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Gender identity: the subjective fit account

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Abstract
This paper proposes a new account of gender identity on which for A to have gender G as part of their gender identity is for A to not take G not to fit them (or to positively take G to fit them). It argues that this subjective fit account of gender identity fits well with trans people's testimony and both trans and cis people's experiences of their genders. The subjective fit account also avoids the problems that existing accounts of gender identity face. Existing accounts face broadly two types of problems. First, they seem to imply that trans people have gender identities different from those that they in fact have. For instance, they seem to imply that some trans women do not have a female gender identity or have not always had that gender identity, contrary to their testimony and experiences. I argue that the subjective fit account avoids this problem. Second, many existing accounts of gender identity seem to conflict with the idea that our gender identities merit respect. I argue that the subjective fit account avoids this problem because it understands gender identities to consist in normative experiences and judgments and normative experiences and judgments merit respect.

Keywords Gender identity · Gender · Transgender · Trans Rights · Misgendering · Fittingness

1 Introduction

To be trans is to have a gender identity that is different from the gender you were assigned at birth: for instance, trans women were assigned male at birth but have a female gender identity; trans men were assigned female at birth but have a male gender identity.[1] And our gender identity is, most generally, our sense of ourself

[1] See e.g. see National Center for Transgender Equality (2016), Amnesty International (2020), American Psychological Association (2014), Stryker (2008: ch. 1), Bettcher (2014: 236), and Faye (2021: xiv).

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as a particular gender: our sense of ourself as a woman, a man, as genderqueer, or as another gender.[2] But what is it to have such a sense of yourself as a particular gender? Three types of answers to this question, three accounts of gender identity, have been proposed in analytic philosophy. First, Jennifer McKitrick (2015), building on Judith Butler's work, proposed a *dispositional account* of gender identity on which to have gender identity G is just to be disposed to act in ways that are associated with Gs in one's context. Second, Katharine Jenkins (2016, 2018), building on Sally Haslanger's approach to racial identity, proposed a *norm-relevancy account* of gender identity on which our gender identities consist in our experience of norms associated with a particular gender being relevant to us, or our having a map of the world fit to guide a member of a particular gender through the world. Third, Talia Bettcher (2017) proposed a *self-identification accoun*t of gender identity on which our gender identity is just the gender that we are disposed to assert that we are when asked; Michael Rea (2022) and Florence Ashley (2023) have also defended this kind of account.

However, all three of these accounts have been argued to face significant problems. The self-identification account and dispositional account have been argued to trivialize our gender identities because our dispositions to act in particular ways and our dispositions to assert things do not merit respect but our gender identities do merit respect.[3] The norm-relevancy account has been argued to imply that paradigmatic trans men are not trans men, that paradigmatic trans women are not trans women, to imply that many non-binary people are not non-binary, and to imply that agender people are not agender.[4] The dispositional account seems to imply that very feminine men who act in sufficiently many feminine ways such that they are classed as women by their society do not have male gender identities.[5] And the self-identification account implies that trans women who think that they were always women, or always had a female gender identity, even before they were disposed to say that they were women or girls, are mistaken because they were not always disposed to assert that they were women or girls.[6]

Responses to many of these problems have been and/or could be made but this paper takes a different approach. It proposes a new account of gender identity, the subjective fit account, that it argues can very clearly avoid all of these problems and which it argues does not face any further problems.

Many trans people understand, talk about, and/or explain their gender identities in terms of their sense of what does or doesn't fit. Discussing their genderqueer identity, Nāgakuśala Dharmacharin says, '[t]he gender binary: there it was. I didn't quite fit into it'.[7] Explaining her gender identity and realisation that she has a female gender identity, ex-philosopher and celebrity Youtuber Natalie Wynn says 'I feel like socially I sort of fit a script for women better'.[8] Journalist Suzannah Weiss

[2] See *supra* note 1, Jenkins (2018: 714) and Dembroff (2020: 7).
[3] See Jenkins (2018: 728), Saul (2012: 206), and Dembroff (2020: 11).
[4] Andler (2017: 891–892), Bettcher (2017: 396), Dembroff (2020: 8), and Cull (2020: 168–172).
[5] See §3 for discussion.
[6] See Saul (2012: 206) and Bettcher (2017: 396).
[7] West Yorkshire Queer Stories (2020).
[8] See HealthyGamerGG (2020: 17.35).

(2018), who has the gender identity, *non-binary woman*, says '[g]rowing up, I never felt people were wrong when they called me a woman, but it felt like a label imposed on me rather than one that fit. Then, in college, I learned about non-binary identity, and that did fit'.[9] Discussing creating non-binary terms for parents, MJ Jones (2019: 28) explains that neither 'mother' nor 'father' seemed to them to fit them. Similarly, talking about their trans identity and the words '"woman", "real", and "vagina", Juno Roche (2020: 16–17) says that '[t]hose words for me and my body don't fit or feel appropriate anymore'. Talking about the label 'non-binary', and why they use it, Stevie, one of the participants in a participatory exhibition about non-binary identities says that 'it's the label that fits'.[10] Discussing their discovery of their gender identity, trans writer and historian Kit Heyam (2022: 12) says that it wasn't until they volunteered at an LGBT History Month that they were 'able to truly get to grips with new ways of thinking about gender, and to realise where I fitted in'. In *Transgender History*, trans historian and trans and queer theorist Susan Stryker (2008: 21) also briefly proposes that we understand our gender identities in terms of our sense of what does or doesn't fit. She says, '[e]ach person has a subjective sense of fit (or lack of fit) with a particular gender category; this is one's gender identity. For most people, there is a sense of congruence between the category one has been assigned to at birth and socialised into and what one considers oneself to be. Transgender people demonstrate that this is not always the case…'.[11]

Inspired by these experiences and Stryker's brief account, this paper proposes that for A to have gender G as part of their gender identity is for A to not take G not to fit them (or to positively take G to fit them. More specifically:

> *Subjective Fit Account.* For A to have gender G as part of their gender identity is for A to not take it to be unfitting (or to positively take it to be fitting) for them or others to treat them as a G.[12]

§2 explains the core components of the subjective fit account, the idea of fit or fittingness and the idea of being treated as a particular gender, before explaining how the subjective fit account appears to be a plausible account of gender identity. §3–4 argues that the subjective fit account clearly avoids the problems that other accounts of gender identity face. §3 argues that it avoids the counter-examples that existing accounts face because it can seem fitting to us for us to be treated as gender G even if our society doesn't take us to act in ways associated with Gs (dispositional account), even if we do not have a map fit to guide us through the world as a G (norm-relevancy account), and *even if* we are not currently disposed to assert that we are a G (self-identification account). §4 argues that the subjective fit account avoids existing accounts' problems with showing that gender identities merit respect because according to the subjective fit account, gender identities consist in normative experiences and there is a consensus in moral and political philosophy that

[9] See Dembroff (2020: 9) for further discussion of the gender identity, *non-binary woman*.

[10] Lane (2021)

[11] For similar discussion and examples see Cosker-Rowland (2024: 248).

[12] And for A to have at least some familiarity with and understanding of gender category G; see *infra* note 21.

normative experiences like these merit respect. §5 discusses some objections to the subjective fit account and argues that they can be overcome.[13]

2 The subjective fit account

The subjective fit account understands gender identities in terms of our experiences of whether it is fitting or unfitting to treat us as a member of a particular gender category. The ideas of fittingness and being treated as a particular gender need some explanation.

2.1 Fittingness

Fittingness is a normative property that is most often ascribed to attitudes: fitting desire is desire of the desirable, that which is worth desiring, unfitting envy is envy of someone who is not enviable or someone who it is incorrect or inappropriate to envy, fitting admiration is admiration of the admirable or that which merits admiration. Being fitting is often paraphrased in terms of being *appropriate* or being

[13] One might wonder whether we should really understand trans experiences in terms of 'gender identities'; should we really understand someone's being trans in terms of their having a gender identity different from the gender they were assigned at birth? I cannot fully address this issue here but there are several relevant things to note about the philosophical discussion of gender identities and the accounts of gender identity that I will discuss in this paper.

First, there is something in virtue of which trans people are trans. We can take the accounts that I discuss in this paper to be accounts of whatever that thing is. Currently this thing is normally called trans people's gender identity; trans people are people who have gender identities that do not align with the gender they were assigned at birth. But those who don't like 'gender identity' can think of the accounts in this paper as accounts of whatever it is to be trans and/or can think of these accounts as giving an account of whatever it is to have a sense of oneself as a particular gender or to have a sense of oneself as a gender different from the gender one was assigned at birth.

Second, many things that we often call identities are just our having a sense of ourself as something. For instance, we often talk of someone's religious identity, and that is really just their sense or understanding of their own religion. So, it makes sense to think of our sense or understanding of our gender as (analogously) our gender identity.

Third, as with religious identities, one's gender identity can be, and is (very) often formed in relation to a community; our identities are not (generally) formed in social isolation. Though, we should not rule out that someone could come to understand that they have a gender identity different from the gender they were assigned at birth without having any form of supportive in-person or online trans community of any form. So, understanding trans experiences in terms of gender *identities* does not necessarily underplay the role of communities in trans experience.

Fourth, there are pragmatic reasons to think of trans people's senses of ourselves as genders different from the genders we were assigned at birth in terms of identities. Identities are taken to be particularly politically important and to ground important claim rights such as rights to political recognition, religious accommodation, and to freedom of belief and expression (see §4 below). Alternative proposals for understanding trans experiences, such as Briggs and George's (2023, ch .2) proposal that we understand trans experiences in terms of 'gender feels', do not seem to imply that trans experiences are politically important in these ways: how we feel is not generally taken to ground similar rights. For instance, the fact that we want to have a cheap cosmetic surgery procedure or would feel happier with it or sadder without it is not normally taken to be sufficient to establish that we have rights to be provided with this procedure by our state.

correct.[14] Actions can also be fitting and unfitting: it's fitting for a boss to praise a much loved employee at their leaving party; it's unfitting to say that someone is to blame for something when you know that they did not do it; deserved compliments and rebukes are fitting compliments and rebukes; it was fitting for the Queen of the United Kingdom to pardon Alan Turing; a particularly moving eulogy is fitting at a funeral; laughing during a minute's silence is not. Most generally, fitting actions are actions that are appropriate or correct in the circumstances; unfitting actions are inappropriate and incorrect in the circumstances.[15]

Much of the recent philosophical discussion of fit has arisen in the context of wrong kind of reason cases. In the most discussed such wrong kind of reason case a demon will punish everyone if we do not admire them. It seems that we have most reason to admire the demon, but the demon is not admirable.[16] Cases like this show that what it is fitting to do is not just what we morally ought or all-things-considered ought to do; for we morally ought to admire the demon and we all-things-considered ought to admire them, since this will do great good at no cost, yet it is not fitting to admire them. We can see the same distinction with actions too: suppose that a malicious billionaire will cause havoc, death, and destruction unless everyone publicly praises them. You ought to praise the billionaire, that's the morally and all-things-considered best thing to do. But the billionaire isn't praiseworthy—anything but—and so it's not fitting to praise them. So, what we morally and all-things-considered ought to do comes apart from what it is fitting for us to do.

Having a subjective sense that something fits involves judging or having the intuition that something is fitting. We can have an intuition that someone is blameworthy (fitting to blame) or that something is undesirable (unfitting to desire); we can judge that someone is admirable or merits praise. So, we can understand our subjective experiences of what gender fits to consist in similar intuitions or judgments about what gender fits us and what gender it is fitting to treat us as.[17]

2.2 Being treated as a gender

Hopefully we now have some grasp on experiences of fit. But what is it to treat someone as a particular gender? Treating S as gender G involves categorizing them as a G. There are many different ways of categorizing S as gender G including using pronouns associated with Gs, inviting S to G-only events, permitting them to use G-only spaces and otherwise grouping S with the Gs. Referring to someone as 'he', 'sir', or 'one of the blokes' is a way of treating and categorising someone as a man. Inviting someone to a girls' night out or a club for only women is a way of treating them as a girl/woman, as is telling them to line-up with the girls, rather than the boys, at school. Forbidding someone from using the women's restrooms is a way of

[14] Howard (2018)

[15] Howard & Cosker-Rowland (2022: 13–15).

[16] See e.g. Rabinowicz & Rønnow-Rasmussen (2004).

[17] There are debates about exactly how we should understand judgments and intuitions of fit and normative judgments and intuitions more generally: what kind of states do they consist in, and are these states cognitive belief-like states, non-cognitive desire-like states, or some alternative, or hybrid, state? For discussion and substantial proposals see Stratton-Lake (2022) (2020) and Schroeder (2010).

categorizing them as a man, or as not a woman.[18] So, to have a sense that it is fitting to treat one as a woman involves having an intuition, or making a judgment, it is fitting to categorise one as a woman.

We can understand this view of what it is to treat someone as a particular gender in terms of norms. There are lots of different types of norms associated with genders. For our purposes it is useful to distinguish one type of norm associated with genders, *categorization norms*, the content of which exclusively concerns ways of (merely) categorizing someone as a particular gender. Categorization norms include norms regarding the grouping of children into boys and girls, the use of pronouns to refer to people (e.g. the norm, use 'she' to refer to women), the permitting of some but not others to use particular single-gender spaces including restrooms, locker-rooms, but also other single-gender spaces such as clubs (e.g. men-only private members clubs), social events (e.g. Girl Gang meet-ups), and marches (e.g. Reclaim the Night marches), and to participate in single-gender teams. Other norms associated with genders include norms regarding *bodies and sex characteristics* (e.g. women should have female primary and secondary sex characteristics), norms regarding *dress and appearance* (e.g. men don't wear dresses or mascara; women should wear dresses to formal events), grooming, as well as norms regarding leisure, interests, and employment, to mention but a few. To treat S as gender G involves treating S in line with norms associated with Gs and normally must involve treating S in line with categorization norms associated with Gs such as using the pronouns associated with Gs to refer to S.[19]

Sometimes people treat others as a particular gender by applying norms beyond categorization norms to them. Consider a traditional religious community which holds that (i) women should wear dresses and not wear suits, (ii) that women should marry men and have children with them, and that (iii) women should not be breadwinners and should restrict any work they do to 'feminine' professions like being a secretary. Someone from this communities' treating Amy as a woman will involve their applying norms (i–iii) to Amy in addition to their categorizing Amy as a woman by using she/her pronouns to refer to her and permitting her to use women-only spaces. But feminists, progressives, and many of those who are not in such traditional religious communities reject norms (i–iii). When feminists and progressives treat Amy as a woman they only apply categorization norms associated with women to her, they treat her as a woman by using she/her pronouns to refer to her, by grouping her with women, and by permitting her to use women-only spaces; they treat her as a woman without applying norms like (i–iii) to her.

There must be something common to the traditionalists and the feminists' treatment of Amy which makes it the case that both groups treat Amy as a woman. On my view

[18] See Kapusta (2016: 505) and Dembroff & Wodak (2018: 376–377).

[19] For further discussion of the distinction between gender categorization norms and other norms associated with genders, see §5. Cosker-Rowland (2024: 249–251) similarly distinguishes between gender categorization norms and other gender norms; Ashley (2023: 10) similarly distinguishes our gendered experiences regarding gender categorization from other gender experiences. Briggs & George (2023: 74–75), somewhat similarly, distinguish gender category norms from gender-behaviour and gender-biology norms; however, by gender category norms, Briggs and George seem to have in mind something slightly different, namely norms about the gender categories that we should have.

this commonality consists in their both categorizing Amy as a woman by applying categorization norms to her. To treat someone as a woman involves applying norms associated with women to her—treating her as these norms hold that one ought to treat someone who is a woman. These norms must (normally) include categorization norms associated with women. But treating someone as a woman can involve applying no further norms beyond categorization norms to her (as in the case of feminists and progressives) or can involve applying norms beyond categorization norms associated with women to her (such as in the case of a traditionalist religious community).[20]

2.3 The subjective fit account

According to the

> *Subjective Fit Account*. For A to have gender G as part of their gender identity is for A to not take it to be unfitting (or to positively take it to be fitting) for them or others to treat them as a G.

Where A's not taking it to be unfitting for them to be treated as a G involves, at a minimum, their not taking it to be unfitting for them to have categorization norms associated with Gs applied to them (e.g. their not taking it to be unfitting for them to be referred to with she/her pronouns). To take it that it is fitting for one to be treated as gender G one must at least take it to be fitting for one to be categorized as a G by having categorization norms associated with Gs applied to one, such as by being grouped with the Gs rather than the not-Gs or by being referred to with the pronouns associated with Gs rather than those associated with not-Gs. 'Taking it' in this account is short-hand for: 'judges that', 'has the intuition that', or otherwise has the subjective experience that (see §2.1). One further caveat should be added to the subjective fit account: A must have at least some familiarity with and understanding of gender category G in order to have gender identity G. This stipulation is needed because otherwise someone who was not aware of the gender category *demigirl*, for instance, would have a demigirl gender identity just because they are unaware of this category and so do not take it to be unfitting to treat them as a demigirl.[21]

[20] For more on this account of treating someone as a gender see Cosker-Rowland (2024: 249–251).

[21] One might wonder how much familiarity or understanding A needs to have of gender category G in order for them to have gender identity G. The caveat that A must have at least some familiarity and understanding of G in order to have a G gender identity is added just to avoid the demigirl counterexample above; rather than to put a general epistemic bar on one's having a particular gender identity that one thinks one has. With this in mind I propose that we understand this caveat in the following way: 'in order to have gender identity G, A must have heard of category G and/or have thought about whether they are a G or not'; where A's having thought about whether they are a G or not *could* just involve their having seen G (e.g. demigirl) in a drop-down box on a social media platform and A's having decided that they are not a G and their having not selected G from that drop-down box. I understand this caveat in this way because this is the minimal amount of information that A would need to be able to make the judgment that G does not fit them; without having heard of category G we cannot judge that G does not fit us. It might be that some more substantive understanding of this caveat is necessary, however, it seems that the burden of proof is on someone who wishes to hold that this caveat must be understood more substantively here.

The subjective fit account holds that our gender identities can consist in judgments concerning the fittingness of others *or ourselves* treating us as gender G. To fully understand *treating oneself as gender G* we need the notion of the *content of a norm*. Consider the norm *use she/her pronouns to refer to (only) women*. To categorize oneself as a woman involves applying norms like this one to oneself or living up to the content of norms like this one, that is, *using she/her pronouns*. Similarly, other categorisation norms associated with women include the following: *when there is a division of children into genders girls should line up with the girls; women and only women should use the women's restrooms*. Seeing it as fitting for one to live-up to the content of these norms involves seeing it as fitting for one *to use the women's restrooms* and seeing it as fitting for one *to line up with the girls when there is a division of children into genders*. A similar norm is the norm that women should have a woman's name (a feminine name) rather than a man's name (a masculine name): seeing it as fitting to live-up to the content of this norm involves seeing it as fitting for one to have a (particular) woman's name rather than a (particular) man's name. In general, judging that it is fitting for one to live up to the content of norm X just involves judging that it is fitting for one to do what X says that one ought to do. E.g. judging that it is fitting for one to live-up to the content of feminine norms of appearance and presentation just involves judging that it is fitting for one to act and present oneself in feminine ways.

Although seeing it as fitting for one to treat oneself as a G must involve seeing it as fitting for one to live-up to the content of *categorization norms* associated with Gs it can also involve seeing it as fitting for one to live-up to the content of *other norms* associated with Gs. For instance, since the norm, *women should have female sex characteristics rather than male sex characteristics*, is associated with women, a trans woman's judgment that it is fitting for her to treat herself as a woman could involve the judgment that it is fitting for her to have female sex characteristics rather than male sex characteristics. It can also be useful to think of things this way: if it seems fitting for you to treat yourself as gender G, it seems fitting for you to live as gender G. Where living as, for instance, a woman, could just mean using she/her pronouns and otherwise categorizing oneself as a woman.

The subjective fit account's requirement that in order to have gender identity G one need only take it to be fitting for one to be categorized as a G by oneself or others is important because many trans people's gender identities do not involve experiences or judgments regarding gendered norms associated with bodies and gender expression. For instance, some trans men do not want to change their sex characteristics; some non-binary people express themselves in ways associated with binary genders and do not change their sex characteristics.[22] On the subjective fit account what unifies all trans men as trans men is that they take it to be fitting to categorize

[22] See e.g. Andler (2017: 889–890) and Dembroff (2020).

themselves as men rather than women but some trans men also make judgments regarding other gender norms (e.g. that it is fitting for them to have male sex characteristics and not to have female sex characteristics), which are important parts of their gender identities, too.

Cis women don't take the category *woman* to not fit them: cis women are treated as women and don't take it to be unfitting for them to be categorized as and conceived of as women rather than as men or as neither women nor men. Trans women take the category *woman* to fit them and the category *man* to not fit them: trans women take it to be correct and fitting (and not unfitting) for them to be treated as and conceived of as women and take it to be unfitting for them to be treated as and conceived of as men. So, to have a female gender identity is to experience it as not unfitting for one to be treated as a woman; and some people's female gender identities also involve the judgement that their being treated or thought of as a woman is positively fitting.

Similarly, to have a non-binary gender identity is for it to seem to you that it is not fitting for others to treat you as a member of a binary gender in certain ways such as by using binary coded pronouns to refer to you (he/him, she/her), using binary honorifics or other terms (e.g. sir, sister, dad) to refer to you, or treating you in line with other norms associated with binary genders or expecting you to act in line with them (e.g. expecting you to wear a dress to your prom). Having a non-binary identity may also involve it seeming to you that it is positively fitting for you to be treated as non-binary in various ways (e.g. seeing it as fitting for you to use they/them pronouns or to be thought of as someone outside of the traditional gender binary).[23]

2.4 Features of the subjective fit account

I've been explaining that the subjective fit account seems to provide a plausible account of what unites all trans people with the same gender identity and also seems to capture cis as well as trans gender identities. There are several further important and attractive features of the subjective fit account. First, because what we take it to be fitting to do comes apart from what we take it to be morally and prudentially best for us to do, a trans woman, for instance, can judge that it is fitting for her to live as a woman but not live as a woman, and judge that she prudentially ought not live as a woman, because of the severe costs to her (e.g. assault, harm, harassment, unemployment, destitution) of her living as a woman in a thoroughly transphobic society. Such a trans woman has a female gender identity even though she cannot live as a woman in her transphobic society.

[23] One might wonder whether experiences of fit need be binary: if one has the experience that it is fitting for one to be treated as a member of gender category G1, must one experience it as unfitting for one to be treated as a member of all other gender categories (G2-GN)? No, for fit is not, and experiences of fit need not be, so binary. Fit isn't binary: it could be just as fitting to take option A as to take option B. So, some people could experience it as equally fitting for them to be treated as a man as for them to be treated as non-binary. Or someone could experience it as more fitting to treat them as a demigirl than as merely non-binary. And others may experience it as only fitting to treat them as women (for instance), and as unfitting to treat them as any other gender.

Second, according to the subjective fit account, gender identities are in a sense *multiply realisable*: two people can have the same gender identity in virtue of different experiences. Alyse can take it not to be unfitting for her to be treated as a woman because she has female sex characteristics and has historically been subject to oppression because she is perceived as female. Becky can take it to not be unfitting for her to be treated as a woman because she experiences it as negative, grating, or unfitting when she is referred to as a man or grouped in with men, or with neither the men nor the women, and doesn't experience this feeling when she is grouped in with and otherwise treated as a woman. Carla might judge that it is fitting to treat her as a woman (that *woman* fits her) because she navigates the world as a woman, has female sex characteristics, or wants to have them and hates her male sex characteristics, and expresses herself in feminine clothes and makeup. Alyse, Becky, and Carla all have the gender identity, *woman*, in virtue of different experiences and make the judgments that their gender identities consist in for different reasons.[24]

Third, according to the subjective fit account, one can have gender identity G just because G seems like *the best fit*—rather than exactly the right fit—to one out of the relevant gender categories that one is aware of or which are available; several non-binary people have told me that this gels well with their experiences of their genders.

Fourth, experiences of gender categorization are a rich and important part of many trans people's experiences of their gender identities and genders, and the subjective fit account fits with and explains why this is so. For instance, explaining their experiences with gender categorisation before they realised they were non-binary, non-binary writer, actor, and podcaster Gabe Dunn says.

> [s]ometimes it's, it's jarring to me when, like, when a waiter is like, "Hello, ladies," I'm like, "who do you mean?" Or if someone is like "the girls" and then I'm..also included in the girls, and like, that's weird…like when I hear stuff like, "Oh, we're…like Cosmos ladies," I'm like, "What? Who are you talking to?"[25]

Similarly, Quinn Alexis Daley says,

> I wasn't into things that were typically male, but then loads of cis men are not into things that are typically male, so I just thought that's what I was. And then I realised that, like, I don't actually like being labelled as a man. I'd never felt comfortable with it. I never felt included when people would be like, 'hey… dudes', or 'fellas'. I'd feel like they were talking about the rest of the people in the group but not me. So that's the kind of thing that started to, to send me down the road of thinking maybe I actually am non-binary.[26]

Other experiences that trans and non-binary people explain their genders in terms of may also be understood in terms of experiences of the gender categorisation and gendered treatment that fits. There is a strong connection between fittingness,

[24] Ashley (2023) also emphasises that our gender identities, or our experience of our own gender, are multiply realisable in a similar way.

[25] See Gender Reveal (2018: 5.00–6.14) (2021).

[26] West Yorkshire Queer Stories (2019).

reasons, and ought. If it is fitting to blame S for their performing action ϕ, then other things equal, you ought to blame S for their ϕ-ing. If it is fitting to admire S, then there are strong reasons to admire S. So, to judge that it is fitting to ϕ plausibly involves judging that you ought to ϕ or that you have strong reasons to ϕ.[27] And many trans and non-binary people explain their genders and their experiences of their genders by explaining their experiences of the gender they ought to be treated as, or ought to treat themselves as. For instance, trans author Mia Violet (2018: 24) explains one of her first experiences of her gender identity as her experience that she *should* line up with the girls rather than the boys at school, and trans writer Julia Serano (2016: 78) says that when she was at school it seemed to her that she ought not use the boys' restroom.

Trans and non-binary people also sometimes explain what it is about their being categorised or treated as a particular gender, treating themselves as a particular gender, or being able to live as a particular gender, that seems right or fitting to them. For instance, Violet (2020) says that after socially transitioning.

> Mundane realities—such as being called the correct name, forming friendships with other women, wearing colourful clothes and makeup that used to feel forbidden—brought me a profound sense of peace and happiness.

Similarly, Amrou Al-Kadhi (2019: 102) says,

> I like to be referred to with them/they pronouns...when people correctly use my preferred pronouns it relaxes me, as if I'm being soaked in a lavender bath, making me feel seen as a person free from gender binaries.[28]

[27] Even though it does not involve judging that you all-things-considered ought to ϕ.

[28] One question one might have about the subjective fit account is how the gender that subjectively fits relates to the gender that (we take to be) authentic. Bell (forthcoming) argues that for many trans and gender-nonconforming people, the norms associated with a gender other than the gender we were assigned at birth can be authentic for us, and conforming with some of them can be what authenticity (our being authentic) requires even if it is not morally or prudentially best for us to conform with these norms. The norms that it seems to us fitting for us to live up to or to conform with can similarly depart from the norms that it is morally right or prudentially best for us to live up to or conform with. So, is what it is fitting to do just what it is authentic to do? In general, no. What fits and is fitting doesn't always go with what's authentic. It's fitting to give a wonderful eulogy at a funeral but I can imagine cases where this would be inauthentic (e.g. because you didn't really love the colleague that you have to give the eulogy for). For many trans and gender non-conforming people the gender that (subjectively) fits may normally be the gender that is authentic: the gender that is experienced as fitting may normally be the gender that is experienced as authentic. But although there is in general this close relationship between the gender that (subjectively) fits and the gender that is authentic, these may come apart in some cases. For instance, Bell (forthcoming) describes a gender and its norms as being authentic for us when they 'feel right' and 'feel like ours'. This experience of a gender and its norms feeling authentic may be very closely tied to a gender and its norms feeling like they positively fit. But as I explained earlier in this section, many cis women have female gender identities but do not feel like the category woman or any of the norms associated with it feel right or feel like theirs; on the subjective fit account they have female gender identities because they are treated as women and don't take this to be unfitting.

3 Avoiding problems for other accounts 1: the wrong results

The subjective fit account clearly avoids the problems that other accounts of gender identity face, or so I will argue. One type of problem for existing accounts is that they imply that some people have gender identities different from those which they in fact have. I don't hope to show that this problem decisively undermines alternative accounts of gender identity but only that there is a good case that it does, and that the subjective fit account clearly does not face problems where other accounts do here.

3.1 The dispositional account

According to McKitrick's (2015: 2581) dispositional account, A has gender identity G iff A has 'sufficiently many, sufficiently strong' dispositions to behave in particular ways in particular situations and one's society considers behaving in these ways in these situations to make one a G'. One problem for this account is that our society can consider the way that we behave or are disposed to behave to make us gender G when we do not have gender identity G. There are at least two types of cases of this. First, cases in which one's masculinity/femininity is treated by one's society as establishing one's gender. Suppose that Avery is a man who has a very feminine appearance and voice, dresses in feminine ways and wears make-up, and in his society this means that he has sufficiently many, and sufficiently strong, dispositions to act in ways associated with women for him to be considered to be a woman. It follows from the dispositional account that Avery has a female gender identity even if he has no sense of himself as a woman, and does not have a female gender identity, but only feels or believes that he is a feminine man.

A second kind of case concerns societies that do not recognise particular genders. Suppose that one's society simply does not take the way one is disposed to act to bear on one's gender or does not recognise a gender with which one identifies. For instance, suppose that people in one's society assign genders to others based on their perceived sex characteristics and don't pay any attention to the pronouns people use or the genders they categorise themselves as. It seems that, according to the dispositional account, many trans women who are not perceived to have female sex characteristics will not have female gender identities in this society. Similarly, suppose that no one in Chris' society other than Chris considers anyone to be non-binary and so no one other than Chris considers having dispositions to behave in any way—including dispositions to assert that one is non-binary—to be sufficient to make one non-binary. In this case, even if Chris has a sense of themselves as non-binary and takes it to be unfitting for them to be treated as a member of a binary gender, the dispositional account will imply that they do not have a non-binary gender identity. The dispositional account therefore erases gender identities in societies where they are not recognised.

The subjective fit account does not have these implications. The subjective fit account does not imply that if one's society takes anyone who expresses themselves in a feminine way to be a woman, then one has a female gender identity so long as

one expresses oneself in a feminine way. This is because the gender category *man* can seem to fit us, and it can seem to us fitting for us to be treated as a man and unfitting for us to be treated as a woman, even if we express ourselves in a feminine way. Similarly, if it seems to Chris that it is unfitting for them to be treated as either binary gender, then they have a non-binary gender identity according to the subjective fit account regardless of whether anyone recognises them or anyone else as non-binary in their society.

3.2 The norm-relevancy account

According to Katharine Jenkins' (2016) (2018: 730) norm-relevancy account,

> For A to have the gender identity G is for A's 'internal map' to be formed to guide someone classed as a member of G through the social or material realities that are, in that context, characteristic of Gs as a class.

Jenkins (2018: 729) explains these maps with the following examples:

> Suppose that a woman, a man, and a non-binary person all work in the same building, and each is given a map of that building and asked to annotate it in ways that indicate how they experience different spaces. The woman's map might have the female toilets marked as a space where she is able to go and the male toilets marked as a space where she is not able to go; the man's map might be the opposite way around; and…the non-binary person's map might have all toilets marked as uncomfortable places fraught with stress and danger. This example concerns explicitly gendered spaces, but we can extend it to apply to spaces that are not explicitly gendered. Suppose that the workplace is a hostile environment for women—specifically, in meetings, women are regularly talked over, ignored, or belittled. In this case, the meeting room might be marked as "somewhere I am not supposed to speak much" on a woman's map, but not on a man's map. Or think of the way that a woman might experience certain streets as "no-go" areas during certain times of day, whereas a man might feel fine walking in those streets regardless of the time of day.

Jenkins' account is powerful and informative, and has pushed forward our understanding of gender identity. However, it does seem to get the wrong results in some cases.

Matthew Andler and Talia Bettcher have both argued that we can have a gender map associated with the gender that we were assigned at birth and have navigated the world as for many years even if we have a gender identity that departs from the gender we were assigned at birth and even if we do not identify as that gender. This is perhaps clearest with people who transition later in life. For instance, Andler (2017: 891–892) discusses writer and activist Patrick Califia (2006: 435) who identifies as a trans man and writes that he

> had accumulated 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.

As Andler notes, from this description it seems that Califia, at least at the start of his transition had a gender map fit to guide a woman through the social world, so Jenkins' norm-relevancy account implies that Califia had a female gender identity. But Califia had a male gender identity, since he was, and is, a trans man. So, Jenkins' account yields the wrong conclusion in Califia's case. It is extensionally incorrect as an account of who has which gender identity. Similarly, discussing Jenkins' account, Bettcher (2017: 396) says,

> One might worry, however, that in this account it will turn out that some trans women have gender identities of both men and women. Raised as males, some trans women may have acquired a decent internalized map of the social and material realities for men taken as a class.

For instance, many trans women still find themselves automatically (not consciously) heading into the men's restrooms rather than the women's restrooms even after they have started a social and/or medical gender transition. This issue might seem to be particularly clear regarding trans women who transition later in life, after 40 or 50, when the map associated with the gender they were assigned at birth and have been socialised as thereafter has had a longer period of time to cement itself.

Jenkins (2018: 733) argues that it is not so bad that her account has these implications because her account of gender identity need not imply that everyone is correct about their gender identities. However, although an account of gender identity need not imply that everyone is correct about their gender identities, it should not imply that paradigms of people with the gender identity, *man*, do not have this gender identity and that paradigmatic trans men are not trans men. Yet someone like Califia at the start of his transition who was assigned female at birth, has come out as a trans man, has started a social gender transition to be socially treated as a man, and has a sense of himself as a man and as not a woman is a paradigm trans man even at the start of his transition and is a paradigm of someone who was assigned female at birth but who has a male gender identity. Jenkins' account seems to imply that Califia did not have a male gender identity at the start of his transition. And to be a trans man is to be assigned female at birth but to have a male gender identity (§1). So, Jenkins' account seems to imply that Califia was not a trans man then either. Other things equal, we should reject an account of gender identity with these implications.

The subjective fit account does not imply that Califia had a female (rather than a male) gender identity at the beginning of his transition to live as a man. For we can judge that it is fitting for us to be treated as a man and/or for us to live as a man and that it is unfitting for us to be treated as a woman even if we (currently still) have a gender map fit to guide a woman through the social world. (And similarly *mutatis mutandis* for trans women). So, unlike the norm-relevancy account, the subjective fit account does not mischaracterise the gender identities (or trans status) of trans people like Califia.

Jenkins' account faces a similar problem distinguishing between binary and non-binary identities. According to Jenkins (2018: 735),

> A subject S has a non-binary gender identity iff S's internal "map" is neither formed so as to guide someone classed as a woman through the social or material realities that are, in that context, characteristic of women as a class, nor formed to guide someone classed as a man through the social or material realities that are, in that context, characteristic of men as a class.

However, some people with non-binary gender identities have internal maps that are very similar to people with binary gender identities' maps; some people with non-binary gender identities experience the social world very similarly to how some people with binary gender identities experience the world and social spaces. For instance, consider a binary trans woman who resists many of the social norms that apply to women, e.g. she has very short hair, does not shave her body hair, and wears masculine clothing. She experiences both female and male toilets as uncomfortable places fraught with danger because she, like many trans women, has been subject to sexual assault when she uses male toilets and subject to abuse when she uses the women's toilets. She is regularly ignored or belittled in meetings, and so experiences these spaces as spaces where she is not supposed to speak up. Her map of the social world may be very similar to the map of the social world that some non-binary people, perhaps especially commonly some non-binary assigned female at birth (AFAB) people, have; non-binary AFAB people may have very similar experiences of meetings and other spaces and may find all public toilets uncomfortable spaces fraught with danger. So, we will struggle to distinguish non-binary gender identities from binary gender identities by reference to internal maps.[29] And we should want to be able to distinguish these identities, since many binary trans people insist that they have a binary, not a non-binary, gender identity[30] and the non-binary person and the trans woman that I have been discussing have different gender identities.[31]

The subjective fit account does not similarly struggle to distinguish non-binary and binary gender identities. The problem here is that *sameness of gender map does not establish sameness of gender identity*: a trans woman and a non-binary person

[29] See Cull (2020: 168–172) and Dembroff (2020: 8) for similar arguments.

[30] Bettcher (2014: 385) makes a similar point.

[31] 1. Two such people could have similar maps regarding their bodies too. For instance, many AFAB non-binary people do not want to change their bodies in any way and so may have a similar map regarding their bodies to many trans women.

2. It might be objected that trans women perceive themselves to be permitted to use the women's toilets and non-binary people do not. However, neither of these claims are true for all. Non-binary people do not necessarily view themselves as forbidden from using binary gendered toilets: many non-binary people just experience distress at having to use binary toilets, others do not care which toilet they use. And not all trans women take themselves to be permitted to use women's toilets; e.g. a trans woman in a state that forbids trans women from using women's restrooms may take herself to be forbidden from doing so.

can have the same gender map but different gender identities. But according to the subjective fit account, our gender identity is not determined by our gender map and so sameness of map does not yield sameness of gender identity: non-binary people judge that it is unfitting for them to be treated as members of binary genders, trans women do not, so they have different gender identities, even if they have similar gender maps.[32]

3.3 The self-identification account

According to the *self-identification* account, which Talia Bettcher (2017: 396) proposes, to have gender identity G is to self-identify as a G. So, for instance, to have a female gender identity is to self-identify as a woman. On this account it is at least a necessary condition on A's self-identifying as a G that A believes that they are a G or is disposed to assert that they are a G when asked.

However, there are plausibly cases of people who have a sense of themselves as a woman—that is, have a female gender identity—but do not self-identify as women. Trans woman Julia Serano (2016: 78) says that when she was a child she 'had an unexplainable feeling that I was doing something wrong every time I walked into the boy's restroom at school'. Similarly, recounting a memory of the start of a new year at school, trans woman Mia Violet (2018: 24) says, '[b]efore I stepped into my classroom, I saw [the children's] teacher direct them to queue into two lines, one for the boys and one for the girls. I should be with the girls'. Serano's and Violet's experiences are experiences of having a sense of themselves as a gender other than that which they were assigned at birth, so they are experiences that gender identities consist in (§1). But they are experiences that they had before they came to understand themselves as, or identify as, girls or women.

Many trans people judge that their previous understandings of their gender identities were mistaken. For instance, ex-philosopher and celebrity Youtuber Natalie Wynn (Contrapoints) thought she was genderqueer for a long time, thought of herself as genderqueer, and sincerely said that she was genderqueer in her videos. Subsequently she came to identify as a woman. She now thinks that she was always a trans woman.[33] Similarly, trans woman author Juno Dawson (2017: §17, §27) thought she was a gay man for a long time. But she now thinks that she was mistaken about this. She was mis-reading, mis-categorising, or misunderstanding her own gender and gender identity; she was always a trans woman. And, as Jennifer Saul (2012: 206) points out, these experiences are not rare, for '[m]any trans women take themselves to have been women even before they realized that they were'.

[32] One can have a non-binary identity according to the subjective fit account even if one does not judge that it is unfitting to treat one as, for instance, a woman, so long as one judges that it is positively fitting for one to be treated as non-binary, such as to be referred to with they/them pronouns and thought of as someone beyond the gender binary. See, for instance, Weiss (2018) whose testimony is discussed in §1: Weiss identifies as a non-binary woman, does not take the category 'woman' to not fit them, but does take the category non-binary to positively fit them.

[33] HealthyGamerGG (2020).

The self-identification account struggles to make sense of these experiences. Dawson and Wynn did not believe that they were women and were not disposed to assert that they were women when they thought they were a gay man and genderqueer (respectively). So, the self-identification account implies that they were not always trans women. Serano and Violet did not believe that they were girls and were not disposed to assert that they were girls when they had the experiences discussed above. Accounts of gender identity, like the self-identification account, are accounts of what it is to have a sense of oneself as a particular gender (§1), so the self-identification account implies that Serano and Violet did not have senses of themselves as girls when they were children. But it seems that they did have senses of themselves as girls. More generally, on the self-identification account, it is impossible to discover one's gender identity, to realise that one has had a sense of oneself as a woman, or as not-a-man, for a long time but that one just hadn't put two and two together and figured out that this is what one's experiences meant. For one cannot discover that one self-identified as a gender long before one in fact self-identified as such. This gives us reason to reject the self-identification account.

The subjective fit account does not encounter this problem. It can seem to us that it is not fitting for others to treat us in line with norms associated with men, such as to refer to us as or otherwise categorise us as a man, to explain our actions in terms of our being a man, to invite us to men-only events or spaces, to exclude us from women-only spaces or girls' nights out, and to hold us to masculine/male norms of appearance. And we can have these experiences long before we come to realise that what these experiences amount to is it seeming to us that the category *man* does not fit us, that in general it does not seem to us to be fitting for others to think, conceive, or treat us as a man and that it seems to us fitting for us to be treated as a woman: that we have a female gender identity. The subjective fit account makes sense of how we can discover that we have gender identity G and have had this identity for a (long) time without realising it.

However, this is not to say that *all,* or even *most*, trans and non-binary people had a sense of themselves as the gender that is now their gender identity long in the past. According to the subjective fit account, to have gender identity G it is sufficient that one currently takes G to fit one, or takes it to not be unfitting for one to be treated as a G. Many trans and non-binary people, the present author included, never had a sense of themselves as the gender that they currently identify as when they were children; for instance, many trans women did not in any way think that it was fitting for them to be treated as a girl rather than a boy, or unfitting for them to be treated as a boy, when they were children or even when they were teenagers. This does not make us any less trans women, or have any less of a female gender identity, than trans women who always had something of a sense that they were women from when they were very young. Our gender identities need not be stable over time. Many trans people's gender identities shift and evolve over time: for instance, many trans people shift from having binary gender identities to having non-binary gender identities or *vice* versa (the present author included).[34]

[34] For some discussion of this, see e.g. Vincent (2020).

An account of gender identity should be able to fit with and explain this diversity in trans experience: it should be able to fit with the existence of such evolving or shifting gender identities as well as fit with the existence of the afore-mentioned more stable (trans) gender identities. Some trans women had a sense of themselves as girls, and so had female gender identities, from a young age before they self-identified as girls or women and understood themselves as such. An account of gender identity should be able to fit with and explain how this is possible. But it should also be able to fit with and explain how it is possible to have a gender identity that changes or shifts over time. The subjective fit account fits with this diversity in (trans) experience of gender identities: some trans women had a sense that it was fitting for them to be treated as girls when they were children or teenagers, so they have had a stable female gender identity over time which they became more consciously aware of. Some other trans women (for instance), have not had such a stable experience, for instance they did not have the experience that it was fitting for them to be treated as a girl or that it was unfitting for them to be treated as a boy when they were a child, later came to have a sense that it was unfitting for them to be treated as a man (but still somewhat experienced it as unfitting for them to be treated as a woman), and then later came to experience it as fitting for them to be treated as a woman and unfitting for them to be treated as a member of any other gender category. The subjective fit account can explain how some trans women had the former experience, a stable female gender identity over time, and how some trans women only developed a female gender identity well after their teens and had a non-binary identity on the way. But although the subjective fit account can account for this diversity of trans experience of gender identities, the self-identification account cannot. It *can* account for some evolving gender identities.[35] But the self-identification account cannot account for some gender identities that have been more stable over time, such as when someone has had a sense of themselves as a woman, for instance, for much of their life, but only self-identified as a woman later on.

I don't hope to have shown that there is nothing that can be said to diminish these problems for existing accounts of gender identity. But I do hope to have shown that there do seem to be reasons to look beyond the accounts that have been given in the literature because they seem to produce the wrong results. And I hope to have shown that the subjective fit account does not face these same problems that existing accounts of gender identity face.

[35] Although even here one's gender identity, one's sense of what gender fits, can evolve without one self-identifying as the gender that it has come to seem to one fits one. For instance, someone who was assigned male at birth and self-identities as non-binary can begin experiencing others using she/her pronouns to refer to them and including them in women's and girls' events as particularly fitting, and so begin to have a sense of themself/herself as a woman before she comes to self-identify as a woman and becomes disposed to say she is a woman when asked.

4 Avoiding problems for other accounts 2: respect

Another problem that existing accounts have been held to face concerns respect. Gender identities seem to merit respect.[36] If someone misgenders or deadnames someone—or otherwise treats them as a gender that clashes with their gender identity—they seem to inappropriately disrespect them; and trans people have rights not to have themselves presented on their official documents in ways that clash with their gender identities, e.g. trans women have rights to have female rather than male gender markers on their passports.[37] However, several accounts of gender identity have been argued to fail to establish that our gender identities merit respect.

According to the dominant way of understanding the self-identification account, to have gender identity G is just to be disposed to sincerely assert that one is a G when asked or to believe that one is a G.[38] But I can believe that, and be disposed to sincerely assert that, I am tall, yet you do not disrespect me if you tell me that in fact I am not tall. An American with no ties to the UK can identify as British but you do not disrespect them if you tell them that they are not British; and they do not have a right to a British passport or to be officially recognised as British.[39] Suppose that we make up a new identity, let's call it *blarg*. To be a blarg, we stipulate, is to be disposed to say that one is a blarg if asked whether one is a blarg. Should we care about whether someone identifies as a blarg? Does blarg-identity merit respect? It seems not. But on the dominant way of understanding the self-identification account, that which gender identities consist in, beliefs and dispositions to assert things, seem to merit no more respect than that which blarg identities consist in. Or suppose that someone thinks of themselves as an aristocrat and is disposed to assert that they are an aristocrat. Do we disrespect them if we refuse to refer to them as an aristocrat or to treat them as an aristocrat? It does not seem so.[40] Considerations like these have led many to worry that by understanding gender identities as just beliefs or dispositions to assert things the self-identification account trivialises gender identities and doesn't fit with the view that they deserve respect.[41]

The dispositional account struggles to fit with the idea that gender identities merit respect for similar reasons. According to the dispositional account, our gender identities just consist in our dispositions to act in ways that are considered to be evidence that we are a particular gender by our society. But someone can be disposed to act in aristocratic ways, to refer to themselves as an aristocrat, and to ask others to do

[36] See esp. Bettcher (2009) and Jenkins (2018: 719).

[37] See *ibid.*, Dembroff & Wodak (2018: 375–379), and Kapusta (2016: esp. 504).

[38] See Bettcher (2017: 396), Jenkins (2018: 727), and Bex-Priestley (2022)).

[39] Dembroff and Saint Croix (2020: 594).

[40] Jenkins (2018: 726).

[41] Dembroff (2020: 11), Jenkins (2018: 728), and Saul (2012: 206). Barnes (2020: 709) understands the self-identification account to involve more. She holds that self-identifying as gender G involves living as, or being disposed to live as, a G. However, even if we understand it in this way, the self-identification account struggles to show that gender identities deserve respect. Since, for instance, I can live or be disposed to live as an aristocrat, but this does not seem to merit respect.

the same, but these dispositions of theirs do not seem to merit respect.[42] So, it is not clear why dispositions to act in masculine, feminine, or other gendered ways would merit respect. Furthermore, Robin Dembroff (2020: 11) plausibly argues that the only disposition that all non-binary people share is the disposition to say or think that they are non-binary. If this is right, then in order to be plausible the dispositional account would have to understand people with non-binary identities as people who are disposed to think or assert that they are non-binary. But, as I've been explaining, it does not seem that our dispositions to assert or think things in and of themselves merit respect. So, the dispositional account struggles to show that gender identities merit respect.

Some have also worried that the norm-relevancy account fails to show that gender identities merit respect.[43] I won't explore whether this is true here, or whether possible responses to the respect problem for the dispositional and self-identification accounts succeed.[44] What I mainly hope to show is that according to the subjective fit account, gender identities consist in a kind of experience that clearly merits respect. According to the subjective fit account, trans gender identities consist in normative experiences. For as I explained in §2, if I have the experience that it is unfitting for me to be treated as a woman, then I have the experience that there are strong normative reasons for others not to treat me as a woman, and that (other things equal) others ought not treat me as a woman, and that I ought not treat myself as a woman by for instance using women-only spaces and categorizing myself as a woman.

Experiences and judgments of what we ought to do, and have strong normative reasons to do, are typically held to merit respect. For instance, it is a standard view in political philosophy that religious minorities' judgments that they ought not work on their holy day should be respected; they ought not be forced to work on their holy day each week. Similarly, it is a standard view in political philosophy that Sikhs' judgments that they ought to wear turbans in public should be respected: other things equal, they should be granted exemptions to laws so that they can work on construction sites and ride motorcycles whilst wearing turbans.[45] Similarly, the standard view among liberal political philosophers is that the reason why a state is illegitimate if it forces all its citizens to attend mass, to pledge allegiance to a God that they don't believe in in its Schools, or to have identification documents that label them as Muslim when they are not, and have never been, Muslims is that a state's doing these things conflicts with many of its citizens' judgments about how they ought to live their lives and their judgments about the strong reasons that they have to live their lives in particular ways.[46] Our judgments about how we ought to live our lives merit respect; a state should respect these judgments of ours and not force us to act in conflict with them, at least if it can avoid doing so without severe costs.

[42] Jenkins (2018: 726).

[43] See Gheaus (2023: 44) and Cosker-Rowland (forthcoming).

[44] See Ashley (2023: 16–17).

[45] See Billingham (2017), Bou-Habib (2006), and Laborde (2017: esp. ch. 6).

[46] See Rawls (2001: 45), Dworkin (2000: 270) (2011: 368–370), Maclure & Taylor (2011:75–81), and Laborde (2017: esp. 204–205, 215).

According to the subjective fit account, our gender identities consist in similar experiences and judgments that merit respect. For instance, trans women's gender identities consist in the experience that there are strong reasons for them to be treated as women and that they ought to live as women. So, if the subjective fit account holds, our gender identities consist in judgments and intuitions that merit respect.

It might be objected that it is not atheists and religious minorities' judgments of how they *ought* to live their lives and/or how they have strong *reasons* to live their lives which merit respect but rather their judgments of how they are *morally obligated* to live their lives. However, liberal political philosophers tend to argue that this is not so: our normative judgments and experiences merit respect even if they are not judgments regarding our moral obligations. For instance, Cecile Laborde (2017: 66–67) argues that many devout Muslims and Catholics, for instance, do not all take particular practices and actions (e.g. observing lent, wearing a hijab) that their religious practice and expression involves to be actions and practices that they are morally obliged to perform or engage in. Rather they only take these actions and practices to be part of the life they ought to live or have strong reasons to live, or the good life for them. But Laborde argues that, nevertheless, Muslims and Catholics have rights not to be prohibited from observing lent or wearing a hijab in virtue of the fact that they judge that they ought to, or have strong reasons to, do these things; their judgments that they have strong reasons to do these things merit respect even though they do not judge that they are obligated to do these things and live in these ways. (Martha Nussbaum (2008: 172) argues for a similar view). Similarly, an atheist might not judge that they are morally obligated to refrain from frequently attending mass but only that they ought or have strong reasons not to go, yet they still ought not be forced to go to mass; their judgment that they have strong reasons not to consistently attend mass merits respect.

It has been put to me that the subjective fit account shows that gender identities merit respect only if it also shows that someone who self-identifies as an aristocrat also has an identity that merits respect. For someone who self-identifies as an aristocrat will also judge that they ought to act as an aristocrat, that they ought to be able to order those whom they judge to be lower than them around and be respected as having a higher status by them for instance.

However, we can plausibly argue that the reasons to respect the aristocrat's judgments are outweighed but the reasons to respect trans people's judgments are not. Someone who genuinely judges that they ought to be treated as an aristocrat does make normative judgments that other things equal ought to be respected, since all normative judgments *pro tanto* merit respect, at least according to the picture that I've been articulating. But these reasons to respect them are outweighed by the costs of respecting them.[47] By treating such a person as an aristocrat we are reinforcing a pernicious hierarchy. And so, the moral reasons to respect the aristocrat's self-understanding are outweighed by the moral reasons not to do so. In contrast, by merely categorising a trans man as a man, for instance, just by permitting him to use men's restrooms and using he/him pronouns to refer to him, we might argue that we

[47] For a similar view see Killmister (2020).

are barely reinforcing pernicious hierarchies, or that if we are, the moral reasons to respect such a trans man outweigh any reinforcement of such pernicious hierarchies or other moral reasons not to categorize such a trans man as a man. It seems that we can hold this view even if we hold the Haslangerian view that to be a man is to be systematically privileged, for we can hold that although this view is correct we do not perpetuate—or barely perpetuate—such systematic privilege by categorizing a trans man as a man; or that the moral costs of slightly perpetuating such privilege are outweighed by the harm done by refusing to refer to a trans man with he/him pronouns. Similarly, Dembroff and Wodak (2018: 387–388) argue that we have a general duty not to refer to anyone with he/him (or she/her) pronouns because of the pernicious consequences of referring to people with these pronouns but that at least in current contexts this general duty is outweighed by (or that there is an exemption to it because of) the moral costs of refraining from referring to trans men with he/him pronouns and trans women with she/her pronouns. So, it seems that, given the subjective fit account, we all-things-considered ought to respect trans gender identities but all-things-considered we ought not to respect someone's judgment that they ought to be treated as, and navigate the world as, an aristocrat.

So, it seems that the subjective fit account, unlike at least some existing accounts of gender identity, can show that gender identities consist in experiences that merit respect because it holds that gender identities consist in normative experiences which merit respect.[48]

[48] One way of reading Bettcher's (2009) argument that we have (ethical rather than epistemic) first-personal authority over our gender is that our self-understanding of our gender ought to be respected. It might be wondered how the subjective fit account's account of why our gender identities ought to be respected fits with Bettcher's claim. In the paper in which she argues for such first-personal authority, Bettcher (2009: 110) argues that our gender identities ought to be respected because our gender identities are 'existential identities'. What are existential self-identities? Bettcher (*ibid.* 110) says that they involve answers to the question, "'Who am I?" where this question is taken in a deep sense', it concerns answers to the question 'What am I about? What moves me? What do I stand for? What do I care about the most?' and she says that existential identities involve our 'attitudes, values, and commitments'; similarly, elsewhere Bettcher (2013: 247) holds that our expressions of our gender identities, such as a trans woman's avowal that she is a trans woman, may express our 'deepest values and commitments'. Now, as I will explain, this cannot be the whole story of what our gender identities are, because we need to have an account of what the relevant cares, motivations, values, or commitments are that distinguish gender identities from other identities such as (other) political and religious identities. We may supplement Bettcher's claims here with the subjective fit account in order to provide a plausible account of what kind of existential self-identities gender identities are.

The best account of the relevant values and commitments would seem to be that these cares and commitments are those regarding the gender that fits us and/or the fit-based reasons for actions concerning our gender identities we perceive there to be. Since, first, we cannot infer anything about someone's moral and political values from their expression of their gender identity; we cannot reliably judge someone's political affiliations based on their gender self-identification for instance, Bex-Priestley (2022: 200) makes a similar point. Furthermore, someone may judge that they have most moral or prudential reason to act out of line with their gender identity. For instance, you may judge that you have most reason to act in ways at odds with your gender identity because you judge that you will be attacked by others if you categorise yourself as that gender or otherwise express yourself as that gender, or because you judge that being yourself, expressing your gender authentically, around someone (such as your parents) will cause them a lot of pain, which you should not cause them (see §2 for discussion). But restricting the perceptions or judgments of reasons for action and values that our gender identities involve so that they don't involve such moral or prudential reasons and only involve those perceptions concerning the gender that fits us would make Bettcher's existential identity account of gender identities at least very similar to the subjective fit account. So, the most plausible version of the Bettcherian view that we have first-personal

5 Objections

I have been arguing that the subjective fit account avoids the problems that other accounts of gender identity face. But perhaps it faces different problems of its own.

5.1 Trans experiences beyond categorization

One worry about the subjective fit account is that it does not capture the experiences of many trans people whose experiences of their body are a primary and important part of their gender identities. However, the subjective fit account does in fact fit well with the view that these experiences are a primary and important part of many trans people's gender identities.

First, the subjective fit account holds that, for instance, a trans woman's desire to have female sex characteristics or judgment that she ought not have male sex characteristics can be an important part of her gender identity because it is the reason why she takes the gender category *woman* to fit her, the reason why she takes it to be fitting for her to be treated as, and to live as, a woman rather than to be treated as, and live as, a man. The reasons why we take it to be fitting or not fitting for us to be treated as a particular gender are parts of our gender identity. And as I explained in §2, these reasons can vary from person to person. So, according to the subjective fit account, our experiences of or desires regarding our body (or regarding gender expression) can be parts of our gender identities, but are not parts of everyone's gender identities. (The self-identification account will explain how trans people's experiences of their bodies are part of their gender identities in a similar way. On the self-identification account the only way in which our experiences of our bodies can be parts of our gender identity is that they can be the reasons why we are disposed to assert that we are a particular gender, or that which leads us to be so disposed).

Footnote 48 (continued)
authority over our gender identities because they are existential self-identities might look quite similar to the subjective fit account.

All this said, as I have shown in this section, the subjective fit account shows that trans gender identities merit respect. And it does this without encountering two problems that the Bettcherian view that our gender identities ought to be respected because they are existential self-identities faces. First, one cannot think that one's being a woman is part of who one is, what moves one, and what one is about if one doesn't think that one is a woman. But as I argued in §3.3, we can have gender identity G without realising that we have gender identity G; the subjective fit account of gender identity fits with and explains how this is possible, the existential self-identity view does not. Second, the subjective fit account avoids the problem that many cis women (for instance) do not take being a woman to be part of their existential self-identities, to be part of what they are about and what moves them, the category 'woman' and all the gender norms associated with it are categories and norms imposed on them rather than categories and norms which they endorse, care about, or value; see §2 and Gheaus (2023: 44–46). Yet such cis women have female gender identities. The subjective fit account can hold that such cis women have female gender identities because they do not take it to be unfitting for them to be categorised and thought of as women (§2), but an account of gender identity in terms of existential self-identities struggles to imply that such cis women have female gender identities. Although many gender identities are existential self-identities, not all are, and the subjective fit account explains this.

Second, according to the subjective fit account, the norms associated with genders, the subjective fit of which determines our gender identities, can extend beyond the categorisation norms associated with a gender: *our judgment that it is fitting for us to be treated in line with, or to treat ourselves in line with, other norms (beyond categorization norms) associated with a gender can also be part of our gender identity.* For the subjective fit account only holds that our judgment that it is fitting for us to be treated as gender G must involve the judgment that it is fitting to categorize us and treat us in line with categorization norms associated with Gs, but our judgment that it is fitting to treat us as a G can involve judgments that it is fitting to treat us in line with further norms associated with Gs beyond categorization norms. For instance, two norms (that are not categorization norms) associated with women are that women should have female secondary sex characteristics and should be permitted to wear feminine clothes. A trans woman's judgment that it is fitting for her to be treated as a woman by herself and others can involve the judgment that it is fitting for her to live-up to the content of these norms. For instance, she can judge that it is fitting for her to have female sex characteristics, unfitting for her not to have them, and fitting for her to wear feminine clothes and makeup. According to the subjective fit account, these judgments are part of such a trans woman's gender identity if they are part of what she judges when she judges that it is fitting for her to treat herself as a woman and to live-up to norms associated with women. (And such a trans woman can judge that she should express herself in these ways without judging that it should be a norm that all women express themselves in these ways, and indeed whilst being heavily critical of such norms and the policing of such norms).

5.2 Critical attitudes towards gender norms

It may seem that the subjective fit account implies that if we judge that it is fitting for us to be treated as a woman, we cannot adopt a critical attitude towards many of the norms associated with women in our society. But this is not the case. We might not see it as fitting for others to hold us to norms associated with women in our societies but still have a female gender identity just because we judge that it is correct or not unfitting for us to be referred to with she/her pronouns and to be grouped with the women when people are grouped into genders. Relatedly, it might seem that some gender abolitionist or gender skeptical feminists have female gender identities but judge that it is not fitting to treat them as women. However, it seems that those who hold such a view hold that, assuming our current system of gender categories, 'woman' is not a poor fit for them, but we should nonetheless abolish all gender categories, and it would be fitting to do so.[49]

[49] See Barnes (2022: 25) and Cosker-Rowland (2024: 264–265).

5.3 Are there any innocuous gender categorization norms?

A related concern is that there are no innocuous gender categorization norms. Some argue that at least some gender categorization norms are un-objectionable. For instance, Briggs and George (2023: 80) take the following norm, which would be a categorization norm on §2's distinction among gender norms, to be un-objectionable:

> If someone is publicly known to be a man, then, in the absence of extenuating circumstances, it is appropriate to use the word 'man' to talk about him, and to refer to him with such third-person pronouns as 'he' and 'him'.

In contrast, Dembroff and Wodak (2018) argue that, at least if such a man is a cis man, we have a moral duty not to refer to such a man with he/him pronouns; according to Dembroff and Wodak the above pronoun norm, and potentially other gender categorization norms,[50] are morally objectionable. If all gender categorization norms are morally objectionable, would this undermine the subjective fit account? I do not believe so. This is because, as I explained in §2, to judge that it is fitting or correct to ϕ does not involve judging that or entail the judgment that it is morally permissible to ϕ; we can judge that it is fitting to blame someone even though we judge that it would be morally wrong to blame them because of the very bad consequences of blaming them, and we can judge that it is unfitting to praise an evil demon even though we judge that we are morally required to praise them because if we don't they will cause death and destruction. Similarly, we might judge that it is fitting and correct to use 'he' to refer to cis man Chris even though we judge that we have a duty not to use binary pronouns to refer to cis people and so that it is wrong to use 'he' to refer to Chris. Indeed, this seems to fit well with Dembroff and Wodak's view since they do not argue that it's incorrect to use 'he' to refer to cis men like Chris but only that we have a moral duty not to do this.[51]

It might seem, however, that if all binary gender categorization norms are morally dubious, it would be odd to understand binary trans people's gender identities in terms of their taking it to be not unfitting for them to be treated in line with them. I'm not sure that this is true. We can think that it's not incorrect to classify us as a woman or use 'her' to refer to us even if we think that morally people should stop classifying people as women and men so much and should stop using 'her' to refer to people all the time.[52] Relatedly, we can hold that if people are going to make binary gender categorizations, then one of them fits us and the other does not without thinking that anyone morally ought to make such categorizations. Finally, Dembroff and Wodak also argue that our moral duty not to use binary-coded pronouns like 'she' and 'he' to refer to people is outweighed in the case of binary trans people due to the moral costs of failing to use these pronouns to refer to binary trans people.

[50] *ibid*. 395–399.

[51] *ibid.* 379–381.

[52] For a similar picture see Bell (forthcoming), see also *supra* note 28 on Bell's view.

5.4 The appeal to categorization norms

A different objection to the subjective fit account that I have encountered concerns its account of being treated as a particular gender in terms of categorization norms. It might seem that there is no genuine distinction between *gender categorization norms* and *other gender norms*, or that the view that there is such a genuine distinction conflicts with many views about the nature of gender.

I will explain why it might seem that there is no such genuine distinction between gender categorization norms and other norms below and argue that there is such a genuine distinction. But even if I am mistaken in this argument, I believe that we could still accept the subjective fit account. First, we might simply stipulatively define gender categorization norms as norms concerning which genders may use single-gender spaces, which gender should line up with which gender when there is a division of people into genders (such as in schools), and norms concerning pronouns (and honorifics). We might simply use the technical term, 'categorization norms', to refer to this set of norms. And there are several justifications for this stipulative definition and the use of this technical term in an account of gender identity: (i) the fact that experiences regarding these set of norms play a plausibly central role in a variety of trans and non-binary experiences (§2, §3); and (ii) the theoretical pay-offs of the subjective fit account in which this technical term features, namely that this account provides a substantive and informative account of gender identity that avoids the problems that alternative accounts face, fits with trans and non-binary experiences, and shows that trans gender identities merit respect. Second, we might abandon talk of categorization norms and instead understand the subjective fit account as the view that for A to have gender G as part of their gender identity is for A to not take it to be unfitting for them or others to *categorize them as a G*. We would need some other account of what it is to categorize someone as a particular gender to make this work, but this is just to say that the subjective fit account does not obviously stand or fall with the viability of some form of the *gender categorization norm/other gender norm* distinction.

With all this said, onto the important objection that we cannot and should not distinguish between (a) gender categorization norms and (b) other gender norms. One reason for doubting that we can distinguish between (a) and (b) is that norms that fall into (b), such as < women should have female sex characteristics > and < women should wear dresses >, *can be used to* categorize people as particular genders and norms that fall into (a) *do more than* just categorizing someone as a particular gender. For instance, according to a Haslangerian approach to understanding gender, gender categorization norms are part of a system of gender norms that systematically subordinate women. And according to Dembroff and Wodak (2018), binary pronouns norms, which I've discussed as categorization norms, promote gender essentialism and force queer people to disclose information they should not have to disclose.

However, I propose that the distinction between (a) and (b) is a division concerning the *conceptual content* of these norms rather than a distinction concerning the *use of these norms, what these norms do, or how these norms are policed*. The idea behind this distinction is that gender categorization norms, unlike other

gender norms, link *gender categories, terms, and concepts* with something that is *conceptually* just a form of categorization into those gender categories or regarding those gender terms, concepts, and categories. The right-hand side of gender categorization norms, that which is prescribed of the relevant gender category, is just conceptually a form of gender categorization even though gender categorization norms often have further effects beyond gender categorization and are often used to do more than just categorize people as particular genders.

Consider the norm < women may use women-only spaces >. The conceptual content of the left-hand side of this norm is just a gender category and the *conceptual* content of the right-hand side of this norm is just a form of categorization into that gender category. Norms surrounding women-only spaces often have further effects and are often used to do more than categorize people into particular genders; they are often used to encourage gender policing or to deliberately exclude trans women from particular spaces, events, and activities. But this doesn't establish that the conceptual content of this norm involves such policing or exclusion. To see this consider a trans-inclusive organization that sets up spaces (or support groups) for women or for trans women. A representative of this organization would not be saying something contradictory if they said, 'these spaces are for women and no one should be policing these spaces'. Similarly, consider the norm < women and girls should be referred to with she/her pronouns > . The conceptual content of the left-hand side of this norm just involves two gender categories or terms and the conceptual content of the right-hand side of this norm is a form of language, that plausibly just has the meaning that the person referred to with that pronoun is a member of one of these categories. Pronoun norms like this one may well have the pernicious effects that Dembroff and Wodak (2018) argue that they have but these effects are plausibly best understood as pragmatic effects of the use of these norms, or effects of their widespread use rather than effects that are embedded in the semantic content of this norm or in she/her pronouns. In contrast, the conceptual content of the norm <women should have female sex characteristics > does not just involve a gender category and categorization into that gender category; the conceptual content of this norm also involves specific descriptive biological properties, which it is conceptually possible to doubt that women must have: it is not incoherent to say 'Sam is a woman but she doesn't have female sex characteristics'.

This account of gender categorization norms may explain why these norms can seem so benign to many, and can be exploited because of this, even though they may not be so benign, given their effects. These norms can seem benign because their conceptual content seems almost trivial: they tell us that the Gs are to be categorized with the Gs (when there is a distinction into Gs and not-Gs). But because they can seem so trivial and benign, categorization norms, such as norms about women-only spaces, can be used by individuals and groups who wish to exclude or subordinate particular groups to exclude or subordinate them without it being extremely obvious that this is what they are doing. Furthermore, it is natural to give a conceptual account of gender categorization norms when using the idea of gender categorization norms in the subjective fit account of gender identity. Since this account of gender identity just concerns people's judgments involving gender concepts.

5.5 Objections to the conceptual content account of gender categorization norms

This account of gender categorization norms in terms of their conceptual content faces several objections, only some of which I can discuss here. First, we might worry that the right-hand side of categorization norms doesn't just involve gender categorization because it is not conceptually incoherent to deny that these norms only involve gender categorization. For instance, it is not incoherent to hold that an institution's division of spaces into women-only spaces, men-only spaces, and gender-neutral spaces does not *just* involve gender categorization. However, this is irrelevant for this does not show that gender categorization is not all that is *conceptually* involved in the content of the right-hand-side of gender categorization norms. (Similarly, suppose I hold that 'parents should make their children's lives go well'. I might hold that making children's lives go well involves enabling them to have friends but this doesn't show that having friends is part of the *conceptual* content of 'a child's life going well'). Furthermore, the fact that, as I argued above, it is coherent for an institution or individual to think that their division of spaces into women-only and other spaces, or their division of children into girls and boys, is just a form of gender categorization and nothing more seems to show that the *conceptual* content of the right-hand-side of norms such as < girls should line up with the girls > and < women may use women-only-spaces > only involves gender categorization.

A different issue is whether the proposed distinction between (a) gender categorization norms and (b) other gender norms in terms of conceptual content is overly controversial. The way that I have distinguished between (a) and (b) *is* inconsistent with at least some views about the nature of gender concepts. For instance, many biological essentialists hold that, as a conceptual matter, to be a woman is to have female sex characteristics. So, on their view the norm < women should have female sex characteristics > links women with features that are conceptually constitutive of women. So, my conceptual content account of the distinction between (a) and (b) entails that either (i) < women should have female sex characteristics > is a categorization norm, (ii) biological essentialism about gender concepts is false, or (iii) biological essentialists will view this norm as a gender categorization norm. However, implications (ii-iii) seem reasonable. (iii) seems like a reasonable prediction of the account. (ii) also seems reasonable for there are a variety of reasons to reject biological essentialism as an account of gender *concepts* such as the fact that it is not incoherent to say, 'S does not have female sex characteristics but S is a woman'.[53] Furthermore, note that other accounts of gender identity would also seem to conflict with many such substantive views about gender concepts. For instance, the self-identification account cannot be combined with such a biological essentialist view or a Haslangerian view of gender concepts and gender thought and talk. To see this, consider a trans women who does not have female sex characteristics and is not assumed to have such (and so is not systematically subordinated on this basis). The combination of the self-identification account and either a biological essentialist

[53] See Cosker-Rowland (2024: esp. 253–255), Dembroff (2021), and Arvan (2023).

or Haslangerian view of gender concepts would make it incoherent for such a trans woman to self-identify as a woman.

It has been put to me that the distinction between (a) and (b) might conflict with *any* view of gender. The idea here is that we can never be just talking about gender or gender categorization because any account of gender is an account of gender in terms of something else X, e.g., contextual social position, systematic subordination, or sex characteristics. So, there will be no gender categorization norms because no gender norms will just involve a gender category as its conceptual content on one-side and a form of gender categorization as the conceptual content on the other side; these norms will also involve further substantial content, namely whatever X is in the account of gender involved in that norm.

However, although whatever account of the *metaphysics* of gender we hold or accept will be in terms of something else X it's not true that whatever account of gender *concepts* we hold or accept will be in terms of some other substantial thing X. For instance, it might be that *metaphysically* to be a woman is to be systematically subordinated along Haslangerian lines. But this does not mean that we should understand our *gender concepts* in a Haslangerian way. Similarly, it might be that metaphysically for an action to be wrong is for it to be forbidden by the set of rules that makes things go best, but it doesn't follow that our moral concepts should be understood in such rule consequentialist terms. To put this point another way, in, for instance, morality we distinguish between the concept of wrongness, and what it is for something to be wrong (or different conceptions of what is wrong). The concept of an action being wrong does not involve that action being utility maximizing or failing to satisfy the categorical imperative, or any other substantive view about what makes actions wrong; though this does not mean that we cannot provide an account of the concept 'wrong', but just that any such account must be relatively minimal such that it does not imply or conflict with at least many coherent conceptions of which actions are wrong (one such minimal account may be a view along the lines of, for ϕ-ing to be wrong is for someone to be normally blameworthy for ϕ-ing).

Similarly, we should distinguish between the concept 'woman' and what it takes for someone to be a woman, that is, accounts of what it is for someone to be a woman. We need to do this for similar reasons to the reasons why we need to do this in the moral case. In the moral case utilitarianism isn't the correct account of the concept 'wrong' even if it is the correct account of what makes actions wrong because we are not conceptually confused if we say things like, 'ϕ-ing maximises utility, but ϕ-ing is not wrong' and because utilitarians can genuinely disagree with Kantians about what makes actions wrong but this would plausibly not be possible if utilitarianism provided the correct account of our *concept* 'wrong'. According to many, if by 'wrong' Kantians mean X and by 'wrong' utilitarians mean Y, they cannot genuinely disagree about whether particular actions are wrong, they would talk past each other and mean different things by 'wrong'.[54] Similarly, even if Haslanger is right about the metaphysics of gender, it is not contradictory to say, 'S is *not* systematically subordinated on the basis of features presumed to be evidence of S playing a female biological role in reproduction but nonetheless, S is a woman' and

[54] See e.g. Olson (2011: 73–77), Cosker-Rowland (2023: 811-812), Cosker-Rowland (2020: ch. 3), and McGrath (2021: 35, 46–48).

it seems that Haslangerians can genuinely disagree with others about the correct view of the metaphysics of gender. So, there are analogous reasons to think that even if it is the correct view about the metaphysics of gender, a Haslangerian account is not the correct account of gender concepts. But, as in the moral case, this does not mean that we cannot analyse gender concepts but just that any plausible account of gender concepts must be relatively minimal and not inconsistent with a range of non-incoherent substantial accounts of gender.[55]

When someone adheres to gender categorization norms, or when an institution, or individual (such as a school teacher), sets up a space or a practice involving such categorization norms it/they need not have a substantive conception or understanding of the relevant gender concept or term in mind. For instance, in the mid 2000s although FIFA had divided soccer into women's and men's events and competitions it had no view about whether trans women were women.[56] Similarly, a shopping centre might establish women's, men's, and gender-neutral restrooms without having or taking any view about what it means to be a man or woman. Similarly, if I categorize a particular action as morally wrong, if I use the term morally wrong to refer to it, I need not have a substantial view about which actions are morally wrong and why. Perhaps in some places, or in the past, norms about women-only spaces involve substantial conceptual content because everyone in the relevant place agrees on what it is to be a woman. But in many current societies and contexts at least, it seems to me that we should think that the conceptual content of these norms does not involve substantial content concerning who is a woman or another gender because there is much disagreement about these topics.

The view that the conceptual content of gender concepts and terms does not involve very substantial content is controversial. It conflicts with biological essentialist accounts of gender concepts, Haslangerian accounts of gender concepts, and perhaps further accounts of gender concepts such as polysemic accounts.[57] But as I and others have argued elsewhere, and as I briefly explained above, accepting this view about gender concepts and rejecting these alternative accounts, allows us to easily understand how people with different views about gender can genuinely disagree about, for instance, whether trans women are women.[58] If we hold this view of gender concepts, then we can hold that unlike other gender norms the conceptual content of both sides of gender categorization norms just involves gender categories

[55] For such accounts see e.g. McGrath (2021) and Cosker-Rowland (2024); contextualist views may also fit this brief, see Saul (2012) and Dembroff (2018: 38–46).

[56] See Cosker-Rowland (forthcoming).

[57] The self-identification account of gender identity may also conflict with a polysemic account of gender concepts. On the polysemic account there are many different concepts of 'woman': Haslangerian, biological essentialist, and gender-identity-based concepts. But since many trans women know they are not women in the Haslangerian or biological essential senses, the only concept of 'woman' that it will make sense for them to self-identify as women using would be the gender-identity concept, in which case their self-identification may be worryingly circular. For such self-identification would involve just asserting or believing that one asserts or believes that one asserts or believes that one is a woman, where being a woman, in this sense, is just asserting or believing that one is a woman. For reasons to reject such polysemic accounts see Cosker-Rowland (2024: 256–257).

[58] See Cosker-Rowland (2024), Cosker-Rowland (2023: 811–812) and McGrath (2021).

and categorization into these categories. There is more to do to justify this approach to gender concepts and gender categorization norms, this will have to wait for future work. But as I argued earlier in this section, (i) alternative views of gender identity also involve controversial commitments about gender Concepts. And (ii) even if this view of gender concepts is mistaken and we cannot make a genuine deep conceptual or metaphysical distinction between gender categorization norms and other gender norms, we can still accept the subjective fit account.

5.6 Change in view and hypnosis

A further set of objections that I've encountered concern changing senses of subjective fit. Suppose we judge that it is fitting for us to be treated as a woman but we come to change our mind when we are in fact treated as a woman. In this case, it might seem that we never really had a female gender identity in the first place.

First, note that this problem is also a problem for the self-identification account of gender identity. Furthermore, a natural way of revising the subjective fit account to deal with this objection is to hold that in order for A to have gender identity G, A's intuition or judgment that it is fitting for them to be treated as a G must persist once they are in fact treated as a G.[59] And, as it turns out, most trans people's sense that it is fitting for them to be treated in particular gendered ways tends to persist once they are treated in those ways.[60]

Relatedly, think about someone who judges that it is fitting for them to be treated as a woman as a result of hypnosis or brainwashing. Do they have a female gender identity?[61] Again, note that this issue (*mutatis mutandis*) arises for the three other accounts of gender identity I have discussed. Furthermore, it is tempting to say that they do have such an identity, they have just been hypnotized into having such an identity, especially if such hypnotization persists over time. Similarly, someone who is hypnotized into judging that they ought to live their life in accordance with the practices of a particular Christian sect may be hypnotized into having a Christian identity that accords with that sect.

Some might worry that if the hypnotisation is short-lived, then we really should not think that this person has a female gender identity. I am not so sure that this is the right thing to say, we might alternatively say that they do have a temporary female gender identity but it is not significant, since their experience is akin to a dream, and akin to a dream in which one is someone other than themself. Relatedly, a somewhat natural response to this worry would be to say that they do not have a female gender identity because their experience is not really theirs in some way, after all it is the result of hypnosis.

[59] This way of responding to this objection is analogous to the way in which proponents of preference satisfaction accounts of well-being respond to an analogous objection to their view; see e.g. Heathwood (2005: 493).

[60] See e.g. Barnes (2020: 709) and Dembroff & Saint Croix (2019: 583).

[61] Cf. Saul (2012: 207).

Alternatively, some think of identities as being built-up over time, being relatively stable over time, and being such that they inform how we live our lives rather than just how we think and act for a few hours whilst hypnotised.[62] Those who hold this view can hold a revised version of the subjective fit account on which for A to have gender identity G is for A to take it to be not unfitting, or positively fitting, for them to be treated as a G and for A's judgment or intuition (or lack of judgment that it is unfitting) to be one that is *either* (a) relatively stable over time or (b) a judgment or intuition (or lack thereof) that influences how A lives a significant portion of their life. This revised version of the subjective fit account would not imply that such a hypnotised person has a female gender identity, since this identity is neither stable over time nor one which influences a significant portion of their life.

There are concerns we might have about privileging a stable sense of one's gender in the way that this revised version of the subjective fit account does. For we might think that some people's gender identities do simply change over time and that does not make these gender identities any less real or important to them (see §3 above). Yet a proponent of this revised version of the subjective fit account might hold that this revised version of the account need not imply that gender identities cannot change over time, or cannot change even relatively frequently; this account only holds that gender identities must influence how someone leads some significant portion of their life. And indeed genderfluid people's fluid gender identities do influence how they lead significant portions of their lives, and people with gender identities that have not been stable for a large portion of their lives can still have gender identities that influence how they navigate and experience the world (see also §3 above).

5.7 Desiring to fit without judging that one fits

A reviewer has put a case to me that may seem to provide an objection to the subjective fit account:

> What if a trans person does not think they have a subjective sense of fit as a man, but they desire such a fit, and take action in their life to achieve that sense of subjective fit?

This reviewer worries that according to the subjective fit account such changes are unacceptable. However, the subjective fit account doesn't seem to take a stand on whether such changes are acceptable, although it does seem to be good and valuable to have a sense of fit with the category that one wants to fit into, so it would seem that we can, and should, say consistent with the subjective fit account that someone's taking such changes can be good and valuable, and thereby acceptable.

A different related worry is that according to the subjective fit account it would seem that a trans person who embarks on taking such changes so that they achieve a sense that they fit the category *man* does not take such changes in light of their

[62] See *supra* note 60.

having a trans gender identity, since when they decide to make these changes they do not have a sense that the category man fits them, that it is fitting to treat them as a man, and in fact have a sense that it is unfitting to treat them as a man. But the subjective fit account does not quite imply this. It's true that if someone takes changes so that they can achieve a sense of fit with the category *man* without having any such sense of fit (or lack of unfit) with the category *man*, then their taking these changes are not a result of their having *a male gender identity*. But this does not mean that their making these changes is not a result of their having a trans gender identity: they might make these changes because they experience it as unfitting for them to be treated as a woman, or because neither *woman* nor *non-binary* gender categories seem to fit and they have an inkling that *man* could feel right if they made some changes. In this case such a person who takes changes so that the category *man* fits does take these changes in virtue of their (trans) gender identity. Furthermore, often when we trans people make changes to try to make a gender category G feel like it fits us better, we make these changes because in some ways category G already feels like it fits us, or who we really are, better than alternatives to G, even if right now—without our having made these changes—G still feels like it doesn't fit us that well either.[63]

6 Conclusion

In this paper I've proposed the subjective fit account of gender identity. According to this account, for A to have gender G as part of their gender identity is for A to not take it to be unfitting, or to positively take it to be fitting, for them or others to treat them as a G. I've argued that the subjective fit account is attractive and plausible, fits very well with trans and non-binary experience and testimony does not face the problems that other existing accounts of gender identity face, and does not face any other insurmountable problems. The subjective fit account merits consideration as the correct account of gender identity.

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[63] A different worry some have about accounts like the subjective fit account is that it is circular. Given that the subjective fit account does not provide an account of gender, it is unclear that it could be viciously circular; similarly, we would expect an account of what it is to have a Christian identity to require understanding of what it is to be Christian. However, the reference to gender G in the *analysans* of the subjective fit account could also be eliminated in the ways that Cosker-Rowland (2024: 252–253) and McGrath (2021: 36–37) propose; this would render the account entirely non-circular.

Declarations

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References

Al-Kadhi, A. (2019). *Unicorn: The memoir of a muslim drag queen*. HarperCollins Publishers.
American Psychological Association (2014). Answers to your questions about transgender people, gender identity, and gender expression. Retrieved from https://www.apa.org/topics/lgbtq/transgender.pdf
Amnesty International UK (2020). Gender identity for beginners. Retrieved from: https://www.amnesty.org.uk/LGBTQ-equality/gender-identity-beginners-guide-trans-allies
Andler, M. S. (2017). Gender identity and exclusion: A reply to Jenkins. *Ethics, 127*, 883–895.
Arvan, M. (2023). Trans women, cis women, alien women, and robot women are women: They all (simply) adults gendered female. *Hypatia, 38*(2), 373–389.
Ashley, F. (2023). What Is It like to Have a Gender Identity? *Mind, 132*(528), 1–21.
Barnes, E. (2020). Gender and gender terms. *Nous, 54*(3), 704–730.
Barnes, E. (2022). Gender without gender identity: Identity-based views of gender and the problem of cognitive disability. *Mind, 131*(523), 1–28.
Bettcher, T (2013). Trans women and the meaning of woman. In Soble, A., Power, N. & Halwani, R. (Eds.), *Philosophy of sex: contemporary readings (6th ed.)*. Rowman & Littlefield.
Bettcher, T. (2009). Trans identities and first-person authority. In L. Shrage (Ed.), *You've changed: Sex reassignment and personal identity* (pp. 98–120). Oxford University Press.
Bettcher, T. (2014). Trapped in the wrong theory: Rethinking trans oppression and resistance. *Signs Journal of Women in Culture Society, 39*, 383–406.
Bettcher, T. M. (2017). Through the looking glass: Trans theory meets feminist philosophy. In A. Garry, S. J. Khader, & A. Stone (Eds.), *The Routledge companion to feminist Philosophy* (pp. 393–404). Routledge.
Bex-Priestley, G. (2022). Gender as name. *Journal of Ethics and Social Philosophy, 23*(2), 189–213.
Billingham, P. (2017). How should claims for religious exemptions be weighed? *Oxford Journal of Law and Religion, 6*, 1–23.
Bou-Habib, P. (2006). A theory of religious accommodation. *Journal of Applied Philosophy, 23*, 109–126.
Briggs, R. A., & George, B. R. (2023). *What Even in Gender?* Routledge.
Califia, P. (2006). Manliness. In S. Stryker & S. Whittle (Eds.), *The trangender studies reader.* Routledge.
Cosker-Rowland, R. (2020). Moral Disagreement. Abingdon: Routledge.
Cosker-Rowland, R. (2023). Recent Work on Gender Identity and Gender. *Analysis, 83*(4), 801–820.
Cosker-Rowland, R. (2024). The normativity of gender. *Nous, 58*, 244–270.
Cosker-Rowland, R. (forthcoming). Gender Identity: What It Is and Why It Matters. Oxford: Oxford University Press.
Cull, Matthew (2020). *Engineering Genders*. Phd Thesis, University of Sheffield, 31st March 2020. https://etheses.whiterose.ac.uk/27561/1/Cull160202650EngineeringGenders.pdf Accessed 14 September 2023.
Dawson, Juno (2017). *The Gender Games.* Two Roads.
Dembroff, R. (2018). Real talk on the metaphysics of gender. *Philosophical Topics, 46*(2), 21–50.

Dembroff, R. (2020). Beyond binary: Genderqueer as critical gender kind. *Philosophers Imprint, 20*(9), 1–23.
Dembroff, R. (2021). Escaping the natural attitude about gender. *Philosophical Studies, 178*(3), 983–1003.
Dembroff, R., & Saint-Croix, C. (2019). Yep, I'm Gay: understanding agential identity. *Ergo, 6*(20), 571–599.
Dembroff, R., & Wodak, D. (2018). He/she/they/ze. *Ergo, 5*, 371–406.
Dworkin, R. (2000). *Sovereign virtue*. HarvardUP.
Dworkin, R. (2011). *Justice for Hedgehogs*. HarvardUP.
Faye, S. (2021). *The transgender issue*. Penguin.
Gender Reveal (2018). Episode 27: Gabe Dunn. Gender Reveal September 3, 2018.
Gender Reveal (2021). Episode 98: Checking in with Gabe Dunn. Gender Reveal July 5, 2021.
Gheaus, A. (2023). Feminism without gender identity. *Philosophy Politics and Economics, 22*(1), 31–54.
HealthyGamerGG (2020). Talking with contrapoints—gender identity, judgement, & YouTube. October 29, 2020. Available at: https://www.youtube.com/watch?v=cKrxP44Gp_0 [Accessed 2 August 2021].
Heathwood, C. (2005). The Problem of defective desires. *Australasian Journal of Philosophy, 83*(4), 487–504.
Heyam, K. (2022). *Before We Were Trans*. Basic Books.
Howard, C. (2018). Fittingness. *Philosophy Compass, 13*(11), 1–14.
Howard, C., & Cosker-Rowland, R. (2022). Fittingness: A user's guide. In C. Howard & R. Cosker-Rowland (Eds.), *Fittingness: Essays in the philosophy of normativity* (pp. 1–20). Oxford University Press.
Jenkins, K. (2016). Amelioration and inclusion: Gender identity and the concept of woman. *Ethics, 126*(2), 394–421.
Jenkins, K. (2018). Toward an account of gender identity. *Ergo, 5*(27), 713–744.
Jocelyn, M., & Taylor, C. (2011). *Secularism and freedom of conscience*. HarvardUP.
Jones, Mj (2019). Namesake. In Rajunov and Duane.
Kapusta, S. (2016). Misgendering and its moral contestability. *Hypatia, 31*(3), 512–519.
Killmister, S. (2020). *Contours of dignity*. Oxford University Press.
Laborde, C. (2017). *Liberalism's religion*. HarvardUP.
Lane, Cat (2021). Breaking the binary. Online exhibition [DETAILS REDACTED FOR BLIND REVIEW].
McGrath, S. (2021). The metaethics of gender. In R. Shafer-Landau (Ed.), *Oxford studies in metaethics* (Vol. 16, pp. 27–53). Oxford University Press.
McKitrick, J. (2015). A Dispositional account of gender. *Philosophical Studies, 172*, 2575–2589.
National Centre for transgender Equality (2016). Frequently asked questions about transgender people. Retrieved from: https://transequality.org/issues/resources/frequently-asked-questions-about-transgender-people
Nussbaum, M. (2008). *Liberty of conscience*. Basic Books.
Olson, J. (2011). In defense of moral error theory. In M. Brady (Ed.), *New waves in metaethics*. Palgrave.
Rabinowicz, W., & Rønnow-Rasmussen, T. (2004). Strike of the demon: On fitting pro attitudes and value. *Ethics, 114*, 391–423.
Rawls, J. (2001). *Justice as fairness: A restatement*. HarvardUP.
Rea, M. (2022). Gender as a self-conferred identity. *Feminist Philosophy Quarterly, 8*(2), 1–22.
Roche, J. (2020). *Trans power*. Jessica Kingsley.
Saul, J. (2012). Politically significant terms and philosophy of language: methodological issues. In S. Crasnow & A. Superson (Eds.), *Out from the shadows: Analytical feminist contributions to traditional philosophy* (pp. 195–216). Oxford University Press.
Schroeder, M. (2010). *Noncognitivism in ethics*. Routledge.
Serano, J. (2016). *Whipping Girl* (2nd ed.). Seal Press.
Stratton-Lake, Philip (2020). Intuitionism in Ethics, *The Stanford Encyclopedia of Philosophy,* Edward N. Zalta (ed.). <https://plato.stanford.edu/archives/sum2020/entries/intuitionism-ethics/>.
Stratton-Lake, P. (2022). Intuitions of fittingness. In C. Howard & R. Cosker-Rowland (Eds.), *Fittingness* (pp. 130–148). Oxford University Press.
Stryker, S. (2008). *Transgender History*. Seal Press.
Vincent, B. (2020). *Non-binary genders*. Policy Press.

Violet, Mia (2020). The fact I can't marry as a bride is another reminder of how unequal trans rights still are. I News, February 24, 2020: https://inews.co.uk/opinion/marry-bride-reminder-unequal-trans-rights-still-are-400587

Violet, M. (2018). *Yes You Are Trans Enough*. Jessica Kingsley.

Weiss, S. (2018). 9 Things people get wrong about being non-binary. *Teen Vogue*. February 15, 2018. https://www.teenvogue.com/story/9-things-people-get-wrong-about-being-non-binary

West Yorkshire Queer Stories Archive (2019). Quinn Alexis Daley: Full interview. Recorded By Ray Larman for the West Yorkshire Queer Stories Archive on 14 July 2019. Accessed 7 April. https://wyqs.co.uk/stories/realising-youre-non-binary/quinn-full-interview/

West Yorkshire Queer Stories Archive (2020). Nāgakuśala Dharmacharin: Full interview. Recorded by Ross Horsley for the West Yorkshire Queer Stories Archive on 16 March 2020. Accessed 7 April 2023. https://wyqs.co.uk/stories/experiences-of-gender-euphoria/full-interview/