinking of them as linguistic phenomena or metaphysical categories) in order to be just, balanced and epistemically defensible must have stipulative input from various interest groups. This is not to say that any type of input necessarily is weighed equally to another type of input (considering both ethical and epistemic FPA in-group perspectives might warrant heavier weighting). However, to arrive at a concept that is usable and just, input from those that disagree on the meaning of such terms is required.

accept the use of that particular target concept in that context or the policy attached to it. Avoiding verbal disagreement by including self-ID can make sure users of both "old" and "new" concepts feel included because the interests of those they're looking to protect through policy are protected. If an inclusive concept does the political job it's supposed to do for most users of the concept, this reduces verbal disagreement and increases concept uptake. A maximally inclusive concept ensures policy decisions are easily understood and implemented by a broad spectrum of people.[122]

What I hope to have shown here is that Jenkins is justified in her assumption that a diverse group of identities should be included in the concept formation of social groups. Self-identification makes sure this happens. Not including self-identification risks verbal disagreement, which would render debates about specific concepts and policies futile. In addition to this, concepts need to be workable and usable for the general population and hence in the case of social concepts like race and gender need to balance "old" concepts and revised ones. Even if the "old" concept is based on wrong assumptions about biological essentialism, for the concept to be workable there must be enough overlap between the old and new concept to receive uptake.

## Inclusion and Amelioration

In addition to the aforementioned reasons it's important to take into account what type of project it is that we are doing. This might influence the need and reasons to include self-identification in an account of group-membership.

One option is for the project to be descriptive. If we aim for this, we're either describing what the concept substantively describes (e.g., some metaphysical reality that stays the way it is) or its most common use within the general language community (even if it is not used in ways consistent with what it substantively describes). An issue for descriptive projects is that they might be underpinned by essentialism. Whatever concept ends up being the one most commonly used often attaches the meaning to some sort of fixed characteristic. Hence, usage focused descriptive projects seem to be vulnerable to similar counterarguments as essentialism. As we have previously seen this doesn't allow for self-identification and can be problematic for race and gender concepts.

Descriptive projects that describe common usage seem to have a problem with arbitrariness. When there are multiple but distinct common uses of the same concept, it seems arbitrary to choose among them. Given that concepts might change over time and vary across contexts, randomly choosing among equally common but distinct concept uses seems arbitrary. It seems this would not allow for self-ID, since it doesn't seem to be the case that a concept use

---

[122] Of course, there's a question on which viewpoints get taken into consideration. There could be an infinite number of ways in which concepts are understood. However, this is outside the scope of this

that only allows for self-ID would be one of the most common ones when we look at an entire linguistic community.

I don't have the space here to discuss descriptive projects in more detail. However, I do think there are arguments to include self-identification in a descriptive project, due to considerations of space I will be focusing on ameliorative projects here.[123]

Including self-identification and a variety of identities within concepts of social groups within the context of an ameliorative project is important for several reasons. One reason is that amelioration is motivated by the need to have a concept that advances a political end such as gender and racial equality.[124].

## Jenkins' solution to the inclusion problem

The inclusion problem points at why we should include self-identification into an account of group-membership (specifically gender). However, what still needs to be talked about is the how. Given that self-identification needs to be included somehow and given the wide variety of 'opinions' on what group concepts like race or gender mean: How are we going to include all of these perspectives into an account of race or gender? Jenkins' solution to the inclusion problem is multiple equally weighed target concepts.[125] She proposes as a solution the formulation of multiple target concepts of gender that might be used for different political purposes.[126] This seemingly retains what is positive about a Haslanger type of account, namely the political motivation of these type of projects. The thought seems to be that of providing a more nuanced picture of what is needed in any given specific policy debate. Different debates affect different individuals that are picked out by one of the target concepts that Jenkins talks about. Regarding the inclusion problem, this means that this account includes transwomen in some definitions of 'womxn', but that may not always be the case. Jenkins distinguishes between gender as class and gender as identity.[127]

---

[123] I think that rather than 'changing meanings' of concepts what these projects do is restoring meaning to what it should have been and redistributing influence over concept formation to groups that are affected by them and have not been taken into account in the making of these concepts. However, for my purposes here it is enough to say that they are ameliorative in the sense that there is some sort of change involved, be that meaning change or change in societal acceptance of the influence of marginalized people over their own collective self-conceptualization.

[124] (Haslanger, Gender and race: (What) are they? (What) do we want them to be?, 2000)

[125] Another solution might be context dependence (Diaz-Leon, 2016)

[126] For the purposes of this dissertation, I will assume that this can be extended to race concepts.

[127] *"I use the term 'gender as class' to refer to the way that gendered subject positions are defined by dominant ideology and the term 'gender as identity' to refer to the way that gendered subject positions are taken up by individuals."* (Jenkins, Amelioration and Inclusion: Gender Identity and the Concept of Woman, 2016)

*"This revised definition allows for the possibility that it may turn out to be the case that no single concept can, by itself, meet all of the legitimate purposes. An ameliorative inquiry may, on this understanding, arrive at two or more distinct but equally important concepts. Such an inquiry can be thought of as taking a 'branching' route, starting with one set of goals but arriving at multiple target concepts. In saying that feminism needs both senses of gender, then, I am saying that the ameliorative inquiry in fact branches so as to deliver the twin target concepts being classed as a woman and having a female gender identity, both of which deserve equal status within feminist theory. Where does this leave us with regard to respecting trans women's gender identifications? As argued above, my definition of gender identity entails that all trans women have a female gender identity. By contrast, however, my definition of gender as class, since it is based on Haslanger's target concept of gender, does not categorize all trans women as women."[128]*

This shows that Jenkins' solution to the inclusion problem can accommodate some of the considerations that I have set out in previous chapters. It takes into account that different people have different perspectives on these concepts, and those should all be adequately included. It seems that making the target concepts equally important takes care of the need to weigh everyone's interests and stakes in this debate equally.

However, I think it is unclear how, practically speaking, and in terms of its consequences on political and policy issues equally weighing these concepts (that seem to be mutually exclusive) would work. Nuance seems to come at the cost of usability of the concept. Jenkins' solution takes various social realities into account, but the existence of multiple target concepts without giving us a comprehensive way or when and where to apply which one, seems to disregard the need for **uptake and usability**.

If one concept includes only ciswomen that are subjected to threats of violence (as is often the case with respect to womxn's shelter policies), and another concept that is applied to healthcare rights applies to both cis- and transwomen this causes confusion, making it hard to talk about 'womxn's issues' for the ordinary language user.[129] This lack of application across contexts makes any attempt in the advancement of 'womxn's rights' less unified. The result is that this ultimately undermines the political purpose of revising the concept in the first place. The reason we are revising concepts of womxnhood with social subordination in mind is that we want to eradicate the kind of treatment associated with the concept towards individuals affected by it. Multiple target concepts seem to make this more complicated. Saying things like "we are prioritizing womxn's rights" in an election campaign would end up having an ambiguous meaning and fail to communicate clear policy objectives. It wouldn't be clear what exactly that would mean as it wouldn't be clear who is the referent in that

---

[128] Ibid.

[129] Generalizability as we've seen is important for uptake. However, seeing as we need these concepts for political purposes, generalizable and easily understood concepts also serve better for political movement building.

context.

In some instances, equally weighted target concepts might even conflict with one another as class groups and identity groups and their interests often interact and overlap with one another. Distinguishing between these two types of target concepts like Jenkins does, hence seems to do well on being inclusive of multiple perspectives in concept formation. Ultimately, however, maximal inclusivity seems to be restricted to that level of concept formation for Jenkins. True inclusion prima facie doesn't seem possible under Jenkins' pluralist account as in a given context a decision must still be made about which target concept to apply. It doesn't seem possible to equally weigh target concepts in a given context (e.g., policy). Going back to the "old" and revised concepts, they pick out noticeably different referents. If those are two potential equally weighted target concepts, which one we pick to apply to policy matters, and can be mutually exclusive with the other. If we apply policy X to those in the "old" concept, those picked out by the revised one aren't represented in the policy. The interests of those within this context can differ between the referents of those equally important target concepts. As we've seen previously being represented within a concept or policy can impact uptake. If one concept is privileged within a certain context those that use a different target concept will feel alienated by the concept use and not represented by the policy.

Of course, Jenkins might respond and say that within policy all uses are equally taken into consideration and none override each other. Hence, everyone will be represented in policy. However, it seems that at least some uses -namely the more restrictive ones that mainly have ciswomen as referents-are not compatible with others. If that type of use is to be taken as important a more inclusive use cannot as the former explicitly would only include ciswomen. Hence, from this perspective at least at least two uses cannot be equally important.[130]

One could argue that if we take a more inclusive use as important, we wouldn't have this issue. As we've seen before the type of use that centres self-ID and includes transwomen, for instance, also includes ciswomen. From the perspective of this more inclusive use, it doesn't seem impossible to have both types of uses be viewed as equally important. However, as just mentioned the opposite perspective actively excludes a pluralist possibility. Even disregarding this, it seems that taking the perspective of the more inclusive use to include the more restricted one is no longer pluralist. Taking this approach moves away from taking both perspectives to be equally important target concepts. Instead, the more restrictive use becomes a constitutive element of one single concept use.

This single maximally inclusive use has the advantage that it's more comprehensive than having the multiple equal target concepts at the usage level. It retains the advantage that Jenkins' account has of including a wide variety of perspectives. Uses that would have given

---

[130] Even if like Jenkins we distinguish between gender as class and as identity and say that one use refers to gender as class and one to gender as identity, it's important to note that these don't seem to be as easily separated as it may seem. The social positioning that comes with gender as a class and the way an individual relates to their identity are highly intertwined. Additionally, tying into usability, we don't ordinarily distinguish between these. Hence, from a pragmatic point of view even putting the substance of the divide into this distinction between identity and class, seems less comprehensive.

us equal but distinct target concepts under Jenkins' account are still included. However, instead of being included at the practical level when it comes to policy, they're included at the conceptual level. The more restrictive perspectives still figure into the meaning of the concept itself as the referents that are picked out by them are mostly still picked out by the maximally inclusive concept. Thus, there is no problem regarding representation of views as there might be with the pluralist account. Additionally, there is an advantage at the practical level as there is one single concept. This reduces the likelihood of verbal disagreement we've mentioned before and ensures that the concept is comprehensive.[131]

Secondly, the two 'equally important' target concept might end up **practically conflicting** with each other as it is not immediately obvious which concept should be used in which contexts. For example, in the context of policy debates it is not obvious which concept needs to be used in any specific debate around gender. The relevant concept for access to gendered spaces, for instance, depends on a variety of factors including the specific nature of the gendered space and its purpose. Bathrooms and rape crisis centres have different functions. The risk of not protecting the interests of those these spaces seek to protect are different in nature and likelihood. In the case of the bathroom debate, for example, the 'risk' that TERFs seem to argue they are attempting to minimize is that of vulnerable ciswomen being attacked or made to feel unsafe and uncomfortable.[132] The purpose of rape crisis or womxn's centres is to protect womxn who have been harmed, or are at an increased risk of being harmed. Hence, the demographic that such spaces seek to protect differs in both cases as the former is a much broader set of people and the latter is already very specified. The potential impact and likelihood of those situations occurring might also be different. In the bathroom example it is not immediately clear what type of harm in terms of severity is being talked about. It's also unclear how likely those harms are. For instance, the likelihood of severe harms that are appealed to in debates around this, such as rape or death due to a policy allowing transwomen in womxn's bathrooms, doesn't really exist.[133] The 'risk' of small inconveniences to some ciswomen by being made uncomfortable due to their own bias about transwomen is more likely, but is outweighed by the increased safety and validation it brings to transwomen.[134]

In the women's centre example, the individual people there have already been exposed to severe harms (as opposed to mere 'inconveniences' like in the bathroom example). Here the argument seems to be that, because of the already extremely vulnerable state that they're in, even minimal additional inconveniences might constitute severe harm, adding to the

---

[131] One could argue that the criticism of Jenkins' also applies here. However, even if true, this single inclusive concept still has the advantage of being more comprehensive and easily usable.

[132] Of course, there isn't really a risk to ciswomxn posed by transwomxn. Gendered bathrooms could protect womxn's interests by protecting their privacy in general and protecting them from actual threats. In the initial debate after the introduction of the so-called North Carolina "bathroom bill" some, however, took themselves to protect ciswomxn in excluding transwomxn.

[133] There's no evidence to show that womxn's bathrooms are less safe when transwomen use them. In fact transwomen are more likely to be victims of violence than to cause it.

[134] Regardless of how irrational and biased that is.

severe harm that they have already experienced. Even an inconvenience based in bias; it seems could be the metaphorical straw to break the camel's back. Since the purpose of these centres is to protect extremely vulnerable and often traumatized womxn, and aid in their recovery, any minimal discomfort relating to their specific trauma could constitute severe harm as it might impact their ability to recover.[135] With respect to survivors of sexual violence this argument seems to entail that the presence of someone who presents as a man -or where they are aware that this person is trans and hence used to be perceived to be in a different relational power position- can impact their ability to feel safe and hence recover from trauma.[136] It might be the case that there are such instances. However, if they do exist there are likely few and even those can likely be mitigated. The likelihood is that if this problem exists transwomen are also affected by it as they are even more likely to be victims of violence. What these examples show is that there is a question about whose interests are protected by a policy that allows access to gendered spaces. If the "old" concept is applied some (including transwomen) may not have access who will need it, if the revised concept in accordance with Haslanger is applied, this means that in some examples people who should have access won't have it.[137] Hence, the conceptual choice matters, because it impacts access. In order to be meaningfully applied, it must be made specific which target concept applies in which contexts. In the examples I just mentioned it becomes apparent that there might be a conflict between 'equal' concepts where a decision must be made. The conflict might be based on bias, but it is nonetheless an existing conflict between those concepts and their practical applications.

Both of the aforementioned issues are problematic for multiple reasons: (1) having to figure out which target concept applies to which context makes the debate over specific policies confusing and less accessible to the ordinary language user. This conflicts with the need for uptake I previously discussed. Policy that affects people's lives directly and needs to be applied by the people themselves, must be comprehensive and easy to implement.[138] Secondly, if one concept is chosen in general or for any specific policy/context it takes precedence in that context and the target concepts are hence not actually equal in any meaningful sense in at least that one context. If different target concepts take priority in any context that seems to tip the balance in favour over one target concept over the other. Hence, that might lead to there not actually being two (or more) equally important target

---

[135] I think this is a perhaps too charitable version of the argument that TERFs make against allowing transwomen in womxn's crisis centres. Most of the arguments made by them in this context are

[136] Even though the belief that transwomen are still men is bigoted, individual survivors of gender-based harms might genuinely hold these beliefs explicitly or implicitly. Regardless of their bigoted explicit belief or their bias against transwomen those survivors as well as transwomen all equally deserve a chance to recover from trauma. However, I think the number of women affected in this way is most likely small. There are no studies or reports I'm aware of that show this to be anything but a theoretical possibility. I'm including this in order to be maximally charitable.

[137] Womxn who haven't experienced oppression before.

[138] Other laws and policies (e.g., taxes, contract law) don't need to be quite as accessible, because they aren't affecting our day-to-day lives and there are services that aid in filing taxes or setting up contracts.

concepts. One concept always takes priority. For instance, in the womxn's spaces example: even though the more inclusive target concept that includes both cis and transwomen seems to not be in direct opposition to the concept that only includes ciswomen, those that advocate for these spaces to protect the interests of ciswomen would likely disagree with this. Those that advocate for the inclusion and protection of the interests of transwomen would similarly disagree with the use of the more restrictive concept in this context. Hence, it seems at least in some contexts those equally important target concepts are in fact mutually exclusive. If that's the case the debate could digress into the same dynamic at a micro level of specific policy debates, making it harder to follow and leading to verbal disagreements or discussions of representation of interests.

This leads us to the third issue with equally weighted concepts. This problem (3) is that the actual conflict is not resolved. The purpose of these concepts is to achieve some political ends. If we cannot assign one concept over another the issue of, for example, who is included in gendered spaces is unresolved. So, if the multiple target concepts are in fact equal and are not strictly assigned to any specific purpose, and therefore take precedence over another target concept, the conflict stays the same. The conflict merely moves from the conceptual level to applied level. The question isn't who is a womxn or who is a member of racial group. Here, the question is: which concept of womxnhood do we apply in this specific concept and why. Practically applied these concepts then don't do any political work as they don't resolve the specific questions that are posed when a policy is being implemented (i.e. the conflict of which specific individuals are granted certain rights or protected from certain harms by that policy). Systematic marginalization that happens on the policy level is difficult to combat without a unified target concept precisely because of its systematic nature. If we don't have a unified account of whose marginalization we are fighting, it is difficult to avoid internal conflicts about this. This makes it difficult to combat the actual marginalization and oppression. This is not to say that such a unified target concept cannot have the same level of nuance Jenkins' account offers. The nuance just comes in at a conceptual level rather than at the practical level. Rather than specifying which target concept applies in a given concept we recognize that identity and class are intertwined.

What I hope to have done in this chapter is to further justify Jenkins' assumption that an account of group-membership (in her case gender) needs to be maximally inclusive due to the harm on individuals in terms of representation. Another reason for maximal inclusivity is the need for a workable concept and avoiding verbal disagreement that might harm the political goals of an ameliorative project. Further, I criticized Jenkins' own solution of multiple equally weighted target concepts on the grounds that it might simply transfer the verbal disagreement from the conceptual level to the practical level. I have not argued that the practical implications of Jenkins' solution (that in some contexts some trans or ciswomen may not be counted as womxn) are necessarily flawed, but rather that her method of getting to that conclusion might have other flaws.

## 5. Self-identification

In order to explore how it might fit into group-membership I will now explore further the notion of self-identification and distinguish between self-identification as an internal attitude and self-declaration as a type of speech act. This is important as we need to know what self-identification is before we can explore how self-identification in the former sense might figure into group-membership.

Many constructivist accounts are based on a single criterion for membership of a social group. An experiential account focuses on lived experience, other accounts - like Haslanger's - focus on the social positioning of the group. These accounts, however, often fail to provide plausible categorisations. That is, they often run into problems when reliance on this one criterion excludes a significant amount of people. The people excluded often either view themselves as members or are commonly externally seen s such.
Haslanger's account might exclude those who, although members of a racial or gender category in the sense that we ordinarily talk about them as members of this group, do not share the prevalent experiences among other members such as racism and sexism. Although incorporating the consequences of a racialized world into an account of what race is, is essential to providing an accurate concept, focusing solely on this one aspect or any single aspect of what it means to be a member of a group seems to give us a relatively restrictive account that excludes many people who would ordinarily be described and describe themselves as. For example, a white womxn and a light-skinned black womxn might both not experience overt racism. They might benefit from the privileges of be externally identified as white regardless of how they view their own identity. The counterintuitive result of an account like Haslanger's could be that due to social positioning the second womxn is also white under her view.
Self-identification, within the context of these accounts is often quickly dismissed as a possible criterion for group-membership. It seems to make membership arbitrary when it's the only criterion for membership and ignore the consequences the existence of group concepts has in society. The lack of control those racialized or genderized externally have over this external identification, the associated treatment and oppression seems to be disregarded. Although socially constructed, racial and gender membership is often accompanied by systematic oppression and injustices against these groups. These do not necessarily correlate with the individual's own 'choice' to identify with a certain racial group.[139]  An account of group-membership needs to accommodate this structural element of the lived experience of those that -internally or externally- are identified as a member of any particular group that is commonly confronted with a certain treatment.[140] Because of the

---

[139] 'Choice' for lack of better term. Self-identification doesn't always match with external ID. See: (Waterson, 2018)
[140] That doesn't imply that the negative experiences of racism and discrimination are a necessary or sufficient condition for racial membership. But an account of race should be able to explain the prevalence of people who count as members and their experience. The harm they are subjected to isn't necessarily their actual experience of oppression, since there might be individuals who don't

systematic nature of the oppression members of some racial  and gender groups experience, and because of their lack of control over their being treated in such a way, self-identification, seems like a bad candidate for a category-defining trait for group membership.

In order to have a meaningful discussion on how, if at all, 'self-identification' figures into group membership; how an individual's authority over their own identity can be incorporated whilst also acknowledging the lack of control those who are externally racialized and subjected to sexism have over how they are grouped, we need an idea of what self-identification means. An account of race or gender needs to balance the authority an individual should have over their own identity with the practical reality of how others see them. In order to have this discussion the notion of self-identification needs to be clarified.

In the case of gender there seems to be more than one way in which the term 'self-identification' is used. One of the ways in which this term is used in conversations around trans identities seems to be referring to people 'coming out' as trans, and in speaking out on and **declaring** that they view themselves and identify as a certain gender. Statements such as "I identify as a womxn", telling others your pronouns, or having your gender legally changed on official documents such as a passport can be ways of 'self-identifying' in this sense.

A second way the terms seems to be used has nothing to do with any sort of speech act, but instead focuses merely on how the individual that self-identifies feels **internally**. Often trans* people describe their experience as having had that feeling of belonging to the group that they transition to for a long time before they were necessarily aware of it or choose to declare to the outside world that they have this internally held belief about themselves and their identity.[141] In this sense, they self-identified as a member of that group long before they acted on this belief. For example, you could feel that sense of identification with being a girl or a woman for almost your entire life and yet either not be aware of your belief (and, say, just believe that there is something wrong with you or that you're different), or be unable or choose not to act on this belief, because it might be dangerous or you might lack the means and resources to take the necessary steps to do so.[142]

It seems clear that there are two distinct senses in which we talk about this phenomenon with respect to sex and gender: the first being what I will call **self-declaration** -the 'telling' someone about how you view yourself- and the second being **self-identification** -the internal belief about oneself. This becomes apparent in public discourse surrounding trans issues where the internal belief is often conflated with the speech act of announcing one's belief in some sort of way.[143] This distinction seems to be implicit in the discourse on gender.

Why then, is this distinction important with respect to race?[144]
The way we talk about self-identification has an impact on how it figures into the

---

experience this, but the threat of oppression because of their identity were they to switch their social context or their behaviour only slightly. There is harm in systematicity.

[141] *"A small number of children may feel lasting and severe distress, which gets worse as they get older. This often happens around puberty, when young people might feel that their physical appearance does not match their gender identity. This feeling can continue into adulthood with some people having a strong desire to change parts of their physical appearance, such as facial hair or breasts."* (NHS, 2021)

[142] This is not to say that in order to be trans or self-identify one must adjust their body.

[143] (Harrison, 2018)

[144] We've already discussed that there are prima facie structural similarities.

metaphysical, ethical and epistemological issues regarding, with respect to race, the question of the possibility of 'transracialism'. Transracialism is the idea that one can transition from one racial group to another. Self-identification or declaration has an influence on the question of how we know if someone is a member of a certain racial group, and what the ethical issues surrounding this might be. It matters if, in trying to answer the question if someone is a member of a racial group from an outsider's perspective, we talk about whether they have an internally held belief, or if they have asserted that they self-identify in a certain way. The former seems epistemically inaccessible from an outsider's perspective, whereas the latter seems to function as a tool for others to give them a reason or evidence to believe that this is what the speaker of a self-declarative statement believes of themselves. For this reason, it seems that a distinction is necessary between the commonsense usage of the term (that seems to be used interchangeably with self-declaration) and the psychological phenomenon of sincerely thinking of oneself as a group member (e.g. gender dysphoria).[145]

*What is self-identification?*

It doesn't seem immediately obvious what self-identification actually means. Although it seems relatively intuitive on the face of it that it has something to do with the way people view themselves, there seems to be more than one definition that is used. One relatively simplistic notion or common-sense notion of self-identification is something that seems to be vaguely co-extensive with '**self-declaration**'. Another way the term is used often seems to refer to an internally held belief about one's own identity, how one identifies for and to themselves (and not necessarily to others). This interpretation of '**self-identification**' seems to be the one used by many members of the queer community in talking about identifying as trans. I distinguish between these two types of usage, basing the first one on the way those criticizing or misunderstanding trans identity often use it (including TERFs) and the second one on the diagnostic criteria for gender dysphoria as well as the testimony and self-description of trans people.

Self- declaration is the **action** of declaring that one is or feels like a member of a certain group. It can be a speech act in cases where merely asserting that one is a member of that group makes one a member. This can be done in various ways. Declaring one's gender/sex for instance can be done (in some countries) on official documents such as passports and ID cards. In a more casual context, it can be done simply by telling someone "I am a womxn" or "I identify as female".[146][147] Anyone, regardless of their 'actual' gender/sex or race can utter such a statement and such a statement can -in theory- be uttered falsely and in order to deceive.
This is when such assertions seemingly become problematic: when they are false. For

---

[145] This doesn't imply that gender dysphoria is the only case where people self-identify, but it illustrates what that entails in a more helpful way than for instance cismen self-identifying as men, because of the contrast between their assigned group and the group they identify as part of.

[146] There might be certain conditions, such as it has to be a genuine assertion (not merely e.g. playing a part in the theatre or something); done with understanding (e.g. not merely a non-English speaker repeating the words). However, it's not necessarily different from other assertions that way.

[147] The latter seems to be the problematic case, because the former seems to warrant actual self-identification prior to the official declaration of one's gender on ID cards et cetera.

example, although TERFs are also against transwomen having access, a common worry is that self-declaration can lead to members of privileged groups gaining access to spaces and opportunities that exist to combat discrimination.  Because they often view self-ID and self-declaration as the same, if the deciding factor of group-membership is self-ID the argument seems to be that it would be easy to falsely claim opportunities and adjustments that aren't intended for the privileged.[148] *Self-declaration*, then, is something merely external and has little -if nothing- to do with actual self-identification.[149] I will now go further into how self-identification and self-declaration differ from each other.

### *How is self-identification different from self-declaration?*

Self-identification is a *sincerely held internal belief* that might or might not be made known to the external world by somehow -officially or not- self-declaring. This is the way in which trans people often talk of themselves. It is sincere in the sense that the believer takes the substance of what they believe to be fundamental and have further (not necessarily conscious) beliefs about the reliability of their own belief about themselves (such as 'My assumptions the belief is based on are true', 'I'm generally quite self-aware and know what these categories that I self-identify as mean'). They are internal, because they are not necessarily externalized in any sort of way (i.e. by self-declaring or adjusting one's body or behaviour in order to align one's externally perceived identity with one's inner sense of self-identification).

Similarly, a lot of the arguments surrounding the legitimacy of homosexuality talk of people being 'born' gay, as opposed to somehow being educated into being gay or 'becoming' a lesbian.[150] Being trans and sexual identity are not the same. However, this parallel case nicely illustrates what seems to be going on in the case of self-identification more generally and with respect to unchosen identity categories more broadly. Self-identification, then, seems to be a belief that is similar in structure. It doesn't seem necessary to believe that one always was a member of this group. L.A. Paul, for instance, argues that transformative experiences are transformative, because something fundamental about the individual changes.[151] The strength and fundamental importance to one's own identity of the belief seems similar.

It's different from self-declaration in that the agent takes themselves to have some sort of essential deep connection to that group or takes themselves to be a true member of this group (whatever that may mean to the agent or others). They do not merely want to make

---

[148] These cases if they exist seem to be very rare. With respect to race there seem to be some prolific cases (e.g., Rachel Dolezal who was born white but 'identifies' as black and used this status to gain leadership positions within black organizations)

[149] Within the speech act of self-declaration there seem to also be at least two distinct forms of self-declaration. There seems to be one sense in which one can self-declare in an *official* and public manner such as on court documents and passports et cetera, and *ordinary/individual self-declaration* where a specific person (truthfully or not) declares to one specific other person(or organization) -truthfully or not- that they fulfil the requirements for genuine truthful and accurate self-identification.

[150] (Stock, 2018)

[151] (Paul, 2014)

themselves known as a (supposed) member of that group -sometimes they don't want to do that at all- but genuinely and sincerely believe of themselves that they are a member of this group. This belief and the membership itself is an essential part of their own identity.[152] Because one's identity and self-identification is something so fundamental to oneself, not being recognized as a member can be psychologically harmful to the individual. Hence, the significant distress caused by those who self-identify as members of a group that they are not perceived as, and the difference from mere self-declaration. Self-identification and self-declaration are connected in that they often co-occur. However, they are independent, since one can self-identify without self-declaring and vice versa.

It seems, too, that the two are connected in practice, since in many cases we do ask of an individual to prove that they self-identify -often through a gender dysmorphia diagnosis- in a certain way before they are legally allowed to self-declare their identity on a passport or other official documentation. We also use self-declaration as a way of acquiring information about an individual's self-identification. Hence, the two are connected, but importantly different. I will illustrate in this Chapter what these two uses are, how they illuminate some debates on both gender and race; and how they are importantly different.


## Naive usage


It seems that the way the term self-identification is often used is co-extensive with something like "self-declarative".[153] It refers to an action of the person who 'self-identifies' rather than something internal to them such as their beliefs or sense of identity. In many cases where the term is used and used to 'attack' or question the rights of trans, it is used to indicate that an individual can simply announce or declare that they are or feel part of a group. Often this is used to undermine the legitimacy of an individual's claim to, for instance, use a particular gendered bathroom and other rights that individual members of protected groups are granted under legislation such as The Equality Act 2010 or Title IX.[154] For example in a recent The Economist article Kristina Harrison writes:

> *"The label "transgender", and the terms "trans man" and "trans woman", are more nebulous terms for any biologically female person who identifies as a man, and any male who identifies as a woman. […] simply identifying as a woman means being able to access women's and girls' private, formerly single-sex, spaces—toilets, rape-crisis centres and so on. We worry about the nature, influence, methods and implications of the ideology at the heart of this transgender movement. We are also opposed to any proposal which would mean that a man is legally recognised as a woman if he makes a simple* **self-declaration**

---

[152] (Mills C. W., 2000) argues that this depends on how important race is to the most important projects in your life.

[153] (Harrison, 2018)

[154] (Equality Act 2010)

> *that he is, and vice versa. [...] [B]iological males can look, sound and act exactly like average males, but are trans women if they say they are".*[155]

Self-identification in this sense seems to spark concerns in some of those concerned with the rights of ciswomen.[156] The conception of self-identification they seem to use is that "a man is legally recognised as a woman if he makes a simple self-declaration that he is [a womxn]".[157] This suggests that there is at least one type of use that references an action on part of the person whose identity is being discussed. The person needs to "make" a self-declaration and this allegedly gives them group-membership.

A worry people with this view seem to have is that if self-identification in this sense (self-declaration) figures into group membership the definitions of such a group might be too wide. By simply asserting that one is a member or identifies as one, they would automatically become a member. Hence, the threshold for membership would be too low and the categories would seem entirely arbitrary.[158] The danger with making group membership too easy to get in a sense is that it might disregard or diminish the experiences of those who are treated as members of this group from birth.[159] These experiences seem to be a characteristic of what it is like to be a member of this group and a great majority of people who are members share many experiences specific to this group.[160] If one can simply self-declare themselves as member, they don't yet share the collective experience of marginalization that members of some identity groups often have. Even if after they self-declare they start sharing these experiences or some of them (i.e., gender discrimination) that cis members of that group have continuously, they do not necessarily and continuously share them, because they might not always be perceived as a member of that group. It is unlikely that even after merely self-declaring they will share the same experiences that those that present as members to others regardless of their self-declaration, have. Someone who self-declares as black but presents as white will not be exposed to racism. Someone who self-declares themselves a womxn but in most or all cases presents as male will not be exposed to the same level of sexism and threat of sexual violence. While this cannot be the only thing

---

[155] (Harrison, 2018), emphasis added. The reason I cite this article is to highlight the use of this term in the public discourse rather than in an academic one. I think this is important to do, because they are social categories rather than merely academic. Hence, input from outside feminist theory or philosophy of gender and race matters greatly.

[156] See: (Harrison, 2018), (Stock, 2018)

[157] This also nicely shows how the difference between self-declaration and self-identification is relevant for separate debates. Self-declaration, judging from this quote, seems to be relevant for the legal implications and possibly epistemological and related ethical/legal questions. However, it's not immediately obvious how simply asserting that one is a member of a group, even if it does grant one 'legal' membership of one in some or all cases, makes them an actual member of said group. Legal classifications are often too wide or too narrow for several reasons and are subject to change (i.e. the legal meaning of marriage, in some cases gender terms). Hence, even if self-declaration leads to membership of a legal group, it doesn't necessarily follow that this covers all and only members of the corresponding metaphysical group.

[158] Of course, the categories are socially constructed, but that doesn't mean that they are entirely 'made up' in the sense that they are arbitrary.

[159] And maybe also identify as such. Although they are often just treated however they appear to identify.

[160] You want to allow for the possibility of people not sharing all experiences. Not essentialist. It might be true that there are women who are not subject to sexism. But it's systematic so the threat of it is what characterizes the experience. Still, you want to allow for the eradication of sexism and misogyny without eradicating women as a group. See: (Manne, 2018). I also discussed this previously.

that makes a womxn a womxn, or a black person black, those experiences are characteristic and widely shared of the race- and gender-specific experiences members of those groups have. Those experiences are what warrant the provision of group-specific legislation and spaces (e.g. anti-discrimination laws, womxn's crisis centres).[161]

The concern many 'gender-critical feminists' seemingly have is that allowing those who 'merely' self-declare to be viewed as proper members would marginalize the interests of ciswomen, who are already marginalized within society as a whole. The argument seems to imply that those interests, feminism was originally supposed to serve and whose equality is supposed to be established through it are marginalized within the feminist cause as a result. The thought seems to be that if anyone can declare themselves a womxn those who have had experiences that almost all womxn share -such as being subjected to catcalling or lack of equal pay- this experience that they share as a group and are systematically subjected to, seems to be erased and diminished in its importance. This type of experience is a fundamental part of their own experience of being a womxn and something essential and characteristic to their womxnhood for many. To some it seems that allowing people to simply declare their own gender and thereby becoming a member of that gender category would erase the testimony and experience of those that have always been seen and treated as womxn. This danger of ciswomen's interests and experiences being seen as unimportant to group membership, they seem to argue, is just as oppressive as any other form of misogyny and sexism.[162]

A second, related worry seems to be that, even assuming self-declaration is sufficient for membership of a (legal) gender category, it is still problematic as it would allow for the possibility that people falsely self-declare and be admitted to a (legal) identity group under false pretences. The fear seems to be that admitting someone who falsely self-declared themselves a member would further harm actual members of traditionally oppressed groups[163] either by (1) benefitting from mechanisms that were supposed to close the opportunity gap inequality and structural oppression have caused or , (2) in a more direct way, by being given access to single-group spaces that function to protect actual members of protected and vulnerable groups from already existing harms and threats thereof.

For example, someone who self-declares as black but presents as white might take away an opportunity from someone who, because of the color of their skin, has had to deal with structural hurdles due to systematic racism by making use of affirmative action policies designed specifically for people of color.[164] These policies are designed to re-balance a system that unfairly disadvantages people of color (and other marginalized groups) and to

---

[161] People who merely self-declare might be victim to a different kind of marginalization in virtue of their self-declaration, but the argument seems to be that they do not share the marginalizing experience imposed onto cis members without their consent. Hence, they might form a different group that might warrant different specified legislation.

[162] This doesn't appear to be the case, because transwomen by declaring themselves as trans (even when they don't genuinely self-identify) subject themselves to discrimination, because trans people are largely discriminated against at least in western cultures.

[163] The problem seems to usually be oppressed to oppressor transition. The opposite doesn't seem to be problematic in terms of causing harm.

[164] This to an extent already happens since white womxn generally reap the most benefits from such policies when they are not made specifically to mitigate disadvantages people of colour might have in a recruitment process.

combat implicit bias that leads to fewer people of color being hired for jobs that they are equally qualified for. Hence, someone who self-declares themselves a member but isn't treated as a member in their day-to-day life undermines this mechanism to redistribute opportunities to those who have been traditionally denied them. By doing this they inflict further harm on individuals and groups. This is especially bad because they are already harmed in the sense that they have to live in a system that is structurally biased against them even where the oppression is not overt.[165]

Similarly, a worry that so-called gender critical feminists seem to have is that mechanisms put into place to reduce the risk of people who belong to vulnerable or marginalized groups being harmed, or that are supposed to mitigate the impact of such harms (such as womxn's or rape crisis centres) would no longer protect those people. Were self-declaration enough to grant people access to those specialized safe spaces the argument is that anyone even with malicious intent could be granted access. For instance, special accommodations ciswomen need and that have been put in place for them (such as womxn's only spaces) due to the continued treatment some womxn are subjected to due to their being or presenting as a (cis) womxn, would then have to be shared with those not structurally impacted by this treatment and even those falsely identifying themselves to further their own privilege.[166] The issue where this is commonly brought up is rape crisis centres, where many of those arguing against self-declaration question if those spaces can still serve their function and be effective in preventing and mitigating harm that exists due to structures that create a power imbalance between men and women[167] if we allow people who merely self-declare into places that are supposed to protect the special interests or mitigate special risks specific to those who are members of that group and present as such (and are exposed to those risks *because* they present as members). With respect to rape crisis centres it is, for instance, sometimes argued that having someone present who still presents as a man or just is not a ciswomen may impact the recovery of those (cis) womxn who have experienced sexual violence by a male perpetrator. It seems to be the case that regardless of how that individual person identifies themselves, the way they are perceived by other victims who may associate them with the perpetrator impacts the recovery of those victims. They might continue to feel unsafe regardless of how much they intellectually believe that transwomen are womxn..[168] Hence, the argument that many of those arguing against self-declaration as bearing any relevance to group membership seems to also be that it not only takes away opportunities

---

[165] This to a degree might also apply to those 'passing' as white for example. However, although they may not be impacted by direct discrimination in the hiring process for instance, they would still be affected by sexism et cetera at the workplace.

[166] Leaving out the going into womxn's bathrooms to assault womxn argument, because that statistically doesn't happen often and if it does it's most likely not due to them falsely identifying. It's also important to note that any cases of purposely false self-identification are likely to be minimally if at all statistically relevant.

[167] Although that might be begging the questions since it seems to presuppose that (1) there is a binary system and (2) trans women are not counted in the definition of women. Although it might not presuppose the first one and merely say that that is a 'norm' without saying that genderqueer people don't exist or are not legitimate, they might be able to argue that genderqueer people are merely in the statistical minority. It does seem to presuppose that trans women are not women or at least not women in the same way that (cis) women are though.

[168] Of course, trans women are just as much if not more victims of sexual violence, but the argument by gender critical feminists seems to be about ciswomen (although that seems to be question begging).

that are supposed to counteract systemic and deeply entrenched injustices that people of marginalized groups are subjected to, but it also takes away protective mechanisms intended to mitigate and combat more direct harms to members of those groups.

However, these problems for self-identification only seem to arise on this specific interpretation of what that entails (self-declaration), and it is not the only common use of the term. I will now describe an equally common use that is prevalent on the other side of the debate regarding self-identification. I will explore if self-identification in this sense is vulnerable to similar or other objections and if it is a useful way of thinking about self-identification with respect to both epistemological ad metaphysical questions regarding group membership, as well as how this might bear on ethical and legal questions surrounding group membership (especially of marginalized groups).

## Queer community usage

The usage of the term self-identification by so-called gender critical feminists or TERFs seems at odds with the way trans people often describe their own view and experience of themselves. Many members of the queer community as well as allies seem to understand the term in a different way. This notion of *self-identification* also seems to be closer to what people talk about with respect to the psychology of gender identification and the diagnosis of gender dysphoria. The way in which gender critical feminists talk about self-identification seems different in that they often refer to some sort of speech act or act of declaring oneself a member of a group rather than focusing on the psychology and internal view of themselves the self-identifying person has. The gender critical use seems more focused on what the implications are of self-identification in the self-declarative sense, whereas the way the queer community and those self-identifying (and sometimes self-declaring) seem to put their focus on some internally held belief about one's own identity that one views as essential to their individual and group membership.

> *"People with gender dysphoria may often experience significant distress and/or problems functioning associated with this conflict between the way they feel and think of themselves (referred to as experienced or expressed gender) and their physical or assigned gender."*[169]

This highlights that there is a difference in usage and a conflict between external perception and internal identity. It seems that for those who genuinely identify as trans what it means to self-identify as a member of a (gender) category is not merely a matter of 'declaring' their

---

[169] (Parekh, 2016)

identity.[170] Self-identification seems to be about more than merely announcing that one is or feels like a member of a certain group to others. Self-identification in this sense doesn't seem to involve another party. The feeling of belonging to that group -or simply not belonging to ones externally assigned group- exists often before one even thinks about self-declaring themselves a member of any group. In many cases it also still exists even if one never intends on or ends up publicly or privately self-declaring as a member of a group they were not externally classified as.[171]

For many trans people it seems to be the case that self-identifying as something that you were not assigned at birth is so pervasive to your identity and constant in the experience of yourself that you are 'born this way'. Self-identification on their usage of the terms is something that happens well before the individual person ever thinks about coming out as, self-declaring or being able to conceptualize themselves as trans.[172] The suggestion seems to be that there is a separate notion of self-identification from the way those who think of self-identification as self-declaration conceptualize it.

This other notion shifts the focus from externally declaring something about one's own identity to an internal attitude or belief about the individual themselves. This notion of self-identification, then, is an *internally held belief about a characteristic that the self-identifier takes themselves to have that is essential to their own identity and somehow also figures into group membership of the group that they self-identify as.*[173]

It is essential to them in the sense that it is deeply important to them and their experience of their own identity. It is a belief in the sense that once presented with an articulation of what they identify as they will either agree or disagree with the proposition. For instance, someone who sincerely self-identifies as a womxn, but was assigned 'male' at birth truly believes this to be (1) true and (2) to be an essential and fundamental part of their own identity as an individual and member of a group.[174] Not only does she believe she is a womxn and believe that she holds this belief sincerely (as opposed to due to some sort of bias or misunderstanding of what a womxn is), but she also believes the belief and the corresponding fact (assuming it's a true fact) are true.

Those who end up self-declaring and even those who merely self-identify have usually thought about their identity and the implications for quite some time.[175] Self-identification in this sense is about the experience an individual has of themselves and how they view

---

[170] We can assume that someone who says they self-identify as a member of another race would make a similar argument for race.

[171] (Bettcher, Trans Identities and First-Person Authority, 2009) This part of someone's identity can stay 'hidden' in someone's life for decades (e.g. Catylin Jenner)

[172] Although genuine self-identification in this sense is often used to justify or legitimize these identities, it seems to be problematic in that it doesn't have an obvious way of accounting for genderqueer identities where people's gender identity seems to be more fluid sometimes even on a day-to-day basis. However, you could argue that this aspect of their identity is just as stable as when someone who transitions within a binary self-identifies, since they don't identify as male one day and female the next but identify as genderqueer or genderfluid every day.

[173] This is all part of the individual's belief.

[174] For example, it seems less like self-identification when someone believes that they identify as a womxn but it's not really important to them or it is trivially true, because they are also externally identified as a womxn. Hence, self-identification seems less important in the group membership of ciswomen, because there are other indicators, and their self-identification has never been questioned.

[175] This is evident in the diagnosis of gender dysphoria.

themselves. It is not about how they are externally viewed or what actions they take in order to communicate important aspects of their identity to others. This is not to say that it is necessarily the only thing that matters when discussing someone's identity.  This sense of self-ID also ties in with what we've discussed about FPA. As previously discussed, there are ethical and epistemic reasons to accept someone's authority over their own identity.

However, opponents of this approach may argue that beliefs even when we believe them for a long-time and have justification for them (FPA), are sometimes wrong.
Hence, one question that seems to come up often in discussing this sense of self-identification is this: If self-identification is a sincerely held belief about oneself can you be mistaken about your own self-belief? This question becomes especially apparent in debates around legally allowing children and teenagers to transition.[176] The worry is that children or teenagers are too young and don't know enough about what gender is or themselves to have a reliable stable belief about if they have the characteristic of self-identifying with that group. Children's self-beliefs change often and they sometimes lack self-awareness and life experience to distinguish if what they are feeling is actual genuine self-identification or a passing feeling.[177] They argue that on occasion those that sincerely hold that belief and transition on this basis sometimes regret this later in life.[178] It seems conceivable that you could be wrong about (1) the fact that you actually take this specific thing (gender) to be a fundamental aspect of your own identity or (2) what the thing that you take to be fundamental to your identity actually is. For instance, rather than your gender identity it seems that you could be taking a different part of your identity (such as socio-economic status) to be fundamental, but mistakenly think that it is your gender identity that is fundamentally important to you and your circumstance? [179] You could also be wrong about what gender identity is. For instance, you could take the fact that you like to wear dresses as your gender identity despite the fact that this doesn't seem nearly enough to qualify as gender identity.[180] So in the same way that someone who sincerely believes themselves to be Napoleon, it seems conceivable that one could also be mistaken about one's own beliefs about which gender or racial group they are a member of.
This, many seem to argue, gives rise to a general problem for self-identification in this sense. If children's self-beliefs are too unreliable what stops us from saying that all beliefs about

---

[176] Although this is a legitimate worry and a possible objection to my account, I lack the space to examine this further here.

[177] This might also be the case for adults going through transformative experiences. See: (Paul, 2014). The line of argument seems quite condescending and epistemically problematic but for argument's sake I'm assuming here that there is at least some reason to think that this matters somehow. It is also reflected in healthcare resources around gender dysphoria. See: (NHS, 2021)

[178] This doesn't necessarily mean that this was the wrong decision at the time. It can also be argued that the regret if it does exist on a broader scale is temporary.

[179] Feeling like and feeling that could be important here. You could feel like you are oppressed because you are a woman or feel like a woman because you are oppressed in a certain way, but you're actually mistaken about the thing that makes you oppressed. I.e. socio-economic status rather than gender with respect to a specific situation. However, this line of argument, again, seems highly problematic. Especially considering FPA.

[180] It seems quite obvious that cross-dressing or wearing drag are not the same as having a certain gender identity or being trans. Gender expression or conformity can be a part of one's identity but they don't tell us anything about the identity itself.

oneself are unreliable in this sense? All cases of self-identification seem to be vulnerable to the worry that they are like the Napoleon case. I do not have the space here to argue this view further.

## Self-identification and Race

This definition of self-identification might not just apply to gender. In cases like Rachel Dolezal's where someone claims to be transracial (although this is an act of self-declaration) we can't simply dismiss the reported deeply felt kinship with her 'chosen' race.[181] To simply ignore the way the individual who claims to self-identify in the proper sense would be paternalistic at best and violate FPA. It doesn't take seriously the authority an individual has over their own identity and ignores the unique epistemic access they have to their own beliefs, attitudes and emotions. It seems odd to simply ignore someone's 'opinion' on their own identity, especially because we don't do this in cases where the individuals' belief about themselves matches with our belief about them. For example, a black man who identifies as black and who is externally identified as such, generally goes unopposed in his self-identification and self-declaration. It would be odd to tell him that his experience of racism or how he experiences his own identity and conceptualizes himself don't matter and don't figure into group membership at all. Similarly, a ciswomen even when she doesn't share common experiences womxn have is unlikely to have to justify why and how she self-identifies the way she does. She's seen as a womxn weather she declares it or not. It seems that merely based on someone's self-identification we either have to question the legitimacy of all or none of those who self-identify. Cis members of a group also have -consciously or not- a belief that they are a member of their group, and this belief is somehow essential to their sense of identity. Hence, it would seem odd to simply dismiss claims of self-identification just because they don't match up with a common external identification of the individual person in question. It seems that if we disregard entirely self-identification in these cases, we must also dismiss such claims in cases where they match with the external identification.

This would mean we view group concepts as something entirely external to the individual member themselves and based on external identification. This seems odd, because identities and identity concepts are so fundamentally tied to people's experience of themselves and matter a great deal to them. Saying that their view doesn't matter at all would be ignoring the fundamental importance these concepts play for the groups and individual members that are picked out by them.[182] Being a member of a certain group forms a significant part of who that person is in many cases. Equally, it also seems that we cannot merely accept someone's self-identification as group defining, since this dismisses the way in which others use group concepts. As I've said previously: social concepts like this have to be interactive, because they have to be useful and used in general society. Group concepts in part are formed through

---

[181] Rachel Dolezal was born white, 'transitioned' and reports that she identifies as black. (Overall, 2004) uses Michael Jackson as example.

[182] This is possibly clearer in the case of gender than it is in the case of race. In the case of race one can still argue that to the individual 'transracial' their self-identification is of fundamental importance to how they view their own identity and that is what you cannot dismiss from an external point of view.

external identification. For them to be meaningful they must have some criteria and users outside of the group have to be able to use them.[183] They cannot be used in entirely different ways by everyone. How others see you is not entirely irrelevant to who you are with respect to group membership as it characterizes the unique experience that is part of what makes you a member of said group.

Further, basing an account of race only on self-identification or even self-declaration would ignore centuries of systemic racism and oppression. Many argue that the fact that someone is oppressed because of their group membership somehow illuminates what it means to be a member of this group. Haslanger, for example, argues that part of what it means to be a woman is that one is in a socially disadvantageous position within society.[184] She also applies this kind of experiential account to race concepts. This seems to suggest that self-identification might not be what uniquely characterizes group-membership in the case of race. The experience of racism and race-based oppression, although not essential to membership, is an experience particular to this group. It doesn't affect members of other groups in the same (systemic) way.[185] These experiences are based on (sometimes false) external identification. Instances of racism happen, because of the belief of the racist that races are real biological categories and the belief that the racists' race is superior to others and the belief that the person in front of them is a member of a group they deem inferior.[186] So, if the experience of racism or race specific oppression (1) somehow figures into group membership or tells us something about what it means to be a member of a racial group and (2) the reason these experiences exist in the first place is due to some kind of (sometimes mistaken and misguided) external identification, an account of race cannot just be based on self-identification. This would disregard the lived reality of what it means to be externally identified as someone who is a member of this group and treated as such in a racialized and racist world.[187] Hence, it seems that we cannot merely take people's self-identification or declarations thereof at face value in all cases, since the treatment they are subjected to seems to have an influence on their group membership or at the very least experience that is specific to members of this group in some sense. This experience is based on external identification by people in or outside of this group, but not the individual externally identified themselves. Hence, it cannot be merely self-identifying or self-declaring that determines the individual's actual group membership.

Further, it also seems to be a point of fairness because both views of any individual group concept should be given sufficient weight. If only external identification matters this seems to further marginalize members of groups that have historically already been oppressed. If their own view of themselves doesn't figure into what group concepts mean and only the external view of those who are not members matters, this seems to only manifest the oppression they are already subjected to further. As laid out previously it is important to take seriously FPA

---

[183] (Mallon, A Field Guide to Social Construction, 2006)
[184] (Haslanger, Gender and race: (What) are they? (What) do we want them to be?, 2000)
[185] I.e. even when a member of another group is 'mistaken' as a member of an oppressed group and experiences an individual case of racism, they do not experience its systematicity and the continuous threat of having these experiences repeatedly.
[186] See distinction racialism and racism.
[187] But that can't be the only criterion either because as previously mentioned we don't want to make oppression normative for members of this group.

even on the collective level like this, whilst retaining workability of the concept. If only members have an influence on the meaning of group concepts and membership this doesn't take into account enough the way these concepts are actually used by many non-members and members in society.[188] In the same way that it seems impossible to just *self*-declare (i.e. just announce that you're part of another category now), it seems equally impossible to '*other*-declare' (i.e. declare that someone else's authority over their own group membership isn't to be taken seriously and that they are what the speaker says they are).[189] It's equally paternalistic to do so regardless of there being an apparent mismatch between the individual's self-identification and their actual membership. Generally, it seems bad and odd from an epistemic point of view to claim authority over someone else's identity, especially when the person whose identity is being questioned disagrees with the external assessment and even more so when they are a member of a historically oppressed group.[190]

I have laid out the two different senses in which self-identification is understood in the public discourse: self-identification and self-declaration. The former is an internal sense of identity, while the latter is a speech act. I have explicated how those relate to gender and race and posed on potential issue self-identification might have were it to be a category defining criterion: self-deception.[191] Although I don't think the mere possibility of some potential cases of self-deception are enough to dismiss self-ID as a criterion, I lack the space to argue this here. For now, it's important to not that there are likely to be very few cases of this if any at all. I am unaware of any studies or reports that suggest this is a general problem for self-identification as an internally held belief.

## Self-ID and group-membership

How then might self-identification figure into group-membership? As suggested before self-ID as a sole criterion for group-membership might ignore the historical realities of group-membership. Hence, I will lay out the structural options of how self-ID could relate to group-membership.

---

[188] Mallon points out the importance of racial concepts having some sort of connection to the way they are used in society. Additionally, reconceptualizing these categories often seems not useful when they are too far removed from how people use them. For example, you want those that the category description started out with to still be members. I.e. ciswomen should still count as women even in circumstances where they are not oppressed at all or where they are much more privileged than for instance trans women.

[189] Religion could be an interesting parallel: i.e. "protestants aren't real Christians", "You're not really Jewish if you're not Orthodox".

[190] This is due to privileged access to one's own experience of one's identity. (Bettcher, Trans Identities and First-Person Authority, 2009)

[191] Although I have pointed at this being the reason Bettcher rejects epistemic FPA I lack the space here to explicate this further.

## Self-ID as sole criterion for group membership[192]

We've seen from Jenkins' inclusion problem and the discussion of the existing literature that self- identification cannot merely be disregarded on epistemic grounds (individuals have first personal authority over their identity) and on practical ethical grounds (it constitutes a serious harm according and due to ethical FPA).[193] Because individual people have privileged access to the way they conceptualize themselves and because not taking seriously self-identification causes identifiable harm to individual people, self-identification cannot simply be dismissed as a membership criterion for identity groups.

The distinction between self-identification and self-declaration we have just set out is important here, and especially in the case of race and gender.[194] It seems relatively obvious that self-declaration cannot be the sole criterion for membership. The real effects of racial and gender membership are often so inevitable that it seems too risky. The distinction between self-identification and self-declaration seems important in explaining why self-declaration in the case of race and gender at least cannot be the sole criterion for group membership. Self-declaration is too unreliable in getting us truthful information as it can be falsely asserted.[195]  Any declarative statement can knowingly or unknowingly be falsely asserted. You can say 'I am a unicorn' even though that is both false and impossible. Spoken by someone who knows or at least believes unicorns are not real this statement is falsely asserted and knowingly so. A mere assertion that one is a member of a racial group (or of a certain gender) then seems to not be enough to make it so. Since there is a possibility for people to lie about their own beliefs about themselves or simply be wrong about what they believe, self-declaration is already discarded as a sole criterion.

Is self-declaration then at least a component of what it means to be a member of a race or gender? It seems that just like it is not enough to merely self-declare it also does not figure into group membership at all. This is for two reasons: (1) because it does not seem necessary for metaphysical group membership to declare anything about your membership at all; (2) Additionally, the questionable veracity of such declarative statements and the possibility of them being falsely asserted makes self-declaration too unreliable as a criterion for group membership.[196] It does not seem necessary because the way we don't talk about actual racial or gender membership (as opposed to merely legal) in a way that requires this. For example, a transwoman is a womxn regardless of her decision to announce her identity privately, publicly or in any other form. Equally, a ciswoman, regardless how she presents is also a womxn regardless of her telling people that she is. In many cases trans people don't declare their identity to anyone, but it seems that in order to want to truthfully declare such an identity one has to have that identity first. Hence, truthful self-declaration can merely function to let others know about someone's group membership. The person self-declaring

---

[192] This is restricted to race and gender but could potentially be expanded to other social groups.

[193] (Bettcher, Trans Identities and First-Person Authority, 2009), (Jenkins, Amelioration and Inclusion: Gender Identity and the Concept of Woman, 2016).

[194] Because the potential harms within and for the community are often very severe.

[195] It seems that there is a truth about someone's identity that is independent of the assertion.

[196] It seems that any potential criterion would have to be relatively robust as the type of questions asking about one's group membership are often yes or no questions. If our goal in defining a concept is political, it is also important for criteria to be robust, because to use the concept we must know who it applies to.

as a member of a gender or race must have had that identity before declaring it in order to know it and then declare it. Self-identification seems to come prior to truthful self-declaration. The latter is therefore simply not necessary for metaphysical group membership.

Can self-identification be a sole criterion then? It seems that self-identification rather than declaration could be a possible candidate for a sole criterion of group membership. Since, when someone genuinely self-identifies it is an internally held belief about themselves it has the advantage of being relatively constant. Hence, an upside of self-identification being the only criterion that matters for group membership would be that it is more restrictive in terms of membership and more constant in its duration than self-declaration might be.[197] However, one of the criticisms is that this would still make membership too accessible and disregard the lived experiences especially of marginalized groups. Merely thinking of oneself as a womxn or identifying with the concept of a woman does not give one the lived experience of sexism. Merely feeling as though one is black doesn't give them authority to speak about experiencing racism. And hence, merely self-identifying as part of a group does not give one the experience that is often shared by members and that, although not essential to membership, seems somewhat fundamental to the lived experience of being a member.[198]

Further, having self-identification as a sole criterion also disregards the interactive nature of group concepts.[199] These concepts are used by an entire society or group of language users to pick out different people that share different traits. Having self-identification as a sole criterion does not only seem to make group membership too accessible and hence groups arbitrary, but also give authority of the definition over these concepts solely to those that self-identify as members. This seems self-perpetuating in that the group is merely defined by those that are already in it. Further, this seems to take away from the interactive nature of those concepts. Group concepts are used by people external to the group that have some understanding of how they use a concept for a group that they are not part of.  Equally, if external identification is the only thing that matters, the people that actually belong in the group and have first personal access to the experience of being part of this group don't get to decide whether or not they themselves are even granted membership. Hence, it seems,

---

[197] One might say that genderqueer identities are a counterexample to this. However, many of those identifying as genderqueer or non-binary do so continuously. It's not necessarily the case that they identify as male one day and female the next, but continuously as genderqueer. The variation in the expression of their identity doesn't necessarily mean that their identities vary.

[198] Of course individual and group identities are not solely characterized by a certain experience. I don't mean to imply that these experiences are fundamental in the sense that they are essential. As argued by Crenshaw, identities intersect with one another and no single kind of experience is one that members of a group all share or are affected by in the same way. Their social positioning, economic status, gender and racial identity all interact with one another informing how such an experience is conceptualized and if such experiences affect a specific person. However, there are experiences members of a group are often exposed to in virtue of being a member of that particular group and to the extent that they perceive the existence of such experiences almost like a norm that is relevant to themselves. They identify with what Jenkins would likely call their group as class. Although these aren't "norms" they are tangible experiences that people experience as relevant to themselves even if they don't experience them themselves. E.g., womxn often view sexism as relevant to them even if a specific experience doesn't happen to them. Many PoC experience the Black Lives Matter movement as relevant to themselves, even if they themselves haven't been immediately affected by police brutality.

[199]

there is a need to balance external identification (the way non-members use these group concepts) and internal self-identification (the way members use the concepts and apply to themselves and their group). Due to the interactive nature of these types of concepts self-identification cannot be the sole criterion for racial membership or the sole defining characteristic of gender groups. While these concepts can be used in that way internally for an individual that self-identifies or a group that defines themselves in order to be useful in general society, they have to be usable and used by non-members as well. Since it's unlikely that language users would accept the use of a concept that deviates too far from the way they use it or that they simply disagree with, this has to be taken into account. Otherwise, as we've seen above we may end up with verbal disputes or lack of uptake of an ameliorative concept (even one that includes self-ID).

In cases where self-Identification in the way we defined it here, is something that most people are happy with being the only "criterion" deciding membership, this may not apply. In fact, this might be what explains the substantive difference between race and gender. While it's not true that no one opposes self-identification as the only thing that matters for membership of gender groups, it seems that it's far more accepted. There is at least a wide acceptance of this within the queer community and among allies. This doesn't seem to be the case with race. I lack the space to go into this further. However, it might be that, while race and gender are in fact structurally similar, the difference is substantive in that gender can potentially rely solely on self-ID, but for racial membership other factors may play a significant role. For now, we're going to assume that self-ID in general cannot be a sole criterion.

## Self-identification as one of many criteria

Self-identification must be balanced against at least one other criterion (external identification), since otherwise it leads to the possibility of mere verbal disputes between those debating the substance and membership conditions of these social groups. One strategy here can be that of pluralism. Pluralism allows for multiple target concepts in the way that Jenkins argues we need.[200]

However, the problem of pluralism with respect to identity categories such as gender or race seems to be similar to the one that I have already mentioned above. Where there are multiple target concepts and multiple equally important concepts of gender or race there is a risk of verbal dispute in substantive discussion. Under pluralism different concepts of gender and race still don't exist in isolation. Legal, social, epistemic, and other concepts interact with one another. The legal concept of who counts as a womxn has real consequences for individuals navigating society from the point of view of their individual gender identity. The example of womxn's shelters is relevant here as the question of legally being granted access matters in this context. However, since it seems possible that one is legally a womxn and not appear to be one to whoever is granting access the legal concept doesn't seem to be the only relevant one.

---

[200] See above

Let's say for example that a legal concept of womxnhood would be to either be a ciswomen or a transwoman that has been diagnosed with gender dysphoria.[201] Someone that presents as male despite their legal status as a womxn might still in practical reality be denied access to a womxn's centre or other gendered spaces (if for example they don't have documents to prove their legal status on them) because of their external identification. The person making the decision in the moment to grant them access has an influence over whether they're granted group membership in this sense. Concepts of gender in practise often don't overlap with the legal concept. However, they interact with each other and have real consequences to all individuals affected.

Hence, a type of pluralism where self-identification is weighed equally to other criteria such as external identification seems unhelpful in those cases, where the resulting equally important multiple target concepts yield different results for the same issue and interact in such a meaningful and consequential way. Self-identification as merely one among many (at least two) criteria risks overriding it as a criterion altogether. If in a given context, such as the case of womxn's crisis centres, in order to make a decision there has to be a decision between two allegedly equal concepts then they are not equal after all. Pluralism forces us to choose and hence privilege one type of concept over another. If external identification is ultimately what is taken to matter in those situations and taken as more important than self-identification ,self-identification loses its influence on concept formation. The individual self-identifying also loses autonomy and authority over their own identity. Self-identification, then, might only matter in theory and for the legal concept, but in practical reality is disregarded and overridden, since external identification as a criterion might be viewed as more reliable.

Self-identification as one of many criteria risks being overridden by other criteria and therefore ending up as no 'real' criterion at all. Multiple criteria in line with Jenkins' multiple target concepts are meant to be equally important and equally weighed. Because self-ID might conflict with another criterion it might be overridden.[202] This is problematic because of the concerns of personal autonomy and the actual l harm inflicted upon those not taken seriously in their self-identification (see Jenkins). Hence, self-identification seems to warrant a different role to other criteria, since the undermining of an individual's personal autonomy affects them in such deeply harmful ways.

In addition, different theories of race and gender give different outcomes for when self-ID and external ID conflict. For example, a Haslanger-type account emphasizing social positioning of individuals picks out a different group of individuals than an account like Tuvel's that takes self-identification to figure into group membership. Sceptics and naturalists have yet other views of these cases.[203] It might be argued that different types of metaphysical accounts of race and gender are appropriate for different equally important target concepts. For example, it seems conceivable that some might argue for a more

---

[201] Some version of this seems to be what is currently required by many legislations to have to status of 'female' in official documents such as passports.
[202] Although the choice between those two conflicting criteria might be arbitrary. What we want to say (again in line with Jenkins) is that self-identification always matters and hence figures into group membership somehow. Hence, it cannot merely be outweighed by another criterion that figures into group membership.
[203] Sceptics have it easy here because they can just dismiss the whole debate.

naturalistic account being appropriate for concepts of sex or race in medicine due to physical and biological differences being crucial in medical research.[204] With respect to social concepts one might argue that a constructivist account that takes self-identification seriously is more appropriate because of the importance of validating people's experiences, self-identification and social power dynamics. A concept that tries to get at how, when, and why we know someone's group membership might be argued to necessarily exclude self-declaration and even self-identification by extension due to its unreliable nature. If different accounts are relevant for different equally important target concepts and self-identification is one of many relevant considerations for one or all these target concepts it ends up getting overridden or not taken as equally important in all cases.

When different theories give different outcomes or yield different target concepts self-identification ends up not being as significant as considerations from first personal authority and harm to the individual seem to warrant. In many cases where self-ID and external ID conflict, we give the individual's testimony more weight. For example, someone with a mixed-race background who passes as more than one group is taken seriously when they identify with both, either or neither.[205] It's not that other considerations don't matter at all, but it seems that often in those cases the individual person's testimony is given more weight.[206] This suggests that while self-identification cannot function as a sole criterion for group membership it also cannot be one among many equally important criteria. If this is true, there are only two theoretical options for self-identification: either Self-identification doesn't matter or it has some sort of special role in group membership.[207] I have already argued I agree with Jenkins' assumption that self-identification needs to be included in an account of gender (and race) as failure to do so might constitute a serious harm to the individual. Hence, it seems self-identification must be included in an account and play a different role.

I lack the space here to go further into how self-ID might figure into group membership here. As I suggested above this might also be where the analogy between race and gender falls apart. Self-identification might play a bigger or the only role in group-membership for gender. However, it seems this is less likely for racial membership.

---

[204] With respect to race that would yield entirely different categories than we have due to Mallon's mismatch problem (Mallon, A Field Guide to Social Construction, 2006).

[205] E.g., Barack Obama, Meghan Markle one identifies as black and the other as biracial. We tend to take their self-ID seriously here.

[206] There are comments like 'But are you really X?' but generally speaking, when people don't know to classify someone, it seems like the testimony/self-identification matters.

[207] With respect to race and gender. This all might apply to other groups as well but I'm only explicitly looking at these two cases since there is controversy around the question of them being analogous.

## Conclusion

I have laid out considerations for an account of group-membership that considers the analogy between race and gender to have some merit. I've discussed the broad theoretical framework underlying discussions around the nature of race and gender. I have argued that a somewhat constructivist account is best suitable for our ameliorative purposes, but that it mustn't be too normative and take away 'choice' over their own identities from the individual agents. I have discussed the inclusion problem and Jenkins' solution to it and argued that her pluralistic view is problematic, because her equally weighted target concepts cannot be equal in practise. I distinguished between self-identification and self-declaration and argued that the former is more relevant to group-membership. I have explored how self-identification might figure into an account of group membership and concluded that it cannot be a sole criterion or one of many equally weighted criteria, since in the former case this might ignore historically entrenched injustices and have similar problems as Jenkins' solution. I have suggested that the way in which self-ID is included might be where the race-gender analogy falls apart.

# Bibliography

Adichie, C. N. (2009, June). *The Danger of a single story*. Retrieved from
https://www.ted.com/talks/chimamanda_ngozi_adichie_the_danger_of_a_single_stor
y

Alcoff, L. M. (2006). *Visible Identities: Race, Gender, and the Self.* New York: Oxford
University Press.

Appiah, K. A. (1996). Race, Culture, Identity: Misunderstood Connections. . In A. G. K. A.
Appiah, *Color Conscious: The Political Morality of Race.* Princeton, NJ: Princeton
University Press.

Ásta. (2018). *Categories We Live By: The Construction of Sex, Gender, Race, and Other
Social Categories.* New York: Oxford University Press.

Ásta Kristjana Sveinsdóttir, S. H. (2011). *Feminist Metaphysics*. Retrieved from Stanford
Encyclopedia of Philosophy : https://plato.stanford.edu/entries/feminism-
metaphysics/

Ball, D. (forthcoming). Could Women Be Analytically Oppressed? In D. P. Alexis Burgess,
*Conceptual Ethics and Conceptual Engineering* (pp. 35-58). Oxford University Press.

Bettcher, T. M. (2009). Trans Identities and First-Person Authority. In L. Shrage, *You've
Changed: Sex Reassignment and Personal Identity.* Oxford: Oxford University Press.

Brison, S. J. (2002). *Aftermath: Violence and the Remaking of a Self.* Oxford: Princeton
University Press.

Butler, J. (1990). Performative Acts and Gender Constitution: An Essay in Phenomenology
and Feminist Theory. In S.-E. Case, *Performing Feminism: Feminist Critical Theory
and Theatre.* Baltimore: Johns Hopkins University Press.

DeBeauvoir, S. (1972). *The Second Sex.* Penguin.

Diaz-Leon, E. (2016). Woman' as a Politically Significant Term: A Solution to the Puzzle.
*Hypatia*, 31(2): 245-58.

Diseko, L. (2019, December 16). *Tiffany Haddish's Black Mitzvah and her journey of Jewish
discovery*. Retrieved from BBC: https://www.bbc.com/news/world-africa-50686266

*Equality Act 2010*. (2019, November 5). Retrieved from
https://www.legislation.gov.uk/ukpga/2010/15/contents

Fonrouge, G. (2017, March 23). *The story of Rachel Dolezal gets even more bizarre*.
Retrieved from New York Post: https://nypost.com/2017/03/23/rachel-dolezal-
explores-her-blackness-in-bizarre-memoir/

Franco, M. (2019, November 29). *What Racial Discrimination Will Look Like in 2060*.
Retrieved from Scientific American: https://blogs.scientificamerican.com/voices/what-
racial-discrimination-will-look-like-in-2060/

Glasgow, J. H. (2019). *What is Race? Four Philosophical Views.* New York: Oxford
University Press.

Hardimon, M. O. (2017). *Rethinking Race: The Case for Deflationary Realism.* London:
Harvard University Press.

Harrison, K. (2018, July 3). *A system of gender self-identification would put women at risk*.
Retrieved from The Economist: https://www.economist.com/open-
future/2018/07/03/a-system-of-gender-self-identification-would-put-women-at-risk

Haslanger, S. (1995). Ontology and Social Construction. *Philosophical Topics* , 23 (2):95-
125.

Haslanger, S. (2000). Feminism in metaphysics: Negotiating the natural. In M. F. (eds.), *The Cambridge Companion to Feminism in Philosophy* (pp. 107-126). Cambridge University Press.

Haslanger, S. (2000). Gender and race: (What) are they? (What) do we want them to be? *Noûs 34 (1)*, 31–55.

Haslanger, S. (2012). *Resisting Reality: Social Construction and Social Critique.* Oxford University Press.

Heyes, C. J. (2009). Changing Race, Changing Sex: The Ethics of Self-Transformation. In L. Shrage, *You've Changed": Sex Reassignment and Personal Identity* (pp. 135–154). Oxford: Oxford University Press.

Jenkins, K. (2016). Amelioration and Inclusion: Gender Identity and the Concept of Woman. *Ethics*, 126 (2):394-421.

Jenkins, K. (2018). Toward an Account of Gender Identity. *Ergo, Volume 5, No. 27*.

Mallon, R. (2004). Passing, Traveling and Reality: Social Constructionism and the Metaphysics of Race. *Noûs 38:4*, 644–673.

Mallon, R. (2006). A Field Guide to Social Construction. *Philosophy Compass 2 (1)*, 93-108.

Mallon, R. (2006). Race: Normative, Not Metaphysical or Semantic. *Ethics 116 (3)*, 525-551.

Manne, K. (2018, November 2017). *Down Girl: The Logic of Misogyny.* Oxford University Press.

McWhorter, J. H. (2004, September 8). *Why I'm Black, Not African American.* Retrieved from Manhattan Institute: https://www.manhattan-institute.org/html/why-im-black-not-african-american-0153.html

Mills, C. W. (1997). *The Racial Contract.* Ithaca, NY: Cornell University Press.

Mills, C. W. (2000). But What Are You Really? *Radical Philosophy Today* , 1:23-51.

O'Brien, A. (2019, May 8). *Fundamentally misunderstanding gender critical feminism.* Retrieved from Medium: https://medium.com/@aniobrien/fundamentally-misunderstanding-gender-critical-feminism-baebb2e953e3

Overall, C. (2004). Transsexualism and "Transracialism". *Social Philosophy Today 20*, 183-193.

Parekh, R. (2016, February). *What is Gender Dysphoria.* Retrieved from American Psychiatric Association: https://www.psychiatry.org/patients-families/gender-dysphoria/what-is-gender-dysphoria

Paul, L. (2014). *Transformative Experience.* Oxford: Oxford University Press.

Persio, S. L. (2018, July 25). *What is a TERF? Debate over transgender rights and Gender Recognition Act explained.* Retrieved from PinkNews: https://www.pinknews.co.uk/2018/07/25/what-is-terf-transgender-gender-recognition-act/

Sir Patrick Geddes, S. J. (1889). *The evolution of sex.* London: W. Scott.

Spencer, Q. (2018). Racial Realism I: Are Biological Races Real? *Philosophy Compass 13(1): e12468.*

Stock, K. (2018, September 15). *My response to Dr Asia Ferrin.* Retrieved from Medium: https://medium.com/@kathleenstock/my-response-to-dr-asia-ferrin-188ad6243219

Stone, A. (2004). Essentialism and Anti-Essentialism in Feminist Philosophy. *ournal of Moral Philosophy*, 1: 135–153.

Stone, A. (2007). *An Introduction to Feminist Philosophy.* Cambridge: Polity Press.

Tuvel, R. (2017). In Defense of Transracialism. *Hypatia 32 (2)*, 263-278.

Waterson, J. (2018, November 4). *Theatre job aimed at black directors given to man who said he was white.* Retrieved from The Guardian:

https://www.theguardian.com/world/2018/nov/04/theatre-job-aimed-at-black-directors-given-to-man-who-said-he-was-white

Witt, C. (2011). *Feminist Metaphysics.* Springer.

Woldemikael, O. (2018, June 28). *Why Barack is black and Meghan is biracial.* Retrieved from Media Diversified: https://mediadiversified.org/2018/06/28/why-barack-is-black-and-megan-is-biracial/

Zack, N. (1993). *Race and Mixed Race.* Philadelphia: Temple University Press.

Zack, N. (2002). *Philosophy of Science and Race.* New York: Routledge.