

## Gender Identity and Exclusion: A Reply to Jenkins\*

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A theory of gender ought to be compatible with trans-inclusive definitions of gender identity terms, such as ‘woman’ and ‘man’. Appealing to this principle of trans-inclusion, Katharine Jenkins argues that we ought to endorse a dual social position and identity theory of gender. Here, I argue that Jenkins’s dual theory of gender fails to be trans-inclusive for the following reasons: (i) it cannot generate a definition of ‘woman’ that extends to include all trans women, and (ii) it understands transgender gender identity through a cisgender frame.

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In an important recent contribution to feminist philosophy, “Amelioration and Inclusion: Gender Identity and the Concept of *Woman*,”<sup>1</sup> Katharine Jenkins argues that social position theories of gender—which, very roughly, hold that a person’s gender is constituted by their position in a social structure—cannot generate trans-inclusive definitions of gender identity terms, such as ‘woman’ and ‘man’. For this reason, Jenkins argues that we ought to reject social position theories of gender in favor of a dual social position and identity theory (hereafter ‘dual theory’) that gives equal ontological significance to gender identities and gendered social positions. Holding that trans women have women’s gender identities—on account of, Jenkins claims, the fact that trans women have internal gender

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1. Katharine Jenkins, “Amelioration and Inclusion: Gender Identity and the Concept of *Woman*,” *Ethics* 126 (2016): 394–421.

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maps characteristic of people socially positioned as women—Jenkins concludes that her dual theory of gender is trans-inclusive. In this article, I argue that Jenkins’s dual theory of gender fails to be trans-inclusive for the following reasons: (i) it cannot produce a definition of ‘woman’ that extends to include all trans women, and (ii) it understands transgender gender identity through a cisgender frame.

This article proceeds as follows. In the first section I outline Jenkins’s dual theory of gender, as well as her critique of social position theories of gender. Appealing to testimony from transgender individuals, in the second section, I argue that Jenkins’s dual theory of gender does not—despite her intention otherwise—generate trans-inclusive definitions of gender identity terms.

## I. JENKINS’S CRITIQUE AND DUAL THEORY OF GENDER

In this section, I outline Jenkins’s critique of Sally Haslanger’s social position theory of gender and provide a reading of Jenkins’s dual theory of gender. Broadly, Jenkins argues that while social position theories of gender exclude trans women from the category of woman, dual models of gender are capable of generating trans-inclusive definitions of gender identity terms.

Haslanger defines ‘woman’ as a person who occupies a subordinate position in a social structure on account of their “observed or imagined” sexual/reproductive characteristics. Haslanger’s complete definition is as follows: “*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.<sup>2</sup>

2. Sally Haslanger, “Gender and Race: (What) Are They? (What) Do We Want Them to Be?,” in *Resisting Reality: Social Construction and Social Critique* (Oxford: Oxford University Press, 2012), 221–47, 234. Throughout her writings, Haslanger formulates various social position definitions of ‘woman’; I use the one provided above in order to follow Jenkins’s presentation of Haslanger’s theory. Notably, Haslanger’s definition produces the following result: in a society without sex-based oppression, neither women nor men will exist. On this point, Haslanger claims, “a primary task in the quest for social justice is to eliminate men and women. . . . Of course this is not to say that we should eliminate males and females. Rather it is to say that we should work for a day when sex . . . markers do not have hierar-

With Haslanger's account on the table, I move to outline Jenkins's position. The remainder of this section is composed of two subsections, each of which provides Jenkins's reasoning for one of the following claims: we ought to (i) reject social position theories of gender and (ii) adopt a dual theory of gender which understands both identity and social position to be ontologically central to gender.

A. *Jenkins's Argument against Social Position Theories of Gender*

Jenkins is committed to developing a trans-inclusive theory of gender.<sup>3</sup> If social position theories of gender inevitably exclude or marginalize transgender people, then they ought to be rejected.

Jenkins's argument for why social position theories of gender will always fail to be trans-inclusive is quick; I quote it in full:

[If we are to salvage a social position definition of 'woman',] we should try to spell out a different set of features [than those provided by Haslanger] that play a role in subordination—a set of features that does include all trans women. This, however, will not work. Suppose, for example, that we were to alter the account of *functioning as a woman* so that clause (i) [provided above in the discussion of Haslanger's definition of 'woman'] reads "S is observed or imagined to have a female gender identity." Overall, then, S would function as a woman on this account if S was subordinated on the basis of (presumed) female gender identity. This seems to be as inclusive a feature as we could hope to offer while retaining the general approach of defining *woman* in terms of socially imposed subordination. Nevertheless, the trans woman in scenario 1 [a trans woman who is regularly and for the most part imagined to be a man] would not meet this definition, because no one around her is observing or imagining her to have a female gender identity.<sup>4</sup>

I understand Jenkins's argument as follows:

1. If the following social position definition of 'woman' (which I call the 'observation of identity definition') is not trans-inclusive, then there is no trans-inclusive social position definition of 'woman' (i.e., the following is the most plausible candidate for a trans-inclusive social position definition of 'woman'): S is a woman if and only if S is observed or imagined to identify as a woman and is correspondingly socially positioned (as a woman) in virtue of being regularly and for the most part observed or imagined to identify as a woman.

chical implications" (Haslanger, "Future Genders? Future Races?," in *Resisting Reality*, 248–72, 252).

3. Jenkins, "Amelioration and Inclusion," 396, 401–2.

4. *Ibid.*, 404.

2. The observation of identity definition excludes many trans women.
3. Therefore, no social position definition of 'woman' is trans-inclusive.  
(1, 2)
4. Our definition of 'woman' ought to be trans-inclusive.
5. Therefore, we ought to reject social position definitions of 'woman'.  
(3, 4)

Jenkins states the subconclusion (3) of her argument as follows: "This demonstrates that it is impossible to define *woman* by reference to a set of features that function as a basis for socially imposed subordination in a way that includes all trans women: whatever features are selected, some trans women will always be excluded."<sup>5</sup> The conclusion of Jenkins's argument follows from (3) and the principle of trans-inclusion expressed in (4).

*B. Jenkins's Argument for a Dual Social Position and Identity Theory of Gender*

Jenkins holds that there are two fundamental senses of gender: gendered social positions and gender identities.<sup>6</sup> Giving gender identities ontological centrality alongside gendered social positions, Jenkins argues, will ensure that our definition of 'woman' is trans-inclusive. In short, Jenkins holds that although not all trans women are socially positioned as women, as trans women have women's gender identities, a dual theory of gender is able to account for the fact that trans women are women.

In developing her account of gender identity, Jenkins draws from Haslanger's work on racial identity. Haslanger theorizes racial identity through the metaphor of an internalized map. For Haslanger, a person's racial map allows them to navigate social realities typically experienced by members of their racial group, especially their racialized body.<sup>7</sup> Applying Haslanger's theory of racial identity to gender, Jenkins provides the following account of having a woman's gender identity, which she refers to as 'female gender identity': "S has a female gender identity iff S's internal 'map' is formed to guide someone classed as a woman [i.e., someone socially positioned as a woman] through the social or material realities that are, in that context, characteristic of women as a class."<sup>8</sup>

Jenkins holds that her theory of gender identity is trans-inclusive. This conclusion, however, does not follow from Jenkins's account of gen-

5. *Ibid.*, 404.

6. *Ibid.*, 406–7.

7. Haslanger, "You Mixed? Racial Identity without Racial Biology," in *Resisting Reality*, 273–97, 290–91.

8. Jenkins, "Amelioration and Inclusion," 410.

der identity provided above. As many trans women are not socially positioned as women, many trans women's internal gender maps are not formed to navigate the social realities typically experienced by people socially positioned as women. Jenkins reaches the conclusion that her theory of gender identity is trans-inclusive by holding that trans women's internal gender maps are characteristic of the gender maps formed by people socially positioned as women; on this point, I quote Jenkins at length:

The phrase 'social or material reality' applies to a broad range of aspects of one's embodied existence, so that having an internal map that is formed to guide someone marked as a woman can mean different things depending on which aspects of existence the map is picking up on. . . . For instance, for one trans woman, having a female gender identity may be primarily a matter of feeling that she ought to be treated in a certain way by others, for example, that people should refer to her using feminine pronouns and a particular name. For another trans woman, having a female gender identity may be primarily a matter of having the sense that her bodily features ought to be a certain way, for example, that she ought to have a vulva and not a penis and testes. Both of these cases concern aspects of social/material reality that are characteristic of those classed as women and thus fall under the definition of a female gender identity.<sup>9</sup>

With this gloss of trans women's internal gender maps, Jenkins holds that her theory of gender identity is trans-inclusive. I interpret Jenkins's reasoning as follows:

1. S has a woman's gender identity if and only if S's internal gender map is characteristic of an internal gender map that a person who is socially positioned as a woman forms (or might form) in response to social realities typically experienced by people socially positioned as women.
2. Trans women have internal gender maps characteristic of the internal gender maps that people who are socially positioned as women form in response to being socially positioned as women.
3. Trans women have women's gender identities. (1, 2)

It is important to note that Jenkins allows that two people may form very different internal gender maps to guide them through the social realities typically experienced by people socially positioned as women. This notwithstanding, Jenkins holds that all women's gender maps are unified by their "objective elements," such that for all women there is a "genuine

9. *Ibid.*, 413.

correspondence between the norms [that they] take to be relevant to themselves and the norms associated with the relevant [social position].”<sup>10</sup>

Holding that trans women’s gender maps contain the objective elements sufficient for having a woman’s gender identity, Jenkins claims that her dual social position and identity theory of gender is able to avoid trans-exclusion. While Jenkins’s dual theory of gender understands gendered social positions and gender identities to have equal ontological significance,<sup>11</sup> she argues that pragmatic factors can provide reason strategically to highlight one phenomenon over the other.<sup>12</sup> Highlighting identity over social position, Jenkins holds that her dual theory of gender is able to generate a trans-inclusive definition of ‘woman’.

## II. TRANS-EXCLUSION IN JENKINS’S DUAL THEORY OF GENDER

I move to develop a trans-inclusive critique of Jenkins’s dual theory of gender. I argue that Jenkins’s theory of gender identity excludes many trans women from the category of woman. This is the case because—contra Jenkins—many trans women do not have gender maps characteristic of people socially positioned as women. I further argue that Jenkins’s theory of gender identity is *cisnormative*; in other words, I argue that Jenkins problematically theorizes all gender identity—including transgender gender identity—through a cisgender frame.

In her discussion of gender identity, Jenkins focuses on internal gender maps of the body. In my critique, I follow Jenkins’s emphasis. What features of gendered body maps are characteristic of people socially positioned as women?

I turn to Laurie Shrage’s account of dominant cultural conceptions of the body in order to answer this question. Describing dominant cultural conceptions of biological sex, Shrage claims, “Bodies and their parts (including growth chemicals, genitals, brains, and psyches) are understood to have a coherent and exclusive sex in the way that certain generative roles in sexually reproducing organisms have a sex.”<sup>13</sup> In other words, the dominant cultural conception of the body holds that (a) body parts are sexed either female or male and (b) a body is composed exclusively of either female or male parts. Shrage’s observation points to the following element of gendered body maps characteristic of people so-

10. Ibid., 412. Given how significantly intersectional factors can affect gender experience, it is interesting to ask if any gender norms are in fact universally associated with the social position of women.

11. Ibid., 405–7.

12. Ibid., 415.

13. Laurie Shrage, “Sex and Miscibility,” in *You’ve Changed”: Sex Reassignment and Personal Identity*, ed. Laurie Shrage (New York: Oxford University Press, 2009), 175–93, 182.

cially positioned as either women or men: the body is only experienced as unified when all of its features and parts “match” along the axis of a single sex.<sup>14</sup>

At this point, I move to demonstrate that—unlike people with gender maps characteristic of people socially positioned as either women or men—some transgender people experience bodily unification even though their body parts and features do not “match” along the axis of a single sex. My argument appeals to testimony from transgender individuals about their gendered embodiment.

To begin, consider Susan Stryker’s positive identification with her transitioning body. Stryker notes that her body has both female and male features, stating that her “flesh has become an assemblage of incongruous anatomical parts.”<sup>15</sup> This notwithstanding, Stryker claims to “flourish” and holds that bodies like her own can be “viable sites of subjectivity.”<sup>16</sup> Accordingly, it seems that Stryker endorses a radical gender map—distinct from the gender maps characteristic of people socially positioned as either women or men.

Like Stryker, Buck Angel—a trans man, LGBTQ activist, and pornographic actor and producer—does not seem to have a gendered body map characteristic of people socially positioned as either women or men. During his transition, Angel realized that he would not be satisfied with the results of a phalloplasty, and he decided not to have the procedure. At first, endorsing a gender map characteristic of people socially positioned as men, Angel experienced his body and gender identity to be incongruent. However, Angel came to reject the dominant body map underlying that alienating experience, exclaiming, “I don’t have to have a penis. I

14. The phenomenology of bodily unification and disunification is incredibly complex. Here, I tentatively hold that a person experiences their body as unified just in case they neither feel that their body is incomplete (i.e., lacking any of its features) nor feel alienated from their body or any of its parts. Riki Anne Wilchins describes the phenomenology of bodily disunification as follows: “[A person who experiences bodily disunification] will wake one day to find herself lost within the unfamiliar landscape of her own body, like a nomad in some strange and foreign desert, surrounded by unknown landmarks and inhabited by those whose alien features, and distant ways, she can no longer recognize.” Riki Anne Wilchins, “What Does It Cost to Tell the Truth?,” in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 547–51, 549.

15. Susan Stryker, “My Words to Victor Frankenstein above the Village of Chamounix: Performing Transgender Rage,” *GLQ: Gay and Lesbian Quarterly* 1 (1994): 237–54, 240. Note that Stryker’s statement employs a rhetorical strategy common to much radical gender politics in the 1990s: instead of denying that the phrase “flesh composed of incongruous anatomical parts” successfully refers to her body, Stryker aims to upend the negative connotation of the phrase.

16. *Ibid.*, 240, 242.

don't have to have it. I don't have to have it to be a man. It's not necessary. It's a misconception completely."<sup>17</sup>

Reflecting on his transition, Angel notes that he experiences bodily unification with his vagina, claiming, "I love my vagina, because it has changed my life. It's so funny for me to say that, because I hated it for such a long time. To actually feel connected to a part of your body you despised for so long is super empowering."<sup>18</sup> As the gender maps characteristic of people socially positioned as either women or men only allow a body to be experienced as unified if its features "match" along the axis of a single sex, it would not be possible for Angel to have a dominant gender map and experience bodily unification. Only by adopting a radical gender map—distinct from the gender maps characteristic of people socially positioned as either women or men—is Angel able to experience bodily unification with his vagina.

I aim to have demonstrated that neither Stryker nor Angel has a gender map characteristic of people socially positioned as either women or men. If I've been successful, we have reason to believe that Jenkins's theory of gender identity excludes Stryker and Angel from the categories 'woman' and 'man'.

Importantly, Stryker's and Angel's rejection of the essential connection between sexual features and gender identity is quite common in trans communities. On this point, I quote Talia Mae Bettcher at length:

Often within trans-specific communities, gender presentation does not represent genital status at all, instead constituting a visible indication of how a transsubject wishes to be interacted with. In such contexts, the authority of transsubjects in determining self-identity is generally taken as a starting point, and the significance of the gender presentation as well as gender identification category is generally provided by the subjects own personal "intelligibility conferring" narrative. In this way, gender presentation, identification, and self-identification are played out according to very different rules than are found within less trans-friendly contexts. We can say that in such contexts the meaning and use of gender presentation has been significantly altered, and so too has the meaning and use of gender identification categories. In this way, trans-specific communities may afford contexts in which escape from the system of gender as genital representation may be possible.<sup>19</sup>

17. "Buck Angel Talks about Life as a Transsexual Porn Star," *SBS.com*, February 2014.

18. Michael Musto, "Buck Angel," *Out.com*, November 2011.

19. Talia Mae Bettcher, "Evil Deceivers and Make-Believers: On Transphobic Violence and the Politics of Illusion," *Hypatia* 22 (2007): 43–65, 59–60.



Inasmuch as the gender maps characteristic of people socially positioned as women only provide resources for positively identifying with a body that contains exclusively female sexual features, if we are to reject the cishnormative link between sexual features and gender identity, it seems that we must also reject Jenkins's theory of gender identity.

At this point, Jenkins may object as follows: while not all trans women *identify* with a gender map characteristic of people socially positioned as women, all trans women *navigate* a gender map characteristic of people socially positioned as women.<sup>20</sup> Along these lines, Jenkins provides the following two sufficient conditions for having a gender map characteristic of people socially positioned as women (neither of which requires cognitive identification with a gender map characteristic of people socially positioned as women): (i) a person somatically internalizes gender norms associated with the social position of women,<sup>21</sup> or (ii) a person perceives herself to be socially subject to the gender norms associated with the social position of women.<sup>22</sup>

Although Jenkins is correct to observe that different people may relate to a single gender norm in various ways, it is not the case that all women's gender experiences satisfy either (i) or (ii). For example, consider the gender experience of some butch women who are not socially positioned as women. Many butch women do not somatically internalize the norms associated with the social position of women—for example, feeling comfortable with hairy legs. And, inasmuch as many butch women are not socially positioned as women, many butch women do not perceive themselves to be socially subject to the norms associated with the social position of women.

Furthermore, I argue that (i) and (ii) are problematically inclusive conditions for having a woman's gender identity.<sup>23</sup> As some non-women are socially positioned as women, some non-women will perceive themselves to be socially subject to the norms associated with the social position of women. So, some non-women have gender experiences that satisfy (ii). Additionally, the gender experiences of some non-women satisfy (i). For example, consider the following statement from Patrick Califia, a writer and LGBTQ activist, who identifies as a trans man: "I had accumu-

20. Jenkins puts this point as follows: "Having a female gender identity [i.e., a woman's gender identity] does not necessarily involve having internalized norms of femininity in the sense of accepting them on some level. Rather, what is important is that one takes these norms to be relevant to oneself" (Jenkins, "Amelioration and Inclusion," 411).

21. Jenkins glosses the notion of somatic internalization as a "visceral" feeling or "instinctive sense of how [one's] body 'ought to be'" (ibid.).

22. Here I draw from Jenkins's discussion of the different ways in which a person with a woman's gender identity might relate to the gender norm which holds that women ought not to have hairy legs; ibid.

23. Jenkins takes seriously the problem of wrongful inclusion; ibid., 398–99.

lated 45 years of history operating in the world as a woman, albeit a very different sort of woman, before I transitioned. Those habits of thought, self-image, movement, expression are hard to break, no matter how deep my dissatisfaction."<sup>24</sup> Here Califia describes the deep somatic internalization of many gender norms associated with the social position of women. Although Califia's gender experience satisfies (i),<sup>25</sup> Califia is not a woman.<sup>26</sup>

Before concluding, contra Jenkins, that it is not the case that all trans women have gender maps characteristic of people socially positioned as women, it is important to consider if Jenkins's account of gender identity is compatible with any trans-inclusive sufficient conditions for having a gender map characteristic of people socially positioned as women. I suggest that Jenkins's theory of gender identity is compatible with the following sufficient condition (iii) for having a gender map characteristic of people socially positioned as women: a person identifies with or navigates gender norms that result from the reinterpretation (or "queering") of gender norms associated with the social position of women.<sup>27</sup> Along these lines, Jenkins could hold that as Stryker's gender map primarily contains norms which either are associated with the social position of women or

24. Patrick Califia, "Manliness," in *Transgender Studies Reader*, 434–38, 435.

25. I should note that Califia's gender experience also satisfies the masculine analogue of (i). For example, after top surgery, Califia claims, "It feels right to have smaller nipples" (*ibid.*). At this point, it might seem that my argument is open to the following objection: as the somatic internalization of gender norms about primary and secondary sex characteristics is more central to gender identity than is the somatic internalization of the gender norms cited by Califia, Jenkins's theory of gender identity does not imply that Califia has a woman's gender identity. I reply as follows. If Jenkins were to accept the aforementioned objection, her theory of gender identity would (problematically) interpret Angel to have a woman's gender identity (on account of the fact that Angel somatically internalizes a gender norm that allows him to experience bodily unification with his vagina).

26. I have argued that Jenkins's theory of gender identity is both problematically exclusive and inclusive. Jenkins, however, might object, holding that her theory of gender identity is able to generate the correct results in the cases provided above. Indeed, as noted in the previous section, Jenkins allows that "having an internal map that is formed to guide someone marked as a woman can mean different things depending on which aspects of existence the map is picking up on" (Jenkins, "Amelioration and Inclusion," 413). In other words, Jenkins holds that "identifying as a woman can mean different things for different people" (*ibid.*), because different parts of the gender maps characteristic of people socially positioned as women might be understood as central to having a woman's gender identity. Such a response, however, must either (a) allow that two qualitatively identical gender maps could constitute different gender identities or (b) require that cognitive identification with womanhood is essential to having a woman's gender identity. The former option is undesirable, and Jenkins explicitly (and correctly, I think) rejects the latter option (*ibid.*, 410 n. 39).

27. A reinterpreted norm will (a) have a causal-historical relation to its norm of origin and (b) have content that diverges from the standard content of the norm of origin. It seems that norms might be reinterpreted in a variety of ways, including the following: stipulating modified normative content, extending or restricting the domain of the norm's application, unconventionally satisfying the demands of the norm, etc.

were created by reinterpreting those norms, Stryker has a gender map characteristic of people socially positioned as women.

I argue that we ought to reject (iii) as a sufficient condition for having a woman's gender identity. Just as a word's etymology does not determine its (current or future) meaning, neither is the content of a gender map determined by the norms out of which it was fashioned. In attempting to understand Stryker's gender map, it is imperative that we grant descriptive significance to Stryker's highly creative norm reinterpretation. As queered norms are often distinct from the norms out of which they were developed,<sup>28</sup> it is not obvious that Stryker's gender map shares any relevant similarities with the gender maps characteristic of people socially positioned as women. Accordingly, it would be ad hoc to accept (iii) as a sufficient condition for having a gender map characteristic of people socially positioned as women. I expect that the same will hold for any sufficient condition (for having a gender map characteristic of people socially positioned as women) which is compatible with Jenkins's theory of gender identity. Accordingly, I deny that all trans women either identify with or navigate the gender maps characteristic of people socially positioned as women. Jenkins's theory of gender identity is trans-exclusive.

I further argue that Jenkins's theory of gender identity would appear trans-inclusive only if one problematically conceptualized all gender identity through a cisgender frame. On such a conception, transgender gender identity is (incorrectly) understood to be just like cisgender gender identity,<sup>29</sup> except for the fact that transgender people must change their sexual characteristics in order for their bodies and gender identities to "match." While I doubt that Jenkins would endorse such a conception, it seems that cisnormativity has found a way into her account.

Observing how cisnormative interpretations of gender phenomena risk glossing over distinctive features of trans experience, Sandy Stone (in

28. For example, consider how many lesbian cultures transform dominant norms of masculinity into butchness. On this point, Gayle Rubin notes, "Most lesbians would probably agree with a definition from *The Queen's Vernacular*, that a butch is a 'lesbian with masculine characteristics'. But many corollaries attending that initial premise oversimplify and misrepresent butch experience." Carving a middle ground between inflationary and reductive accounts of butchness, Rubin holds that "butch is most usefully understood as a category of *lesbian gender* that is constituted through the deployment and manipulation of *masculine gender* codes and symbols." Even while emphasizing the explanatory link between butchness and masculinity, Rubin refuses to gloss butchness as a form of masculinity. Gayle Rubin, "Of Catamites and Kings: Reflections of Butch, Gender, and Boundaries," in *Transgender Studies Reader*, 471–81, 471–72; emphasis added.

29. Note that 'cisgender gender identity' does not mean 'feminine gender identity'. Roughly, a person has a cisgender gender identity just in case their gender identity "matches" the sex assigned to them at birth. Notwithstanding the aforementioned "matching" of gender identity and sex assigned at birth, cis women might experience their gender identities in significantly different ways.

a text foundational to the field of transgender studies) claims, “Were the silenced [trans] groups to achieve voice we might well find, as feminist theorists have claimed, that the identities of individual, embodied subjects were far less implicated in physical norms, and far more diversely spread across a rich and complex structuration of identity and desire, than it is now possible to express.”<sup>30</sup> Interpreting the gender experience of transgender individuals such as Stryker on their own terms (instead of through a reductive cisnormative framework), I hold that Jenkins has not found any feature that all and only people with women’s gender identities share. Jenkins’s theory of gender identity would only be able to include trans women in the category of woman at far too high a cost: the theoretical erasure of transgender gender experience.

### III. AVOIDING EXCLUSION

At this point, it will be useful to take note of our place in a lengthy dialectic. Jenkins argued that social position definitions of gender identity terms are trans-exclusive, and she suggested that we ought to adopt a dual social position and identity definition of ‘woman’ (and other gender identity terms). In the previous section, I argued that Jenkins’s dual definition of ‘woman’ fails to be trans-inclusive. Importantly, in replying to my arguments, Jenkins would not dispute the gender identities of any of the transgender individuals discussed above. On this point, Jenkins claims, “The proposition that trans gender identities are entirely valid—that trans women are women and trans men are men—is a foundational premise of my argument . . . an important desideratum of a feminist analysis of gender concepts is that it respect these identifications by including trans people within the gender categories with which they identify and not including them within any categories with which they do not identify.”<sup>31</sup>

30. Sandy Stone, “The *Empire* Strikes Back: A Posttranssexual Manifesto,” in *Transgender Studies Reader*, 221–35, 232. While it is important to note that Stone primarily considers transsexual experience, much of Stone’s account applies to contemporary transgender experience. Indeed, as forecasted by its title, Stone’s essay played an important role in forming the contemporary meaning of the term ‘transgender’ from the concept of transsexuality, which (unlike the contemporary meaning of the term ‘transgender’) almost invariably included notions of pathology. For statements on the distinction and relation between the terms ‘transsexuality’ and ‘transgender’, see Susan Stryker, *Transgender History* (Berkeley, CA: Seal, 2008), 18–19. See also Talia Mae Bettcher, “Feminist Perspectives on Trans Issues,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Stanford, CA: Stanford University, 2014).

31. Jenkins, “Amelioration and Inclusion,” 396. On an interestingly related point, for an account that denies that the validity of an individual’s gender identity depends on metaphysical facts about their gender, see Robin Dembroff, “Real Talk on the Metaphysics of Gender” (unpublished manuscript). Notably, Dembroff claims that the ethics of gender ascriptions are not constrained by metaphysical facts about gender.

Although I think that we ought to reject Jenkins's definition of 'woman', I find Jenkins's critique of social position definitions of gender identity terms to be quite plausible. (However, it is important to note that Jenkins's critique of social position definitions of gender identity terms does not obviously apply to Haslanger's theory of gender.<sup>32</sup>) The success of Jenkins's critique of social position definitions of 'woman' turns on the truth of the following claim: there does not exist a social position that all and only women occupy. And (as is the case for many other synthetic negative existentials) it is not practicable conclusively to demonstrate the truth of the aforementioned claim; one might continue searching for a social position that all and only women occupy. This notwithstanding, I am unaware of any fully inclusive social position definitions of 'woman'.

If this is correct, then it seems that neither social position nor dual definitions of gender identity terms are fully inclusive (or, at least, we are currently unaware of any fully inclusive social position or dual definitions of 'woman'). How, then, can a theorist of gender avoid trans-exclusion? While it is beyond the scope of this article to propose a new definition of 'woman', I would like to emphasize that (at least among well-intentioned thinkers) the cause of trans-exclusion can often be traced to errors in philosophical methodology. Theories of gender that are not sufficiently informed by transgender gender testimony risk glossing over part of what they attempt to explain. While I am optimistic that we will be able to develop descriptively and politically powerful trans-inclusive theories of gender, in order to do so, we must—against unjust social forces—ensure that a cisgender frame does not distort our understanding of gender.

32. This is the case for the following reason: in contrast to Jenkins, Haslanger does not aim to provide the conditions for membership in an ontological category of woman. Instead, Haslanger suggests that—inasmuch as (on her theory) patriarchy is a social structure that functions by socially positioning people on the basis of reproductive features—in some contexts, it might be politically pragmatic to adopt a social position definition of 'woman'; see esp. Haslanger, "Gender and Race," 224. In other words, Haslanger's social position theory does not speak to the question of who really is a woman. For an argument that gender identity terms like 'woman' do not correspond to ontological categories, see Elizabeth Barnes, "Gender Realism and Gender Terms" (unpublished manuscript).