

## 1. Introduction:

Thank you to the organisers for inviting me to speak and for all their hard work that has gone into making this event happen: it is a privilege to be able to discuss the future of women's sex-based rights today. I want to think about the concept of **gender identity** from a philosophical perspective. And the reason I want to do this that the concept of gender identity is presently an ill-defined and confused one with no legal force, which is rather startling given its appearance in the policies of influential organisations. Stonewall, for example, tell us that gender identity is:

“A person's innate sense of their own gender, whether male, female, or something else, which may or may not correspond to the sex assigned at birth.”

The basic idea being expressed by organisations such as *Stonewall*, *Amnesty International*, and even the *NHS*, as I understand it, is that gender identity consists in – or as philosophers would say, metaphysically constituted by – someone's strongly felt personal conception of themselves as male, female, some combination of both, or perhaps neither. That is, someone's gender identity is not an externally verifiable characteristic such as their having brown eyes or being six-foot tall, but rather, concerns their inherent sense of being, or at least feeling strongly aligned with, a certain sex.

Now this conception of gender identity naturally raises some questions, and I want to consider just three. I want to emphasise that my aim is *not* simply to raise objections but to help us *all* arrive at a more robust and clear conception of gender identity that is compatible with, and upholds, women's sex-based rights.

(A) Suppose that someone's gender identity indeed consists in their strongly felt internal sense or experience of gender. Then an immediately obvious question is: *By what non-arbitrary criteria can we distinguish gender identity from other cases in which someone also has a strongly felt sense of being something that there are compelling reasons for thinking that they cannot objectively be?*

So, psychiatrists and philosophers like me who are interested in these things, for example, speak of **Misidentification Syndromes**. I'm sure most all of you know of the Rachel Dolezal case in which a U.S white woman claimed to be a black woman with a passion for African-American issues; and then there are even more *recherché* cases such as people who report a deeply felt internal sense of being *dead* or that there are *numerous physical and psychological copies of themselves*. Now trivially and intuitively, subjective conviction that one is a different colour, dead, or has been magically reduplicated is clearly *not* sufficient for metaphysically making those things the case. That's just absurd! Yet subjective conviction about gender identity *is* increasingly said to be sufficient for metaphysically making someone male, female, a blend of both, or neither. So, it strikes me that organisations – or indeed *anyone* who seeks to cash out the concept of gender identity in terms of strongly held feelings – owe us a clearer definition of gender identity that avoids these kinds of absurd equivocations.

(B) The second question I want to raise is this: What justifies the implicit assumption that someone cannot be mistaken about their gender identity when we are often mistaken about the nature of our mental states? Or to put it more plainly: Why assume that someone cannot be mistaken about their gender identity when it is non-controversial that we are often mistaken about other mental states such as *beliefs, feelings, and sensations*?

Consider, for example, the familiar phenomenon of *referred pain* whereby pain in one part of the body is often experienced elsewhere. I suspect that many here know of someone who thought that they were experiencing, say, jaw pain in the weeks before their heart attack, and so, were radically mistaken about both the objective *location* and *source* of their pain. Likewise, it seems perfectly intelligible that someone might be radically mistaken about what their strongly felt feeling – called gender identity – objectively indicates: perhaps, for example, that strongly felt feeling objectively springs from internalisation of restrictive gender stereotypes and roles than it does from really feeling female or male, and we had better have some way of establishing *that* before someone embarks upon a medical pathway with consequences that are difficult to reverse should they be

mistaken. So, it strikes me that those who cash out the concept of gender identity in terms of strongly held feelings owe us a clearer account of precisely *what* those feelings are, and in particular, why it is that we cannot be radically mistaken about them in the way that are often are about many of our other mental states.

(C) The final question I want to raise is that *if* gender identity consists in someone's strongly felt personal conception of themselves as male, female, some combination of both, or neither, then how do we know that different people are identifying as the same thing? Suppose, for example, there are twenty people in this room who were *not* correctly assigned their sex at birth but nevertheless have a deeply felt sense of being a woman. The question is: How do we know that all those people have the same sense of what it is to *be* a woman?

For example, is it that:

(A) Such individuals are all identifying as each *other*?

Or,

(B) Such individuals have the same feelings as someone who was correctly assigned their sex at birth?

Or,

(C) Such individuals have, for want of a better word, an ideal in their head of what it is to be a woman and are identifying as *that*?

In short, what is it that such individuals are comparing themselves *to*? It strikes me that we need to know what this strongly felt feeling latches onto, or tracks, because saying it is simply a feeling leaves us with a nebulous concept of gender identity that isn't doing any substantive explanatory work.

In conclusion, I am suggesting we need clarification of on how some organisations and groups are presently using the notion of gender identity if women as a sex-class are not to disappear.