

Transinclusiveness Ordering for the Spectrum of Gender Theory Versions

V1.0, comments are appreciated

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Abstract

A spectrum of versions of gender theory is surveyed, and an ordering is suggested with regard to transinclusiveness. Said versions of gender theory are listed by way of increasing transinclusion (or decreasing transexclusion for that matter).

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1 Introduction

This paper aims at a contribution to several themes and questions as recently posed in [6], in particular the issues (in the numbering of [6]) 2.2 (Bogardus versus Barnes: to what extent can gender theory provide a transinclusive concept of gender), 3.1 (principles of TERF positions), and 3.9 (development of an MotR version of gender theory). We will abbreviate gender theory to GT.

We hold that GT provides a general conceptual framework, on matters of biological sex and gender, for which a plurality of different versions may be distinguished. We will speak of a spectrum of versions of GT. Different versions in said spectrum can be compared on the basis of various criteria. To mention some possible criteria:

- (i) the (empirical) scientific/scholarly basis that can be given for the various postulates that underly a GT version,
- (ii) the philosophical (scholarly) basis that can be given for the various postulates that underly a GT version,
- (iii) the degree to which a GT version may be considered to be transinclusive,
- (iv) the degree to which a version of GT has a firm biological basis, and
- (v) the degree of correspondence of a version of GT with the tenets of a given jurisdiction.

We will focus on transinclusion, that quality being most explanatory for the controversial character of some versions of GT. We will refrain from basing our notion of transinclusion on any definition of transgenering. We do so in view of the observation that the ordering we will propose seems to be hardly dependent on a precise definition of transgenering.

1.1 Subjective transinclusiveness

Rather than transinclusiveness we will focus on subjective transinclusiveness: the degree to which a version V_{gt} of gender theory will lead to gender categorization g for a person P whenever g is the gender identity of P , or (in case of a non-classical 3G version of GT) is one of the components of the gender identity of P . Here gender identity is understood as a subjective notion following the terminology of Barnes 2022 [1]. Gender identity thus conceived is descriptive of a person's own understanding of their gender. Gender categorization on the other hand is descriptive of the societal perception of a person's gender.

1.2 Transinclusiveness understood as a positive qualification

Transinclusiveness of a GT version is understood as a definite quality criterion by non-gender critical gender theorists (confusingly being gender non-critical corresponds with advocating critical gender theory). The situation is quite polarized: even a marginal difference in transinclusiveness may create a situation where advocates of the more transinclusive version of GT are extremely negative about supporters of a somewhat less transinclusive version of GT. Such negative attitudes may be expressed by means of accusations of being gender critical, or transexclusionary, or transphobic, or of disregarding the rights of trans person.

1.2.1 Transactivism: on the verge of unreasonable aggression

Transactivism is activism as performed by groups and individuals towards persons and groups who support a less transinclusive version of GT than their own preferred version of GT. Transactivism has become an aggressive form of activism, sometimes aiming at the destruction of their opponent's careers or reputations. A complication with the notion of transactivism is that many transgender persons do not support transactivism.

1.2.2 Transactivism as an expression of gender erosion indifference

We hold that transactivism is prone to an attitude which we have named gender erosion indifference in [5], viz. the idea that it does not matter if the distinction between male and female gender erodes into insignificance. Opposition to gender erosion indifference may take the form of gender erosion rebellion (see also [5]), the idea that action is needed to prevent gender erosion.

1.3 Transinclusiveness understood as a negative qualification

Transinclusiveness of a version of GT is understood as a negative qualification for that version by persons and groups who either deny the very existence of transgender persons (that is who deny the very possibility of transgenering) as well as by persons who accept the feasibility of transgenering in principle, but who are firmly against the occurrence of transgenering, in all or most individual cases. The RCC (Roman Catholic Church), the ROC (Russian Orthodox Church) as well as various groups of Evangelical Christians are negative about transgenering as well as about transinclusion. So-called TERFs (transexclusionary radical feminists) also maintain a negative attitude towards transgenering. We refer to [4] for further comments on the positions of the RCC and the ROC.

1.3.1 Transexclusion understood as a positive qualification

We will speak of transexclusion both if the existence of transgenering is denied and if transgenering is judged negatively in principle. Thus a version of GT is transexclusive to the degree that it is not transinclusive and the other way around.

1.3.2 Anti-trans movement: an incoherent idea?

One may think of an anti-trans movement as a conglomerate of individuals and groups who maintain negative attitudes regarding transgenering and regarding transinclusive versions of GT. The idea of an anti-trans movement is confusing, however, in view of the fact that there are many different forms of transgenering and someone may be in favour of certain forms of transgenering while being opposed to other forms of transgenering.

1.3.3 Anti-trans attitudes as an expression of gender erosion rebellion

Strong anti-trans forces are found in the RCC, the ROC, various Evangelical Christian groups, and so-called TERFs. Each of these groups prefers a clear gender distinction male/female to remain in existence. These groups show signs of performing what was called gender erosion rebellion in [5].

1.4 Middle of the Road (MotR) approaches to transinclusion

As was stated in our [5] we believe that on the long run MotR versions of transinclusion must be developed by way of a compromise between transinclusion and transexclusion.

1.5 Linguistic confusion

Disagreements between supporters of different versions of GT are complicated by a lack of agreement on the meaning of core terminologies. For instance each of the following notions is contested: man, woman, gender (as well as its main interpretations: formal gender, social gender, and psychological gender), b-sex, sexual transition, gender transition, transwoman, transmale, and non-binary gender.

2 10 versions of GT, listed according to increasing transinclusiveness

In the following survey we briefly discuss highlights of 10 reasonable versions of GT. These GT versions provide an informative perspective on the spectrum of GT versions. We made an attempt to list these GT versions in the order of increasing transinclusion (and of decreasing transexclusion for that reason).

2.1 2G based gender predestination

Gender is identified with b-sex at birth, while b-sex is understood as immutable. It is understood that all persons are either AFAB or AMAB. (This version of GT is propagated by RCC, the ROC as well as by various Evangelical Christian movements.)

- The key reference for this version of GT as a philosophical position is [12], which led to a subsequent discussion starting with [14].
- We hold that 2G based gender predestination contradicts scientific evidence mainly by excluding neutral gender. Neutral gender occurs in the literature in some cases which are classified under the code 46 XY DSD, a class of persons to which b-sex assignment at birth is not unproblematic, though may go either way in practice.
- We consider the biblical explanation of a binary perspective on gender hard to defend. Such explanations are given in [20] and (as stated in [4]) we see two problems with it:
 - (i) reference is made to the text of Genesis but we fail to see why implicitly present universal quantifiers cannot and should not be read with the background of appropriate default logic, and
 - (ii) we understand that it is a person's duty to accept and live with their gender (= b-sex) assigned at birth. Now we understand that according to [20] in some cases (e.g. 46 XY DSD cases) visual inspection of a newborn at the time of birth may fail to be sufficiently informative to determine the gender at birth reliably in which case inspection of chromosome structure is advised as a means to arrive at a final and valid conclusion regarding gender assignment. We conclude from this state of affairs that (consistent with [20]) say 200 years ago or more (long before discovery of chromosomes), gender assignment must in some cases have been defective. It follows that after a wrong assignment of gender (understood as b-sex, and as a speech act upon birth by all means a social event) a person could nevertheless function properly with the wrong gender. It follows from this state of affairs that in some

cases (according to [20]) at least successful gender attribution is a matter of social construction, rather than a side effect of divine creation. Even if God as the creator of human life makes no error the humans who perform gender assignment at birth may err, but when gender assignment errs that error is not so large that a person needs recovery from it. We conclude that the key argument brought into bearing by the official line of thinking in the RCC against transgenering fails, the argument that a person should accept the gender nature (God) has bestowed on them.

- We notice that in [16] the German RC bishops adopt a perspective on gender theory which is far more transinclusive than the official line from the Vatican as specified in [20].

2.2 3G based gender predestination

Gender is identified with b-sex at birth, while b-sex is understood as immutable. It is understood that most persons are either AFAB or AMAB, while a small minority of person is ANAB (assigned neutral at birth). Each of these categorizations is considered immutable.

- This version of GT is propagated by so-called TERFs. (We assume that the TERF position does not exclude neutral gender in all cases, in particular not in cases where biological classification is problematic.)
- We hold that there is sufficient evidence against the position that transgenering is impossible or undesirable in principle.
- The argument that transgenering (say from male to female) is impossible because chromosomes cannot be changed throughout a human body fails because it depends on an outdated definition of gender (i.e. of being male or female).

2.3 2G based gender predetermination with rigorously specified and strictly supervised bodily specified transgenering

Gender is identified with b-sex at birth, while b-sex is understood as mutable. It is understood that all persons are either AFAB or AMAB. Under strict supervision a person may change their gender via medical interventions involving both surgery and permanent hormonal treatment.

- Versions of GT along these lines are maintained in Iran (see [19]) and in Egypt, as well as in China and Japan.

- Several western democracies have laws in conformance with this version of GT, though increasingly such laws are considered (in said western democracies) to be outdated and to be in need of revision.

2.4 3G based gender predetermination with rigorously specified strictly supervised bodily specified transgenering

Gender is identified with b-sex at birth, while b-sex is understood as mutable. It is understood that all persons are either AFAB or AMAB. A small fraction of persons is ANAB (assigned neutral at birth). Under strict supervision a person may change their gender via medical interventions involving both surgery and permanent hormonal treatment. These changes may be performed in each direction between male, female and neutral gender.

- When working in a 3G framework there are 6 options for transgenering instead of the mere 2 options in a 2G framework.
- For transgenering to neutral gender there are no strict regulations other than that the medical needs that come with the objective to remediate gender dysphoria must be taken into account.
- One may imagine a stricter version of this policy in which transition to neutral gender is possible only if satisfactory evidence is available that a person is neither a man nor a woman. At the time of writing we are unaware of any literature pointing in this direction, however.

2.5 3G based gender predetermination with rigorously specified though loosely supervised bodily specified transgenering

Gender is identified with b-sex at birth, while b-sex is understood as mutable. It is understood that all persons are either AFAB or AMAB. A small fraction of persons is ANAB (assigned neutral at birth). With clear objectives and specifications though under loose supervision a person may change their gender via medical interventions involving both surgery and permanent hormonal treatment. These changes may be performed in each direction between male, female and neutral gender.

- It seems that at the time of writing (August 2023) in the UK both the Conservatives and Labour support a version of GT of this form.
- Casual supervision of trajectories of gender transition may simplify the psychological burden for persons under transition.

- Simplifying the psychological burden for transgenering is a meaningful objective once the plausibility of transgenering is accepted. Simplifying the burden of supervision need not come with changing the (bodily) criteria for transgenering.

2.6 3G based gender predetermination with flexible supervised bodily specified transgenering and with gender neutrality understood by way of androgyny

Gender is identified with b-sex at birth, while b-sex is understood as mutable. It is understood that all persons are either AFAB or AMAB. A small fraction of persons is ANAB (assigned neutral at birth). Under strict supervision a person may change their gender via medical interventions involving both surgery and permanent hormonal treatment. These changes may be performed in each direction between male, female and neutral gender.

Instead of working with transitions from male or female to neutral gender (for instance in order to resolve cases of gender dysphoria), there is a focus on the application of concepts of androgyny to explain (and/or to deal with) the normality of phenomena often understood as instance of gender dysphoria.

- Androgyny is not dismissive of the notion of a neutral gender, but will suggest that transition to neutral gender is performed with care and after contemplation of alternative treatments coming from psychoanalysis and analytical psychology.
- Author Laurens Buijs has a preference for a version of GT of this form, see also [10].
- In a recent German investigation of the state of affairs in gender studies [21] it has been stated that androgyny offers a viable perspective on matters of gender.

2.7 3G based gender predetermination with bodily and/or psychologically specified and loosely supervised transgenering

Gender is identified with b-sex at birth, while b-sex is understood as mutable. It is understood that most persons are either AFAB or AMAB while a small fraction of persons is ANAB (assigned neutral at birth). Under loose and flexible supervision a person may change their gender via medical interventions involving both surgery and permanent hormonal treatment. These changes may be performed in each direction between male, female and neutral gender.

Alternatively in certain psychological conditions a person may be granted a change of gender without making use of (or with relatively limited) bodily affirmation therapy.

- There is no description of instances for the psychological specification of successful gender transition from male to female or conversely. Therefore this kind of version of GT is speculative for the moment. Author Jan Bergstra feels that a so-called MotR, i.e. middle of the road, version of GT may be developed along these lines.)
- In [3] we have outlined how gender transition may work in a context where bodily transition is incomplete.

2.8 3G based gender predetermination with subsequent and revisable gender self-determination

Gender is identified with b-sex at birth, while b-sex is understood as mutable. It is understood that most persons are either AFAB or AMAB while a small fraction of persons is ANAB (assigned neutral at birth). With an act of free will a person may change their gender identity, and by consequence their gender categorization. Such changes may be repeated several times during a person's life.

- This type policy was decided by the German government on August 23 2023 and will be voted upon by the Bundestag.

2.9 No gender determination (i.e. predetermination as \perp of $3G_{\perp}$ in the terminology of [2]) with subsequent and revisable 3G based gender self-determination

Gender is not identified with b-sex at birth, on the contrary gender at birth is take to be unknown (\perp of $3G_{\perp}$ in the terminology of [2]). It is understood that all persons are either AFAB or AMAB. A small fraction of persons is ANAB (assigned neutral at birth). However, in official matters b-sex will not play any role, and only a person's gender will be of bureaucratic relevance. With an act of free will a person may change their gender identity, and by consequence their gender categorization. Such changes may be repeated several times during a person's life.

2.10 Non-ternary 3G based gender self-determination

Non-ternary self-determination is more liberal than 3G self-determination. Non-ternary self-determination allows the use of combined gender identities such as (female AND neutral) and (male AND neutral), or (male AND female). Non-ternary self-determination may be applied in the presence as well as in the absence of 3G gender pre-determination at

birth. In [?] non-ternary gender labels are discussed under the name non-classical gender labels.

3 Concluding remarks

3.1 Wokeness

A major notion which we have avoided in the above descriptions is wokeness. Wokeness, or being woke, is frequently used in the context of gender theory. We will explain our understanding of wokeness in the context of gender theory by making use of the transinclusion ordering of different versions of GT.

- If version B of GT is more transinclusive than version A of GT then supporters of version A may qualify supporters of version B as being woke.
- If version B' is more transinclusive than version B then supporters of A will consider supporters of B' to be even more woke than supporters of B .
- In the opposite direction for GT versions A and B as just mentioned supporters of version B may qualify supporters of version A as transphobic, as transexclusionary, as gender critical, or as disrespectful of the rights of trans individuals. These qualifications are accusations as understood in Accusation theory of [7, 8] whis follows the design of Promise theory of [11].
- Utterances of negative attitudes of supporters of version B (and of version B' etc.) towards supporters of version A may be characterized as instances of woke behaviour by the supporters of version A who feel insulted or disrespected by said utterances.
- Instances of woke behaviour (as just explained/introduced) as directed towards a person P may be considered (by P) to be threatening (for P) their relevant forms of freedom (including academic freedom). This mechanism is the topic of [9].
- Wokeness may be used as an accusation by P directed to persons who show woke behaviour towards P .

3.2 Gender theory look-alikes in applied areas

In sports transgending has become an important issue. Following the directives of the IOC (see [13] for some comments, see also [15]) different international institutions in

charge of their respective sports are in the process of developing guidelines for dealing with the phenomenon of transgendering. As an example consider the 2022 World Aquatics policy on eligibility for the men's and women's competition categories ([22]). At first sight this policy provides a version of gender theory, but at closer inspection the policy takes care not to import any concept of gender and of transgendering from (any version of GT) theory at all. The policy is independent from gender identity, gender categorization, and gender transition, and is also independent of definitions of man and of woman. We conclude that World Aquatics has not designed a new version of gender theory, instead it has intentionally made the notions men's competition category and women's competition category independent of the debates in gender theory. As such the policy is neither transinclusive nor transexclusive. In other words rather than contributing an addition version of GT the 2022 World Aquatics policy seems to have been designed with an eye on compatibility with a wide range of versions of GT.

Needless to say the recent Aquatics policy fails to end the debate on participation to women's competition category events in aquatics. The well-known case of Lia Thomas remains controversial. The 2022 policy (and its 2023 update) will exclude Lia Thomas from participation to (her specialty of) women's competition category aquatics events during the forthcoming (2024) Olympic games. There is significant opposition against this particular outcome of said policy (see e.g. [17]). In [18] the suggestion is made that sports are not yet transinclusive. We hold that each of the arguments as put forward in [18] finds a satisfactory rebuttal in [22]. We conclude therefore that sports are moving towards a satisfactory degree of transinclusion, and that the arguments given in [18] are defective.

When understood as a version of gender theory (be it a look-alike) we claim that the policy of [22] is fully transinclusive.

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