

# Gender Erosion Rebellion versus Gender Erosion Indifference

V1.0, comments are appreciated

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## Abstract

Gender theory gives rise to controversies which in part are being fuelled by the use of terminology which carries an ideological load, for instance: transphobia, TERF, gender theory ideology, gender nonsense, heteronormativity, the binary view on gender, biological determinism. We will add some new phrases to this collection with the objective to allow a more meaningful debate on certain aspects of gender theory.

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# 1 Introduction

The objective of this paper is to describe how and why differences of opinion concerning gender theory split (North-) Western democracies. We will claim that the contrast between *gender erosion rebellion* and *gender erosion indifference*, two notions that we will set out in detail below, explains the core of the societal conflict on gender theory. Gender theory is puzzling by all accounts, there is no obvious point of view on these matters. We were as yet unable to design a workable *middle of the road* (MotR) position on gender, which allows to avoid the various problematic extremes. In order to illustrate the difficulty of gender theory we will first criticize the UN position on gender as stated in IESOGI 2021 [6], then we will discuss the state of affairs on gender theory within the RCC and subsequently we will discuss the seemingly counterintuitive fact that the 2023 winner of the Miss Netherlands competition is a transwoman (transgender woman). By discussing these cases the scene is set for the introduction of some novel terminology which, in our view, is helpful for pinpointing the critical controversies that arise when working out a full fledged gender theory which can be applied in a modern society.

## 1.1 Criticizing the UN position on gender theory

Our starting point is the report IESOGI 2021 [6] where the UN describes the importance, value and role of gender and gender identity. This document is problematic for several reasons, among which the following:

1. The report does not explain the relation (or intended relation) between gender and gender identity.
2. The report fails to notice that in some languages, e.g. German, a single word (*Geschlecht*) is used for gender as well as for (an implicitly available) notion of biological sex. An unwarranted suggestion of decoupling mind (gender) from body (b-sex) results.
3. The report makes essential use of the notion of a *gendered society*. However, we claim that this notion is far from being well-defined. Without an explicit definition of gender, and without a description of the role of said concept of gender in a certain society, it is hardly possible to speak of a gendered society.

Unless one presupposes a significant correlation between gender and b-sex (biological sex, however defined) there is no obvious account of gendered society.

4. The report takes no responsibility for the concept of gendered society, that is the report does not explain to what extent the presence of gender is worth preservation (an attitude which we will refer to as *gender extinction indifference*).
5. The report creates a blended mix of opponents of the views it (implicitly) claims to prefer. The significant differences between the various “opponents” are left unanalyzed.
6. The report explains its coming about from the history in feminism while failing to grasp problems that may lie ahead if the proposed lines of thought will become widely adopted (such as disorientation of males and females who find their gender identification “messed up” by modifications which they don’t support).
7. The report fails to notice that a significant part of the hostile debating about gender (in the context of so-called gender wars) takes place between persons and organizations who all subscribe to the following combination of viewpoints:
  - (a) The need for adequate rights for LGB persons (and other sexual orientations).
  - (b) The existence of FTM and MTF transgender persons. (Meant are: post-operation transgender persons, also referred to as transsexed persons).
  - (c) The existence of various forms of gender dysphoria and the need for a range of medial interventions including (but not restricted to) transsexing (an outdated phrase), that is best effort gender affirmation to the new gender with surgical and endocrinical means.
  - (d) The existence of persons who have a neutral gender (i.e. not male and not female).
  - (e) The idea that the gender of a person  $P$  need not in all cases and for all ages correspond to sex assigned to  $P$  at birth.
  - (f) The existence of a notion of gender identity.
  - (g) The existence of the phenomenon of gender categorization.
  - (h) The definition of a (wo)man as an adult human with (fe)male gender.
  - (i) Dismissing ROGD (rapid onset gender dysphoria) as being no more (with the knowledge of mid 2023) than an unconfirmed speculation, for which recent research is finding counter-evidence rather than evidence.

Some comments:

- One may support each of these positions and at the same time hold that “a woman has no penis”.
  - Moreover, persons who subscribe to the above combination of viewpoints may still strongly disagree with the position taken in 2023 by German RCC bishops (see [7]) in support of a proposed new law on Gender in Germany. (These persons will at the same time strongly disagree with the official RCC view on gender as illustrated by [10].)
  - One may subscribe to these positions having a transition permissive notion of b-sex in mind, and at the same time identifying gender with b-sex (but not with b-sex at birth).
  - One may subscribe to these positions having a non-transgender permissive notion of b-sex in mind while recognizing a difference between gender and b-sex (and identifying b-sex with b-sex at birth).
8. The report ignores the development of gender theory after say 2005. Gender theory has become less self-confident in its expression of the results and has become quite open to a variety of viewpoints.
9. The report writes as if no further debate is needed or meaningful and as if the validity of their views is given by nature (very much reflecting the attitudes of their opponents within various religions).
10. The report fails to grasp that today’s gender wars (with supporters of the report all over the world seeking to cancel their opponents!) are mainly about the following questions:
- (A) The relevance of gender protection: is it worthwhile to preserve a notion of gender (3G gender) which is strongly correlated to some notion of biological sex?
- (B) Is gender self-identification decisive for gender categorization?
- Proponents of B who are undecided about A (or their supporters, including the authors of [6] so it seems) allow themselves unpleasant lies and accusations, for instance:
- (i) speaking of transphobia as a label for persons of whom it is well-known that they support trans persons without hesitation, and
- (ii) using the famous TERF accusation towards persons who are not in the least transexclusionary.

11. It is claimed that there are numerous gender identities each of which have to be respected on grounds of human rights just as much as ‘male’ and ‘female’ have to be respected. Without any detailed knowledge this claim is very open ended, and unreasonable for that reason. At the same time the suggestion that the society is gendered does not entail that it would be gender protecting. For many people a gendered society is by necessity gender protecting as well, however.
12. Merely speaking of a gendered society cannot mask an underlying idea that the very possibility of fading away of the known concepts of gender, including masculinity and femininity, is taken for granted.

## **1.2 At the other extreme: the RCC’s version of gender theory**

The RCC (Roman Catholic Church) maintains its own version of gender theory, uncompromisingly based on 2G gender assigned at birth, to which we will refer as GT[RCC,CfCE] the RCC gender theory as formulated by the Congregation for Catholic Education.

GT[RCC,CfCE] is remarkably biased and problematic for that reason. We consider GT[RCC,CfCE] to be outdated. Here are some arguments for that position:

(i) It is stated in [10] that listening is an important aspect of GT[RCC,CfCE], yet no single non-RCC source is quoted. It is fair to say that in [10] “listening” might better have been replaced by “listening to the pope”, while listening to anyone else seems to be considered futile as a matter of principle. That gender and (biological) sex may very well be plausibly distinguished is not recognized, a striking example of not listening.

(ii) A remarkably unfair caricature of so-called gender theory is provided, leaving no room for the many moderate and sophisticated views in the subject. The phenomenon of gender dysphoria is left unanalysed, thereby making the authors intentional and conscious deniers of a century of progress in modern medical science. It is simply postulated that modern biology can assign a biological sex to every human being, for which there is no proof. It is missed that the use which is suggested that must be made of modern biology in the determination of sex (in difficult cases) implies that in the past some assignments of biological sex must have been wrong in all likelihood. The formidable consequences of the latter observation are left unanalyzed. The connection between gender and sexual orientation is made in a manner which is in manifest contradiction with recent (say since 1975) literature on these subjects, thereby again producing a caricature of the state of affairs in gender theory. A century of scientific progress on the topic of sexual orientation is deliberately ignored.

(iii) The sustained and deliberate rejection and discreditation of well-established scientific progress has a long tradition within the RCC and unfortunately this process proceeds

in the area of gender theory without any impediment, and without any visible sign of growth of respect for the phenomenon of scientific progress.

We notice that the German (Roman) Catholic Bishops maintain much more modern views of gender and transgender, see e.g. the recent comments in [7] on a proposal for a new German law on gender transition, more on this matter below.

### **1.2.1 Another voice at the other extreme**

The ROC (Russian Orthodox Church) maintains an approach to gender theory (GT[ROC] hereafter) which is close to that of the RCC, though GT[ROC] is less tolerant for gay/lesbian practices than the RCC seems to be.

### **1.2.2 A crucial split on gender theory within the RCC**

As it turns out the RCC (Vatican, US bishops) broadcasts a version of gender theory (GT[RCC,CfCE] as introduced above) which is very remote from what German RC bishops have to say on the matter (GT[RCC,KdB], KdB: “Kommissariat der Deutschen Bischöfe”); a version of gender theory accepting transgenering even without medical/hormonal affirmation therapy, and accepting neutral gender, and most importantly accepting unconstrained self determination of gender). The RCC is in fact deeply split on matters of gender, and is either unwilling or unable to allow or organize a debate on these issues within their own ranks.

The position of the German bishops may in part be explained as a counterweight against the extremely conservative positions of the RCC at large. However, we (the authors) think that the German bishops are erring on the wrong side by taking too much distance from the biological dimensions of gender, and by speaking to lightly of the plausibility of self-determination of gender.

### **1.2.3 The 2G framework as an act of faith**

Remarkably the RCC and the ROC consider the existence of gender in a 2G framework, and that without an option for transgenering, to be an act of faith based on their preferred reading of the Bible. As a consequence one might think that the strongest arguments for gender protection are religious ones, an ideas which is implausible at first sight. We hold that both arguments are invalid: the Bible does not convincingly speak out against transgenering, and the Bible is no decisive source in support of a 2G framework. Different readings of the Bible yield different conclusions on such matters.

The full spectrum of positions towards gender theory unfolds within the RCC. At the same time the RCC seems not to take any interest in participation with the international

debate on these issues.

#### **1.2.4 Fundamentalist TERF position: in agreement with RCC and ROC on gender**

Fundamentalist TERF activists disagree with the very option of transgendering understood as transsexing. In other words: no man can become a woman, whatever medical surgery and hormonal therapy is applied.

We disagree with that point of view: we believe that if one maintains (adopts) a transition non-permissive notion of biological sex, one may (should) work instead with a transition permissive notion of gender which is close to but not identical with the adopted notion of biological sex and which allows transgendering under certain conditions.

Having agreed with the very option of transgendering (from man to woman or from woman to man) we agree that the process of transgendering and in particular the medical approach to transgendering is risky and prone to failure and must be applied with care. At the same time we do not support the idea that unconstrained self-categorization is the plausible way out of the problem of unnecessary or ineffective gender reaffirming surgery.

### **1.3 Puzzling news on Miss Netherlands**

While writing this paper the news came about in July 2023 that the 2023 Miss Netherlands is a transgender woman. This news created some commotion from various sides of the gender debate. We feel that it is a matter of the regulations of the competition (pageant). If women may participate that includes transgender women, without exception. In 2022 a transgender woman participated in the same competition, so there was no real novelty in 2023, except that it made more headlines. Like in some sports, however, one may imagine that rules for participation to a contest of this kind are stricter than the rules used for determining one's gender as mentioned in a passport. It all depends on the specific regulations of the contest. However, the very fact that a transgender woman wins Miss Netherlands 2023 raises remarkable questions.

For instance suppose that for years to come the same would happen and transgender women would turn out to have a significant advantage in pageants, would rules be adapted to exclude transgender contestants? Suppose a man would just be a transgender woman for the year of participation, and would re-transgender back to male after winning the crown, would that state of affairs lead to different rules? Altogether the question arises: to what extent are woman's rights served by the concept of womanhood becoming diffuse?



## 2 Gender theory as a perspective on a cluster of disputes

On matters of gender several disputes are ongoing at the same time. Some of these disputes are rooted in outdated views, some of these disputes are rooted in lack of empirical data and some of these disputes are about disparate views on a desirable future.

In order to disentangle the complicated debate on gender we consider the following classification of controversies on gender. Unavoidably the classification itself has already some bias.

### 2.1 Outdated controversies

As outdated disputes we mention:

(A) Whether or not a 3G framework must replace a 2G framework (3G is needed, 3G<sub>1</sub> is preferable).

(B) Is transgending a realistic phenomenon (yes, in any case when understood as transsexing as a treatment for otherwise unsolvable gender dysphoria)?

(C) Is it useful to distinguish gender from b-sex? (Yes, when done with care.)

### 2.2 Controversies that are resolvable, though as yet unresolved, by “normal science”

As disputes concerning the empirical state of affairs we mention:

(A) Are there local spikes in the number of MTF, and in particular FTM ongoing transitioning processes? Is it the case that social media play a role in triggering transitioning plans? Is it the case that transitioning is too easily seen as a plausible step upon gender dysphoria being diagnosed? Subordinate questions are:

(i) At which age may surgical and hormonal gender affirmation interventions begin?

(ii) Who must give consent to such interventions?

(iii) In which cases is gender dysphoria best seen as a condition which can be (initially) tread by means of psychological methods?

(B) Similar questions arise for FTN and MTN transition.

## 2.3 Ideological questions and related controversies

Fundamentally unresolved are a range of controversies which are less visible from media coverage and nevertheless play a significant role on the background of the debate.

(A) What is the difference between gender and gender identity; is there a role for gender categorization?

(B) What role if any is left for biological factors in the determination of gender?/

(C) Can the decoupling between gender and sexual orientation be maintained if the meaning of gender is left unconstrained and is purely a matter of personal choice?

(D) Which gender identities are to be distinguished? For instance are (any of) the following conditions legitimate gender identities:

(i) cis-male,

(ii) cis-female,

(iii) cis-male and (actively) heterosexual,

(iv) cis-female and (actively) heterosexual,

(v) cis-male and (actively) gay,

(vi) cis-female and (actively) gay,

(vii) MTF transfemale (and transsexed),

(viii) FTM transmale (and transsexed),

(ix) MTF transfemale (without reassignment),

(x) FTM transmale (without reassignment),

(xi) neutral (non-binary, diverse; where this means not male and not female with a traditional understanding of being male and of being female)

(xii) neutral (not male and not female, where choosing male gender and choosing female gender is understood as an unconstrained act of free will, and where male and female have already been decoupled from any biological connotations).

(xiii) Neutral and intersex.

(E) How and when to distinguish neutral gender from  $\perp$ ? (Is the right not to disclose one's 2G or 3G gender, as a rationale for the use of  $\perp$ , or X, as a substitute for male or female in a passport or identity document even connected with or relevant for gender theory? How does that right evolve when the meaning of 2G genders male and female becomes obscured by gradual decoupling from biological factors?)

### 3 More terminology

The gender debate has become increasingly problematic with unpleasant accusations being used against participants. A most damaging accusation is of being transexclusionary. This accusation is used against persons of whom it is well-known that they support the concept of transgending (if and when understood as transsexing, see for instance the very clear explanation by J.K. Rowling in [9]). We consider the use of such accusations to be a problematic distortion of the dispute. In order to counteract the widespread use of such unwarranted accusations a stronger terminology may be needed which allows formulating (equally problematic) accusations in the other direction.

Providing more expressive terminology will also be helpful for formulating an MotR version of gender theory, which is our still distant objective on the long run. We also think that the language of accusations (as these are used in the debate on matters of gender) is biased and that additional accusations will be needed in order to achieve a level playing field in the “accusation theory oriented” part of the debate on matters of gender.

#### 3.1 Additional terminology on positions concerning gender theory

**Gender frameworks: 2G, 3G or 3G<sub>⊥</sub>.** In practice, in all societies 2G gender is important and increasingly 3G gender is important: persons are divided in male, female and neutral. However, thinking in terms of a 3G<sub>⊥</sub> framework is more workable because by distinguishing <sub>⊥</sub> from neutral confusion between 2G gender rejection and unwillingness/inability to provide information about gender can be avoided.

**Gender abolitionism.** Human rights activists strive against strict policies of gender assignment (categorization) and would mostly be happy if the concept of gender is made to disappear from the official aspects of life. This line of thought may be termed gender freedom idealism. Granted that gender distinctions are made, people should be in charge of their own gender. In more extreme manifestations of gender freedom idealism each manifestation of lacking gender freedom may be understood as a human rights issue. We propose *gender abolitionism* as a general name for views which are motivated by the long term objective to do away with gender distinctions altogether. This state of affairs we will call gender extinction. Thus gender abolitionism is defined by the objective of gender extinction. Gender abolitionism may come in two forms:

- (i) In combination with the gender coherence assumption, that is the view that there is a partly biologically based and philosophically coherent notion of gender (3G

framework), which however should not be allowed to play a significant role in modern society.

(ii) In combination with the gender incoherence assumption, that is the view that there is no reliable notion of gender available so that gender abolition is no more than “society at large becoming aware of the facts”.

**Gender erosion versus gender extinction.** Where gender extinction takes place if notions of gender become deprecated, gender erosion is a slow process that may but need not end up in gender extinction. Gender erosion is a process of notions of gender becoming more diffuse and less used.

**Gender erosion indifference.** Gender erosion indifference (and more specifically 3G based gender erosion indifference) refers to positions which do not involve any safeguards against a development towards gender extinction. Laws (and proposed laws) which involve gender freedom (the freedom for all persons to determine their own gender) without paying due attention to the question how to avoid gender erosion/extinction. Human rights arguments suggest that a person would best be in charge of the determination of their own gender, and human right arguments take priority over the prevention of gender extinction. Gender erosion indifference may come in two forms:

(i) in combination with the gender coherence assumption.

(ii) in combination with the gender incoherence assumption.

**Gender erosion rebellion.** Gender erosion rebellion may be understood as (working towards) preservation of 2G (for some also 3G) gender assignment to individual persons, including a significant societal role for that distinction. Gender erosion rebellion may have various grounds and may take a variety of forms.

(i) Unified world motivation: avoiding a highly problematic split between the different cultures and societies on earth. In this form GER understands both gender abolitionism and gender extinction indifferences as a threat for the world order given that so many cultures, states, and institutions are manifestly unwilling to allow gender extinction.

(ii) Gender constitutionalism (see below),

(iii) Gender essentialism (with biological flavour).

**Gender extinction indifference and gender extinction rebellion.** Those who see gender erosion running fast and gender extinction in sight might prefer to think of gender extinction indifference rather than gender erosion indifference as a label for

their opponent's positions. Similarly one may prefer gender extinction rebellion over gender erosion rebellion as a label for one's own positions.

**Middle of the road (MotR) approaches.** A middle of the road version of gender theory should combine the objectives of gender erosion rebellion with the human rights dimension of gender erosion indifference. It is quite difficult to design a middle of the road position on gender theory.

**Between bio-determination of gender and bio-decoupling of gender.** A notion of gender  $G$  is bio-determined if we understand bio-determination of gender, as well as its opposite: bio-decoupling from gender as follows:

**Definition 3.1.** *A notion of gender is bio-determined if for all persons  $P$ , for some adequate combination of biological features which is satisfied by at least 1000 individuals determines and satisfied by  $P$  the gender of  $P$  is determined by said combination of features.*

**Definition 3.2.** *A notion of gender is bio-decoupled if there is no correlation with any plausible combination of biological factors.*

MotR position: gender erosion is not intended and gender erosion rebellion is supported for that reason. There is no doubt concerning the relevance of gender.

**Comment.** It is often said that it is a result of scientific progress that gender is not anymore understood in exclusively biological terms. This can hardly be true given the formidable difficulty of defining gender. Nevertheless it has become common practice in gender theory to assume that bio-determination of gender is wrong. Having said that, however, one may not infer that bio-decoupling is right. The question how best to understand gender (if at all) lies wide open! We see no sign of any scientific consensus on the best or most defensible position in the spectrum from bio-determination of gender to bio-decoupling of gender.

**Hybrid bio/socio determination of gender.** We speak of hybrid (bio/socio) determination of gender if a notion of gender is neither bio-determined nor bio-decoupled. For short we speak of a hybrid notion of gender. It is far from easy to develop useful and convincing hybrid notions of gender.

**MotR gender theory depends on options for hybrid notions of gender.** The key underlying question for the design of MotR versions of gender theory is: how can one arbitrate between bio-determination of gender and bio-decoupling of gender. In other

words: how to arbitrate between both extremes? There is a limited collection of patterns for arbitration:

(i) (Resolving psychological/psychiatric distress.) A person  $p$  may have a clear and informed and credible idea of what it means to have gender  $g$  in which case gender  $g$  may be assigned to them by way of a medical/psychological professional decision. These are exceptional cases.

(ii) (Jumping from proximity.) Proximity (in spite of distance) to bio-determining conditions: this mechanism is used in [2] in order to find counterexamples against AHF and AHM in the case that the underlying notion of b-sex is transition permissive.

(iii) (Social induction from an established gender base.) Social induction from observing group behaviour of person with known (and certain) gender  $g$ , to be used in case bio-determination fails. A person  $P$  may be in doubt about their gender, and then may upon having inspected customs and life-styles of persons with known gender (for each of the three options) conclude that say  $g$  fits best and may choose for that option. This process may be rewarding in case strict adherence to biological and behavioural criteria leaves gender attribution undecided.

(iv) (Behavioral evidence in addition to biological information). Behavioral information to be used in addition to bio-based information. This is where meta-heteronormativity enters our discussion in [3].

**The signed gender kinds (male and female) are terp-like.** A concept  $K$  meant to serve as a predicate on a class is terp-like if it meets the following constraints:

(i) There is a proportionally large core where judgements of the form  $K(P)$  (person  $P$  “is a  $K$ ”) are safe and true. The members of this core are heterosexual.

(ii) There is a large zone where judgements of the form  $K(P)$  (person  $P$  “is a  $K$ ”) are safe and false.

(iii) There are relatively small boundary zones where judgements of the form  $K(P)$  or  $\neg K(P)$  are still meaningful but less certain.

Now we claim that: male, female, and gender neutral are terp-like concepts. The core zones of male gender, female gender and neutral gender do not intersect. For the boundary zones intersections may happen and decisions are needed in order to arrive at a workable gender assignment where for each person exactly one of the predicates (i.e. the three gender labels) applies.

**3G based 2G gender protection (preservation and stabilization).** One of the ways to participate in gender extinction rebellion is to adopt a 3G framework and to mark

the 2G signed genders male and female as in need of protection (as being important), preservation (as being used) and stabilization (remaining sufficiently close to modern biological views). Two forms (extremes) of 3G based 2G gender protection can be distinguished:

(i) Law and order based protection: gender categorization protocols as well as gender transition protocols are embedded in law based jurisdictions and are primarily enforced by legal means.

(ii) Norm based protection: norms specify how citizens ought to deal with matters of gender categorization and gender transition, and it is expected that enough people follow these norms so that law enforcement can be disposed with.

Obviously law and order based protection can only be put in place if norms are known and agreed upon (to the extent needed for accepting the relevant proposed laws) of which the relevant laws are implementations. In a democracy where marginal majorities win out against significant minorities one may find that laws are designed which do not implement norms that might have sufficient support for these to be effective without being underpinned by laws with corresponding enforcement. Seemingly in a parliamentary democracy there is a tendency towards the design of law and order enforced policies rather than norm based policies. Both policy styles are in conflict. As a side effect the sheer problem of how to design laws achieves critical importance.

**Claim 3.1.** (Acknowledgement of complexity.) *Designing a law and order based realization of 3G based 2G gender protection which is acceptable from the perspective of human rights and which acknowledges progress in life-sciences, medicine, and psychology turns out to be a very difficult task.*

**Claim 3.2.** (Plausibility of adoption of extreme positions.) *The combined 'force' of parliamentary democracy (and its tendency towards law and order enforced solutions of problems) and the complexity of the MotR gender theory design problem explains that outcomes are extreme on either side, either gender abolitionist or gender extinction indifferent, or otherwise adopting gender constitutionalism or even gender essentialism (without a modern perspective on human rights and more often than not ignoring the progression of modern life-sciences).*

**Claim 3.3.** (Political singularity.) *The controversies around gender theory are so significant that these may endanger the stability of some parliamentary systems. Those who intend to keep democracies up and running may eventually be forced to compromise on matters of gender theory.*

**Gender constitutionalism.** 2G Gender constitutionalism holds that (i) “somehow” gender is important (in particular 2G gender, with the 3G extension as a side effect, accepted on medical, psychological, and humanitarian grounds), and even fundamental, it is a vital component of the human constitution,

- (ii) gender distinctions, in particular male versus female must be preserved, and that
- (iii) gender must play a role in the organization of modern societies.

Gender fundamentalism has two components: first of all explanations of what is the extension of genders and secondly an explanation of why gender distinctions matter.

**Gender essentialism.** Gender essentialism considers gender a critical aspect of each individual and claims that the concept of gender has a biological basis. Gender essentialism acknowledges that the progress of life-sciences induces adaptations of the definitions of gender (who is a man, who is a woman, who is neither, i.e. is neutral).

**Difficulty of the MotR design problem.** The conceptual difficulty of the MotR gender theory design problem is clearly demonstrated within the RCC where the approach of GT[RCC,KdDB] may be understood as gender extinction indifferent and the approach of GT[RCC,CfCE] is strongly gender essentialist. It is the manifest inability to engage in a public debate within RCC that demonstrates the depth of the difficulties involved.

**Compromising between gender erosion indifference and gender protection.** We expect that on the long run some form of compromise will be found between 3G based gender erosion indifference and 3G based 2G gender protection. We consider it useful to search for possible compromises. A most plausible line of thought may be to take into account that gender extinction rebellion is positioned against risk that may never come true. It is the lack of safeguarding against the risk of gender extinction which creates worries. There is no proof that in today’s society law enforcement is needed in order to manage that risk. A compromise could have the following outline:

(i) Those who wish to put a policy in place that may be considered gender extinction indifferent may accept that norms are introduced, to which they do not adhere, and which will only be turned into law that can be enforced if and when the risk of 2G gender extinction materializes (preferably to an extent about which agreement has been found in advance).

(ii) Those who have 2G gender protection on the agenda agree that having specific norms available (and used in the texts for laws and regulation) is a workable substitute for laws that can be enforced in order to guarantee 2G gender protection as



long as the gender distribution stays sufficiently close to what one would expect on biological grounds.

This agreement is accepted even if it is known that a significant part of the population does not agree with said norm, under the assumption that in practice it does not matter.

(iii) There would be a joint effort (for both sides in the debate) to monitor the state of affairs w.r.t. 2G gender protection and to start a revision of laws on gender categorization and gender protection in case the gender distribution becomes skewed in a way which is not acceptable for those in favour of gender protection.

**Capitalism as a way out?** In a capitalist society, democratic or not, the norm that people must work is enforced by means of financial rewards. Would financial incentives be helpful for following norms relevant for gender protection for which law based enforcement is cumbersome? If nothing else works making use of financial incentives may still be effective. One may imagine financial incentives for those who keep their gender aligned with a biological assessment of it. Obviously the design problem for such mechanisms is formidable but these might nevertheless provide an escape from ill-fated attempts to design law and order enforcement of norms for which democratic support is marginal and which might split society (if not the world order) in dangerous ways.

### 3.2 A new accusation

The practice of gender theory is fraught with accusations, many of which come about from a lack of acknowledgement of the core problem for MotR design of gender theory versions: how to combine credible gender non-eliminativism with sufficient room for gender self-categorization. In other words how to compromise between gender extinction rebellion, and gender extinction indifference? We will introduce transextremist as an accusation which may be of use in the debate. We do so because formidably unfair accusations such as the TERF accusation play a key role in the debate. Only by using accusations in the opposite direction as well both sides in the debate can achieve a level playing field.

We notice that in a recent (2023) report on the state of affairs in gender studies (*Geschlechterforschung*) in Germany [11] it is noticed that academic workers are often held in low esteem. Unfortunately no further analysis is made of that phenomenon which in our perception primarily is an internal matter for gender studies. Different factions working in gender studies try to settle disputes by way of accusations and cancelling. Unfortunately it is not discussed in [11] to what extent a lack of academic freedom within gender studies may contribute to an unfriendly climate.

**Definition 3.3.** (Transextremism) *A refinement of gender theory is called transextremist if the refinement combines (i) unrestricted self determination of gender with (ii) the absence of has safeguards against gender erosion and/or gender extinction.*

**Definition 3.4.** (gender self-identification immunity) *We will use gender self identification immunity as a label for persons whose gender identification is considered not to be an act of free will and not sensitive to their own self-identification.*

Gender self-identification immunity depends on one's views on a range of parameters, including conditional versions of AHF and AHN and assessments of a person's ability to make certain judgements.

A valid pair of conditional versions of AHF, AHM provides a class of gender self-identification immune persons). Thus if  $C \rightarrow \text{AHF}$  and  $C \rightarrow \text{AHM}$  are valid assertions then a person who meets condition  $C$  is gender self-identification immune. Absence (either observed or suspected) of gender self-identification immunity for large groups of persons creates fear of gender erosion or even of gender extinction.

**Definition 3.5.** *The transextremism accusation consists of accusing a person (or group of persons or institution) of maintaining a transextreme position in their favourite refinement of gender theory.*

The transextremism accusation is a plausible response to the transphobia accusation in some cases.

### 3.3 Sources of disorientation

The risk of gender erosion becomes visible if one lists questions that are not easy to answer and positions that are not easily confirmed or rejected regarding say the notion of a man (an adult human of male gender).

**Male person is a classical and unproblematic notion.** This is the classical conservative position. B-sex is assigned at birth and gender follows accordingly. Gender does not change during a life time, neutral gender is hardly accepted, and modern science is brought into bearing in order to resolve difficult cases of gender assignment at birth. The RCC position and also the fundamentalist TERF position (Men cannot possibly become women and conversely).

**Male person is a classical notion which has been slowly updated in recent years.** The position of several laws on gender that were designed around 2000. (Moderate TERF position.) The TERF position.

**Some people are men, whether they like it or not.** A logical consequence of adopting one of the conditional versions of Byrne's AHN (see [5] for AHN and [3] for conditional version thereof) as being true.

**Being a man involves knowledge and affirmation thereof.** For being a woman Barnes 2022 disagrees with the corresponding assertion. A puzzling and circular position because it becomes mysterious how man come about. There is a bootstrapping issue: how can one affirm masculinity without knowing many man? And how to be sure that certain persons are male, given that they might have made up their mind to be women?

**Male person is a notion which has been completely revised in recent years.** This is the modern position, which leaves the door open

**There is scientific consensus on the notion of a male person.** A claim from modernists, who use it to justify legislation geared towards gender self-determination.

**There is no scientific consensus on the notion of a male person.** A claim against modernists.

**Who is male and who is not male are philosophical questions.** A real possibility which has not yet visibly entered the public debate.

**Being male combines biological, psychological and social factors.** The idea is attractive, what is missing, however is convincing details of how the different categories of aspects can, if only in principle, be integrated in a single judgement.

## 4 Towards a middle of the road version of gender theory

Our long term objective is to develop a version of gender theory which avoids the extremes and takes intermediary positions on various issues.<sup>1</sup> Said objective is too vague to serve as a starting point for MotR gender theory development. Nevertheless an outline of the problems to be solved becomes visible:

(A) To design a notion of gender which leaves sufficient room for taking biological aspects into account.

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<sup>1</sup>Classical criticism of gender non-critical thinking, as given e.g. by Nussbaum in [8] seems not to provide a clue on how to find an MotR position.

(B) To be explicit about the diversity of notions of gender (and gender identity).

(C) To agree that 2G gender erosion indifference is a key matter. Disagreement about the (un)desirability of 2G gender erosion must be made explicit and advance of designing MotR versions of gender theory.

(D) The sentiment of gender erosion rebellion must be made known to various sides in the debate.

#### **4.1 Gender entanglement: a mechanism working in the direction of gender erosion**

We coin the idea of gender entanglement to highlight a critical mechanism in the gender debate. With gender entanglement we propose to refer to the following combination of circumstances:

(A) Individuals and organizations striving for the acceptance or strengthening of the position of neutral gender (alternatively: non-binary gender, gender diverse) thereby (i) explaining that neutral persons do neither identify as male nor as female (not as a man and not as a woman), and (ii) using as an implicit assumption that male gender (man) and female gender are understood in a fairly classical manner (with a bias to heterosexual and cis-gender).

(B) Individuals and organizations striving for the systematic decoupling of 2G genders male and female from biological characteristics, thereby working towards the idea that 2G gender assignment to person  $P$  is merely a matter of a (possibly temporary) act of free will of  $P$ .

The entanglement consists of 2G gender being looked at classically (in situation A) and “progressively” (situation B) at the same time by agents each claiming to stand at the right site of the debate on gender. Agreeing in situation A is possible if at the same time clarity is obtained about the fundamental properties of both 2G genders.

**Claim 4.1.** *If 2G gender assignment to  $P$  is considered to constitute merely an act of free will by  $P$  (so that everyone may freely self-identify as male or as female), it becomes diffuse what it means for  $P$  to have a non-2G gender identity, and it becomes unconvincing that a non-2G gender identity must be acknowledged.*

Gender entanglement is a mechanism which helps certain forces in the gender debate to make quantum progress by decoupling the change of rules from the change of definitions. This mechanism deserves a well-designed opposition which pays attention to the change/evolution of concepts and definitions simultaneously with the change of norms, rules and laws.

## 4.2 Concluding remarks

We have introduced some novel terminology which may be helpful for structuring the debate on which version of gender theory to prefer.

In short we have outlined how gender erosion rebellion may oppose gender erosion indifference and how the state of gender entanglement may work against the activists of gender erosion rebellion. We hope that our work can contribute to the forthcoming development a convincing MotR version of gender theory, a version of gender theory which can navigate around various ‘extreme’ positions so that some form of broad consensus about it may be obtained. Following the analysis of [4] we expect that the concept of androgyny will play a key role in the design of an MotR version of gender theory. Needless to say obtaining consensus will be challenging and will imply that not all sides in the debate on gender get it fully their way.

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