

Responsible Transgendering versus Capricious Transgendering

V1.0, comments are appreciated

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Abstract

Capricious transgendering is contrasted with responsible transgendering. Only responsible transgendering may create obligations for other persons, if at all. New laws on transgendering ought to prevent capricious transgendering, at least in principle, even if the incidence of that phenomenon is low.

1 Transgendering in the context of a $3G_{\perp}$ formal gender theory

We assume 3G gender labels male, female and neutral as in the $3G_{\perp}$ formal gender theory (see [2] and the short summary in [5]). Transgendering takes place if a person P goes through the process of changing their gender (that is gender categorization). There are 6

conceivable forms of transgenering all of which share similar features. We will discuss a single case: P is transgenering from male to female (i.e. P was a man and becomes a woman). We assume that our discussion can easily be adapted to the five other patterns of transgenering.

Not every version of gender theory is permissive of (male to female) transgenering. We will adopt the following assumption.

Assumption 1.1. *We are working in a version of gender theory which accommodates male to female transgenering.*

By adopting Assumption 1.1 we disagree with Byrne [10] and we agree, at least in part with Fradella [11] and Zangellini [?].

The normal case is that P 's transgenering comes about from an intention of transgenering and is complemented with a step from male gender identity to female gender identity. We notice that Barnes 2022 [1] indicates circumstances where gender categorization plausibly comes without a corresponding gender identity. We will restrict our discussion to said normal case.

Assumption 1.2. *We will assume that P 's transgenering comes simultaneously with a corresponding change of P 's gender identity. In such cases we will speak of gender identity conformance preserving transgenering.*

Claim 1.1. *The fact of transgenering by P brings about new obligations for other persons concerning their interactions with P .*

2 Capricious transgenering

We will qualify an act of transgenering as capricious if one or more of the following conditions are satisfied.

1. P 's corresponding change of gender identity is not sincere.
2. P 's motive is to protest against the man/woman distinction.
3. P 's motive is to provoke reactions from friends and/or family.
4. P 's motive is to acquire an advantage which is open only to women.
5. P 's motive is merely to follow an example recently set by another transwoman.
6. P 's motive is not to solve some medical or psychological problem under the assumption that it might just work and does not do any harm to anyone.

7. P 's motive is to set a problematic example with the plan to discredit the very process and phenomenon of transgenering.

Making the claim that specific case of transgenering (by person P) is capricious constitutes an accusation with P as an accusee. For the notion of an accusation we refer to accusation theory as developed in [6, 7]. We are not claiming that the incidence of capricious transgenering is high. Nevertheless the following Claim matters:

Claim 2.1. *Capricious transgenering as performed by P creates no moral claim on other persons to adapt their behaviour towards P .*

Claim 2.2. *Even if the risk that capricious transgenering takes place is low, laws about transgenering must in some credible manner explain both that capricious transgenering is to be prevented and and how prevention of capricious transgenering is to be put into practice.*

3 Responsible transgenering

Contrasting with capricious transgenering we suggest to think in terms of responsible transgenering. The phrase responsible transgenering was coined by Richard Klein in 2002 in [12]. We will consider an act of transgenering by person P to be responsible if all of the following conditions are met:

1. P 's transgenering is not capricious,
2. P 's gender transition to female gender takes into account the presence and interests of all stakeholders, viz.
 - (i) cis-women who must welcome a new woman in their circles,
 - (ii) transwomen who prefer their own history of transition to be taken seriously,
 - (iii) cis-men, who must still maintain a credible gender identity,
 - (iv) transmen who wish their own history of transition to be taken seriously,
 - (v) AMAB transneutral persons who wish prefer their own history of transition to be taken seriously,
 - (vi) all persons who will need to adapt to new obligations when interacting with P .
3. P balances the claim on transinclusion (se also [8]) with other relevant claims.
4. P 's corresponding transition of gender identity is sincere and is explicit about how the interests of various stakeholders as listed above are to be taken into account.

4 The quest for an MotR version of formal gender theory

In [3] under 3.9 we have formulated the challenge to design an MotR (middle of the road) version of formal gender theory, that is a version which avoids extreme positions in either side of the argument. We believe that an adequate phrasing of the relevance, and even need, for responsible transgenering, combined with an explanation regarding the relevance of avoiding capricious transgenering will be instrumental for the development of an MotR version of formal gender theory.

Finally we notice that the controversy which has arisen in connection with Buijs 2023 [9] may be understood as emerging from his claim that gender transitions towards neutral gender are risk prone w.r.t. being capricious.

5 A connection Mark Richard's view on conceptual engineering

In [13] Mark Richard provides a detailed account of the pro's and con's of conceptual engineering in gender theory, for instance w.r.t. engineering of the concept of a womanhood. The hypothetical case on which Richard's account is based features Alexa who disputes transwoman Mika's claim of being a woman. Richard claims the conceptual engineering of the concept of womanhood is unlikely to bridge the gap between Alexa and Mika. Instead a better understanding of the situation is obtained when both grasp the relevance of Hilary Putnam's pragmatic realism including Putnam's claim that making an analysis presupposes the adoption of a conceptual scheme. Richard suggests that the symmetry between Alexa and Mika can be broken, because it can then be noticed that Alexa's scheme is defective.

As a criticism on Richard's discussion we may add that the setup becomes more realistic if the following additional assumptions are made: (i) Alexa is a transwoman who has undergone extensive medical affirmation therapy (both surgical and hormonal), (ii) Alexa speaks form and on behalf of a community of supportive transwomen (in contrast with [13] where Alexa operates from a transunfriendly background), (iii) Alexa feels victim of the accusation of being a TERF, (iv) Alexa claims that Mika's transgenering has been capricious. We then find that far from being transunfriendly Alexa merely disputes the actual step of transgenering in the particular case of Mika. The symmetry breaking arguments given in [13] seem to achieve no more than stating a neo-essentialist (see [4]) claim, which we think is unconvincing.

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