Personal Identity, Sexual Difference, and the Metaphysics of Gender

[Penultimate Copy. Please Cite Published Version.]

Jeremy W. Skrzypek
Ohio Dominican University

Abstract: Issues pertaining to sex and gender continue to be some of the most hotly debated topics of our time. While many of the most heated disputes occur at the level of politics and public policy, metaphysics too has a crucial role to play in these debates. In this essay, I explore several key metaphysical debates concerning sex and gender through the lenses of two important areas in contemporary metaphysics: the metaphysics of essence and the ontology of the human person. The goal here is not to advocate any particular position on these issues, but to show how the tools of contemporary metaphysics can help to offer a more comprehensive map of the conceptual terrain, indicating where major areas of agreement can be found and where the most important disagreements really lie.

Keywords: sex, gender, transgender, metaphysics, essence, personal identity

I. Sex and Gender: Asking the Right Questions

Issues pertaining to sex and gender continue to be some of the most hotly debated topics of our time. Contemporary debates signal deep disagreements not only over particular policies, practices, and procedures, but also over the very nature of sex, gender, and the human person. In the context of these debates, certain key questions about the relationship between sex, gender, and the identity of the human person have come to the forefront. Can one's sex and gender conflict, and if so, how are we to understand the nature of that conflict? If a person's sex and gender can conflict, what is the appropriate course of action in addressing that conflict? Can, and in what circumstances should, a human person successfully undergo a change in his or her sex or gender? The scholarly literature on these issues is vast and bewildering (and one's bewilderment only increases by considering also the extensive coverage in popular media). So how does one begin to answer these questions?

Perhaps the best place to start is by considering the most basic, most fundamental question that can be asked about the two key terms involved: What is sex? And what is gender? Sex is generally (though not exclusively) regarded as a biological category, typically referring to

certain features present in sexually reproducing organisms.. But beyond that there is much disagreement about how best to understand the nature of sexual difference. So, for example, is sexual difference an objective feature of the world, that is, a matter of discovery, or is it a social construct, a matter of human decision, decree, or convention? Is the category of sex binary or are there more than two sexes? Is the category exclusive, that is, does every human person belong to at most one sex? Is it exhaustive, that is, does every human person belong to at least one sex? Are there clear boundaries or delineations between the sexes or is sexual difference a matter of degree? When is sex present in a human person? Conception? In utero? Later? Is a person's sex invariable or can it change over time? There is no clear agreement in the literature on how best to answer these questions.

What about gender? To what does this term refer? Is gender just the same thing as sex, is it something closely related to sex, or is it something altogether different? Once again, answers to this question vary. There are authors who, following traditional usage, continue to regard 'gender' and 'sex' as synonymous, or who argue against distinguishing the two (Bogardus 2020). There are other authors who argue that there is no such thing as gender, that the term 'gender' fails to refer (LaBrada 2016). In the majority of contemporary discussions concerning sex and gender, however, these two terms are typically taken to be at least conceptually distinct, even by those who hold that they are inseparable *in re*. Whereas sex is often taken to be a biological category, gender is generally regarded as a kind of socio-psychological category, pertaining an individual's self-perceptions, preferences, behaviors, expressions, experiences, and tendencies and the various social roles that an individual occupies or is expected to occupy by virtue of possessing such self-perceptions, preferences, behaviors, expressions, and tendencies.[1] Beyond

[1] For an historical overview of how this use of the term gender came to be prevalent, see Bogardus (2019a). And for a critique of its usage in this way, see Bogardus (2019b). As we will see, precisely which self-perceptions, preferences, behaviors, expressions, experiences, and tendencies, and which social roles are relevant in determining

that, however, there is much disagreement about how best to understand the nature of gender difference. So, for example, we can ask, once again, is gender difference (a) an objective feature of the world, is it (b) a social construct, or is it (c) a predominantly subjective phenomenon, determined by an individual's own experiences and personal preferences? Is the category of gender binary or are there more than two genders? Is the category exclusive? Is it exhaustive? Are there clear boundaries between genders or is gender difference a matter of degree? When is gender present in a human person? Conception? In utero? Early childhood? Later? Is a person's gender invariable or can it change over time? Once again, there is no clear agreement in the literature on how best to answer these questions.

There are, then, several important questions that we can ask about the categories of sex and gender in trying to understand the nature of the categories themselves. But we can also ask how these categories are related to one another. What is the relationship between sex and gender? As above, answers to this question vary. There are authors who hold that sex and gender are conceptually distinct but in fact inseparable.[2] There are other authors who hold that while sex and gender are in principle separable, they are also dispositively or normatively linked, meaning that the biological sex of an individual disposes him or her to a particular gender and that this is what happens when things are proceeding "as normal", when things are "as they should be".[3] There are also authors who hold that the association of any particular sex with any particular

a person's gender can vary depending on the theory being considered. Some theories will emphasize outward appearance or visible modes of self-expression, others will emphasize patterns of inter-personal interaction, and still others will emphasize certain aspects of the individual's subjective experience. Some theories will emphasize those social roles that one occupies or is expected to occupy in the workplace and others will emphasize those social roles that one occupies or is expected to occupy in the home or in the family.

[2] This seems to be the position advocated by both Pope Francis (2016: 45) and the Congregation for Catholic Education (2019: 8), though it is worth pointing out that what Pope Francis condemns is the *radical* separation of sex from gender, which may be interpreted as opening up the possibility of some more minimal separation between the two in certain cases. I thank an anonymous referee for pointing this out to me.

[3] See citations in footnote 6 below. The view that sex and gender are either inextricably or dispositively linked is often referred to as "Biological Determinism" or "Biological Essentialism" by those critical of it (see Dea (2016: Ch. 9)).

gender is merely accidental, imposed from the outside (which is to say that there is no dispositive or normative link between the two).[4]

One of the most important questions pertaining to the relationship between sex and gender for matters of law and public policy is the question of primacy. Which is the primary category by means of which we should identify ourselves? Which of these is the primary category by means of which we should identity others? In other words, when I refer to myself as a man or as a woman should I be intending to refer to my sex or to my gender? And when I refer to another person as a man or as a woman, should I be intending to refer to the other person's sex or the other person's gender?[5] (I think that these are important questions even if it turns out that sex and gender are inseparable.)

According to what we might call the "Traditional Paradigm", sexual difference is (i) objective, (ii) binary (male/female), (iii) exclusive, (iv) exhaustive, (v) with clear metaphysical boundaries, (vi) invariable, and (vii) present from conception onward.[6] On this paradigm, sex and gender are at least dispositively and normatively linked: sexual differences dispose to various physiological differences, physiological differences dispose to various psychological and behavioral differences, and certain social roles found within a particular society are, or ought to be, designed to reflect these underlying biological and psychological differences between men and women. As a result of the strong dispositive and normative links between sex and gender posited by proponents of the Traditional Paradigm, gender is often characterized by

[4] This has been the standard feminist position (see, for example, Mikkola (2019)).

[5] This is perhaps the key debate that divides contemporary "gender-critical feminists" and transgender theorists. Gender-critical feminists argue that there are certain contexts in which trans-women should not be regarded as women, such as prisons, restrooms, and women's shelters. Even if there is a meaningful distinction between sex and gender, gender-critical feminists argue that in these contexts sex takes priority. For more on gender-critical feminism, see Allen et al. (2019). And for a critique, see Bettcher (2018).

[6] Recent philosophical proponents of what I am calling the Traditional Paradigm include: Austriaco (2013); Tollefsen (2015a; 2015b); Finley (2015); Fortin (2017); Bedford and Eberl (2016; 2017); George (2016); Skalko (2017); Anderson (2018); Cross (2019); and Moschella (2008; 2019; 2021).

traditionalists as an "expression" of one's sex, the way in which one's sex is "communicated" to others in a particular cultural context (Tollefsen 2015b; Cross 2019). In general, on the Traditional Paradigm, the association of certain psychological and behavioral tendencies with their corresponding biological sex, and the occupation of certain social roles by individuals possessing those psychological or behavioral tendencies is what occurs when things go "as they are supposed to". Cases in which one's biological sex does not correspond to the physiological, psychological, or behavioral features typically associated with that sex (which, as we have seen, is often referred to as its associated "gender") are, at the very least, irregular, and, in serious cases, pathological. Now, many proponents of the Traditional Paradigm are keen to acknowledge that some (and perhaps even a significant number) of the psychological or behavioral features typically associated with either sex are a result of socialization according to the particular social norms of one's particular culture. As a result, traditionalists can admit of some flexibility with respect to which physiological, psychological, or behavioral dispositions are "normal".[7] But what characterizes the view as "traditional" is its commitment to the claim that an important subset of these dispositions, often those which make certain marital or parental roles appropriate, are grounded in one's biological sex.

While there certainly are important debates and disagreements among proponents of the Traditional Paradigm,[8] the general contours of the traditional view are rather easy to sketch in broad outline. On the other side of the debate, however, there is no easy way to characterize what

[7] For a suitably nuanced statement of this sort of view, see Moschella (2019) and Moschella (2021).

[8] So, for example, a traditionalist might grant the possibility that, in some very rare cases, an individual's sex might be physiologically and metaphysically indeterminate (with the result that sex is not strictly binary). Or a traditionalist might also grant the possibility that an individual's sex may be altered early on in embryonic development, though impossible after that (with the result that sex is not strictly invariable). As suggested in the previous paragraph, there are also ongoing debates about how much flexibility a proponent of the Traditional Paradigm can recognize with respect to an individual's normal gendered expression of his or her sex (proponents of the Traditional Paradigm can recognize the naturalness of "tomboys" or "sensitive men", for example, while still recognizing certain gendered expressions which fail to recognize certain biologically grounded differences as abnormal and perhaps even problematic).

we might call the "Progressive Paradigm". And the biggest reason for this is that there simply is no one single progressive paradigm. A paradigm is progressive to the extent that it breaks from the Traditional Paradigm. And the more a paradigm breaks from the Traditional Paradigm, the more progressive that paradigm is. With regard to sex, for example, there are progressive authors who hold that sexual difference is not objective but socially constructed, not a matter of discovery but a matter of decree or cultural convention.[9] This is what underlies the popular suggestion that sex is not determined but "assigned" at birth. There are also progressive authors who hold that there are more than two sexes.[10] And there are authors who hold that sex is present not at conception but at some time in utero or later.[11] It is also a commonly held view among progressives that there is no dispositive or normative connection between sex and gender; their association is merely accidental and has been imposed from the outside.[12]

The major debates concerning sex and gender, then, I think, come down to three fundamental issues: First, what are sex and gender? What kinds of categories are these? To what do we refer when we use these terms? Second, what is the nature of sexual difference, that is, what is it that makes someone a member of one sex rather than the other? And what is the nature of gender difference, what is it that makes someone a member of one gender rather than the other? Third, what is the relationship between sex and gender, both *in abstracto* and in particular individuals?

---

[9] See, for example, Fausto-Sterling (2000); Butler (2015); Asta (2018). For a helpful overview and critique, see Byrne (2018b).

[10] Anne Fausto-Sterling, for example, holds that there are at least five different ways to categorize sexually reproductive organisms, and so at least five different sexes within any such species (see Fausto-Sterling (1993a; 1993b; 2018). For a helpful overview and critique, see Byrne (2018a).

[11] Alex Byrne, for example, holds that a human organism does not qualify as male or female until it has "advanced some distance down the developmental pathway that results in the production of [the relevant gamete]" (see his 2018a). As is clear from his other writings on this topic, however, Byrne rejects many of the other claims made by progressive authors.

[12] An excellent resource for this position is Fine (2010).

While many of the most vocalized disputes concerning sex and gender occur at the level of politics and public policy, metaphysics too has a crucial role to play in these debates. In what follows, I provide an overview of some of the key metaphysical debates pertaining to sex and gender. My strategy here is to explore the three fundamental issues outlined above through the lenses of two important areas in contemporary metaphysics: the metaphysics of essence and the ontology of the human person. Importantly, the goal is not to advocate any particular position on these issues. The goal is simply to use the tools of contemporary metaphysics to offer a more comprehensive map of the conceptual terrain, indicating where major areas of agreement can be found and where the most important disagreements really lie.

II. Essential Metaphysics

What is the nature of sexual difference? And what is the nature of gender difference? To inquire into the nature of sexual difference or the nature of gender difference is to seek to discover the *essential* differences between these categories and the sub-categories of which they are composed; it is to seek to discover the necessary and sufficient conditions for membership in each category or sub-category.[13] Here we seek to determine not just which features members of the relevant categories typically possess but which feature or features an individual must possess to be considered a member of the category or sub-category in question. Concerning sex, we seek to determine: what is it that makes a human being sex-male or sex-female? Concerning gender, we seek to determine: what is it that makes a human being gender-male or gender-female? And by answering each of these questions we thereby determine the essence of each of these categories.

[13] As we will see, to say that there are essential differences between the categories of male and female is not to say that a person's sex or gender is essential to him or her, that is, part of his or her essence. It is only to say that there is something common to all members of a particular sex or gender, some feature or set of features that properly distinguish them from members of the opposite sex or gender. And so it is not necessary for sex or gender to be considered substantial categories for these categories to have an essence.

The essence of a thing is that which makes that thing the kind of thing that it is. And so all members of the same kind in some sense share an essence. The essence that they share is something that all and only members of that kind possess. Determining the essence of a particular kind of thing is immediately complicated by the fact that there are several varieties of essences, there are several kinds of things that an essence could be. For example, it could be the case that all members of a certain category share some observable quality. Or it could be the case that they share a deeper underlying microstructural similarity, or a common origin or history, or a common function, disposition, or end. There are, then, at least four varieties of essences, four kinds of essences members of a particular category could share: (1) *Qualitative* or *Morphological Essences*, in which all members of a certain category share certain core physical features or qualities, (2) *Microstructural Essences*, in which all members of a certain category share a certain kind of core physical part, (3) *Historical Essences*, in which all members of a certain category share a certain kind of origin, and (4) *Functional* or *Dispositional Essences*, in which all members of a certain category can perform, are disposed to perform, or are internally ordered toward, a certain kind of function or operation.

The best way that I know of to illustrate the differences between these varieties of essences is to show how they are operative in the contemporary debate on the nature of biological species.[14] Essentialism about biological species, the view that there is something that all members of a particular biological species share which is shared by no member of any other species, is not a popular view in contemporary philosophy of biology, but among those who do espouse such a view, each of the varieties of essences outlined above are or have been represented. So, for example, it was once common to categorize biological species according to certain morphological features, such as size, skeletal structure, or outward appearance, whereas

[14] See Ereshefsky (2017) for a helpful overview.

many authors now look for deeper commonalities in their genetic structure. There are some authors who hold that biological species are essentially delineated by their place on the evolutionary tree (de Queiroz 1999). This would be to grant biological species a kind of historical essence. Ernst Mayr's "Biological Species Concept" is an example of an approach that grants to biological species functional or dispositional essences (Mayr 1996). According to this account, species are delineated based on their ability to successfully produce fertile offspring. What makes something a member of a particular species on this account is not that it has in fact produced fertile offspring with another member of the species, but that it has the underlying capacity to do so. Importantly, an individual can possess this underlying capacity even if, for reasons of injury, impairment, or immaturity, it is not presently able to utilize that capacity. This is what makes Mayr's account a dispositional account.

The various varieties of essences just discussed are all examples of what we might call classical essences. A classical essence is one in which there is indeed some one thing possessed by all members of a certain kind which no non-member possesses. Non-classical approaches, or non-classical essences, on the other hand, are attempts to preserve a kind of essentialism about the category in question while denying that there is any one thing that all members share. According to one non-classical approach, while there is no single feature or set of features that all members of the kind possess, what makes each member a member is its possession of a sufficient number of features characteristic of the kind. So, for example, we might compose a list of ten features that are characteristic of a particular kind. On this approach, what makes an individual a member of the kind in question is not the possession of all of these ten features, but the possession of a sufficient number of those ten (perhaps six or seven). Importantly, however, an individual can be considered a member as long as it has any six or seven of these features. So

it will often turn out that two members of the kind will have a different selection of features from the list, and across four or more members of the kind, there may not be any one feature from the list that they all possess. They might all possess a different set of six or seven, with no consistent overlap between them. Essences understood in this way are a bit like Wittgenstein's family resemblances, drawn from his analysis of games. In the biological species literature, this view is known as the "Homeostatic Property Cluster" view (Boyd 1999).

Another possible non-classical approach is something we might call the Exemplar view. According to the exemplar view, for any particular kind, there exists some ideal or core member of the kind in question, and other members are members to the extent that they approximate or resemble this core exemplar. On this model, when determining to which of two categories an individual belongs, we look not to some one feature or set of features that it possesses that will make it a member of one category or the other, but rather we look to see which core or ideal exemplar it more closely resembles overall.

So what kind of essence do the categories of sex-male and sex-female have? What makes something sex-male? What do all sex-females have in common and what do all sex-males lack? It is often suggested that sex is a matter of possessing certain genitalia or some other set of outward physical features. Alternatively, it is also often suggested that sex is a matter of possessing a certain set of chromosomes (XX for females, XY for males) or a testosterone level above or below a certain threshold. Still others argue that sexual difference pertains more directly to reproduction, that it is a matter of which gametes the person's body is capable of producing (egg for females, sperm for males) (Austriaco 2013; Tollfesen 2015a; Byrne 2018a; Cross 2019), or which basic role the person's body is capable of serving in reproduction (females gestate, males generate) (Finley 2015: 610; George 2016; Skalko 2017). Some authors deny that there is

any one single feature or set of features that all biological males or all biological females share. Instead we should think of biological sex more as a homeostatic property cluster. In such case, what makes an organism a member of one sex rather than another is its possession of a sufficient number of features from the list of features characteristic of one of the sexes and its failure to possess a sufficient number of features from the list of features characteristic of the other sex (Stone 2007; Antony 2020).

One will notice from this list of candidates that several varieties of essences are represented. Some of the candidates would understand members of a particular sex to share a morphological essence, others would look to microstructural similarities, and others would perhaps look deeper for an underlying disposition, tendency, or orientation that all members share. The family resemblance or homeostatic property cluster view is also clearly represented.

There are several key challenges in determining which of these candidates captures the essence of sexual difference. First, many of the proposed features can and do come apart or conflict in various ways. So, for example, someone can possess XY chromosomes but female reproductive organs (in some cases, even fully functional female reproductive organs),[15] and so we will have to decide which of these features we want to serve as the arbiter in such cases. This will determine for us which criterion is the essential criterion and which others are merely accidental.

There are also several challenges to a straightforward chromosomal account. First, if possessing an XY pair of chromosomes is sufficient to count as a biological male and possessing an XX pair of chromosomes is sufficient to count as a biological female, then it seems that

[15] Patients who suffer from Androgen Insensitivity Syndrome (AIS), for example, often develop external genitalia characteristic of individuals with the opposite chromosomal pairing, though these external genitalia are almost always non-functional. There is, however, at least one documented case of a patient who possessed a fully functional female reproductive system despite possessing XY chromosomes (see Austriaco (2013: 702) for discussion).

sexual difference is not exclusive. There would be individuals that qualify as members of both sexes. The most extreme cases are those that involve a condition known as chromosomal mosaicism, in which different cells in the person's body contain different pairs of chromosomes,[16] but an even more straightforward case would be a biological male who receives a kidney transplant from a biological female. If merely possessing an XX pair of chromosomes is sufficient to make one female, then that biological male would also come to be female by virtue of that organ transplant.

There are also cases in which an individual possesses neither XY nor XX chromosomes, but some other combination.[17] If a necessary condition for being biologically male is the possession of XY chromosomes and if a necessary condition for being biologically female is the possession of XX chromosomes, then perhaps persons possessing a single X chromosome, or XO chromosomes, or XXY chromosomes, or XYY chromosomes would count as neither. Perhaps in that case it would turn out that the category of sex is not an exhaustive category after all. Now, one could get around this issue by stipulating that being biologically male is simply a matter of possessing any Y chromosome, regardless of the rest of the pairing, but one will also have to explain why this stipulation is justified. One needs to be careful not to make the categorization of males a matter of decision if one wishes to preserve the objectivity of the distinction between males and females.

A key challenge to morphological accounts is that they have difficulty accounting for immature, damaged, or defective individuals. So, for example, if maleness is a matter of possessing certain genitalia, then does the loss of such genitalia in a terrible accident result in a non-sexed individual? And would that individual regain his sex if that genitalia were to be

[16] For details on mosaicism and other intersex conditions, see, for example, the Intersex Society of North America's Frequently Asked Questions page at: http://www.isna.org/faq/.
[17] See link in previous footnote for more information.

repaired or replaced? And what about immature or developing organisms, in whom no genitalia has yet developed? Are such individuals not yet but soon to be sexed? It seems that we ought to want an account of sexual difference that leaves room for immature, damaged, and defective cases, especially if we want to preserve sex's status as an exhaustive category. Otherwise we risk leaving a not insignificant portion of the population in possession of no sex whatsoever.

With such concerns in mind, many authors wishing to preserve an objective, binary, exhaustive, and exclusive account of biological sex have shifted to a dispositional account (the other option here, remember, is to shift to a non-classical approach). On such an account, what makes someone a biological male or biological female is not the possession of some particular morphological feature, nor some particular microstructural feature, but some deeper underlying tendency, disposition, or internal orientation to either produce a certain kind of gamete, or to play a more general role in reproduction. While it is not my purpose here to adjudicate on the nature of biological sex, I think that shifting to a dispositional account is a step in the right direction. I also think that this move has been underappreciated by those who are quick to dismiss the Traditional Paradigm. The concerns for chromosomal and genitalia-based accounts outlined above are often seen as fatal to the Traditional Paradigm. A dispositional account, however, seems to be largely immune to such concerns, since it posits a deeper, more fundamental criterion. With that said, there are still concerns for a dispositional account of sex which would need to be addressed in order to successfully defend the Traditional Paradigm.

The primary concern for dispositional accounts of sexual difference is both metaphysical and epistemological. First, *pace* dispositional monists, all dispositions, tendencies, or internal orientations seem to require some ground of their existence, some actuality in which they can be said to inhere. For example, it is true of me that I am disposed to run a mile. I have the

disposition to perform such a task. But we should also ask what makes it true to say that I have that disposition. The deeper explanation, I presume, for what makes it true to say that I have this disposition is that I have various actual features (strength, physical health, stamina, experience, etc.) that allow me to perform this task. If I were to lack all of these actual features, it seems likely that I would no longer possess the disposition to run a mile. Now, no doubt it is true of dispositions, tendencies, and internal orientations that they can be realized in several different actual features. The same disposition can have different grounds of existence at different times. This is what makes dispositional accounts so appealing. We need not look for any one particular actual feature possessed by all members of the kind. We need only to look for some disposition held by each, which may, as it turns out, be grounded in several different actual features across various members. Nevertheless, it seems that every disposition, tendency, or internal orientation should be grounded in some actual feature or other.

Turning back, then, to a dispositional account of sex, it is easy enough to provide a metaphysical ground for the relevant disposition in ordinary cases, in which the individual possesses the physical features typical of his or her kind, but this will be much more difficult in the exceptional cases. If we want to say that someone lacking all of the major physical features of a biological male nonetheless possesses the relevant male-designating disposition, tendency, or internal orientation, we need to offer an account of what makes it true to say that the person does possesses that disposition, tendency, or internal orientation despite not possessing the actual features that serve as the ground for that disposition, tendency, or internal orientation in other members. (This is, in some ways, analogous to the task of identifying the underlying feature present in any injured, impaired, or immature organism which allows it to still count as a member of its species despite not possessing the relevant in-hand capacity.) So, for example, is

the possession of a Y chromosome a sufficient ground for the natural disposition to produce the relevant gamete or would the person also need to possess the relevant reproductive organ for that disposition to be present? This is, as I have said, both a metaphysical and an epistemological issue. There needs to be some deeper fact metaphysically grounding that disposition, and there needs to be some reliable means by which we can determine whether this disposition is present.[18] A dispositional account that either posited ungrounded or ambiguously grounded dispositions, tendencies, or internal orientations or buried the relevant disposition, tendency, or internal orientation so deep within the metaphysical structure of the human person that the existence of that disposition, tendency, or internal orientation could never be reliable determined would be at best unhelpful, and at worst unverifiable. This is not to say that dispositionalists have not addressed or cannot address such concerns. I mean only to suggest that they will need to address this concern in order to satisfactorily respond to the critic who wishes to either deny the existence of such a disposition, tendency, or internal orientation or deny the possession of such a disposition, tendency, or internal orientation in certain immature, damaged, or defective individuals.

Turning back, now, to a discussion of gender, what kind of essences do gender-male and gender-female have?[19] What makes someone gender-male? What do all gender-females have in common and what do all gender-males lack? Is your gender a matter of how you look or how

[18] And, importantly, it seems that the relevant tendency, disposition, or wholistic orientation should have some *material* ground or cause. For if it has a formal ground or cause, then it must be grounded in either the person's substantial form or in some accidental form. If sexual difference were grounded in a person's substantial form, then sexual difference would constitute distinct human species (see, however, Finley (2015); Fortin (2017); and Bedford and Eberl (2016) for recent attempts to ground the relevant tendency or disposition in the person's substantial form without giving rise to multiple human species). But if sexual difference is grounded in some accidental form, then it must be an accidental form that is not itself grounded or caused by the person's substantial form, for in that case it would be a necessary accident, and so would be possessed by all members of the species. And so even if sexual difference turns out to be an accidental form, that accidental form should have some ultimate ground or cause in the person's matter.

[19] For some helpful overviews of contemporary debates on the metaphysics of gender, see, for example, Dea (2016); Stoljar (2016); Mikkola (2019); Barnes (2018; 2020).

you present yourself? Is your gender a matter of how you think or what sorts of things you like or feel comfortable with? Is your gender a matter of how you act or how others tend to act toward you? Is your gender a matter of how you were raised? Is gender grounded in certain physiological or neurological features? Is it grounded in some disposition or set of dispositions to behave in a certain way? Is there even one particular feature that all gender-males or gender-females have in common or is membership more a matter of possessing a sufficient number of characteristic features? Are there ideals or exemplars of gender categories such that belonging to one particular gender rather than another is a matter of more closely resembling some particular model or exemplar? Since the goal of this paper is not to defend any particular view, only to organize and clarify the views on offer and to demonstrate the importance of metaphysics for advancing these debates, I will not adjudicate here on which of these proposals for how to delineate between genders is the most plausible. But I do want to make a few observations about these proposals, which, having briefly explored the literature on the varieties of essences, we are now in a position to appreciate.

First, notice that several of the varieties of essences discussed earlier are once again represented. Some of the proposals here would look to make gender difference a matter of morphology, whereas others look for some deeper psychological or physiological feature (Novak 2018) or behavioral disposition (McKitrick 2015), and some place a historical constraint on membership (Bach 2012). There are also authors who view gender as possessing some kind of non-classical essence (Stoljar 1995; Corvino 2000).

The most fundamental disagreement among contemporary authors on the nature of gender concerns whether a person's gender is determined predominantly "from the outside" or "from the inside". As Elizabeth Barnes explains, according to "social-position accounts" of

gender, gender "is determined by social factors external to that individual - how they are perceived, what roles they are expected to occupy, etc.", whereas according to "identity-based accounts" of gender, "what gender you are is determined by how you feel about yourself, how you are inclined to behave, which groups you see yourself as belonging to, etc, and not - or not entirely – by how others respond to you."[20] A major concern for social-position accounts is that they give little to no say to the gendered person herself. One's society or culture can authoritatively militate against one's own impressions or preferences. On the other hand, a major concern for identity-based accounts is that it is unclear what criteria the individual is using to identity himself or herself as belonging to a particular gender if the individual is no longer using the criteria dictated to him or her from his or her particular society or culture.[21]

The debate between social-position theorists and identity-based theorists is importantly related to another key issue discussed in the literature: the role of self-identification. Can an individual be wrong about which gender he or she is? Is it possible that a particular society or culture could mis-identity or mis-label individuals that reside within it? An increasingly popular view expressed in both academic and non-academic circles is that each individual is in the best epistemic position to determine his or her own gender. It is sometimes even suggested than an individual cannot be wrong about what gender he or she is. Some of these authors suggest that one's own gender identity is a matter of personal decision. Other authors take gender identity to be a matter of discovery: one finds out that one has always been of a particular gender. Notice that if a significant determinant of one's gender is one's personal experiences and preferences,

[20] Barnes (2020; see also Barnes (2018)). Social-Position Theorists include Haslanger (2000); Asta (2018); Witt (2011); and Barnes herself. Identity-Based Theorists include McKitrick (2015); Jenkins (2016); and Bettcher (2009; 2013)

[21] Perhaps what this shows is that there is no single category under which we can neatly place all of the aspects of an individual's gender. Some gender theorists, for example, like to distinguish between "gender identity", which corresponds more closely to the psychological aspects of gender, and "gender role", which corresponds more closely to the social aspects of gender (for discussion, see, for example, Dea (2016: Ch. 2). And, indeed, we may even need to introduce further categories beyond these.

then it could turn out that an individual is indeed in a better epistemic position to determine his or her own gender than anyone else. If, as some identity-based theorists suggest, being gender-male or gender-female is a matter of how one prefers to behave and how one prefers to present oneself and what sorts of things one enjoys, it would seem that no one could be in a better position to determine one's own gender than oneself. No one gets to tell you whether you prefer broccoli to cauliflower, for example (though others can help you to see which of these you really prefer), and so if one's gender identity is determined by similar sorts of preferences, then a person cannot easily be wrong about which gender he or she is, and so cannot be corrected from the outside (though, once again, others can help a person to see better which preferences he or she really has). If, however, as social-position theorists claim, gender identity is a matter of how one is perceived or how others behave toward that person, then it seems that the individual could indeed be mistaken about his or her own gender and could in principle be corrected by those around him or her.

III. Kind Essences, Individual Essences, and the Ontology of the Human Person

Thus far the essences of which we have been speaking are what we might call "kind-essences". Once again, a kind-essence is that which makes a thing the kind of thing that it is. It is what all members of the kind share and is possessed by nothing outside of that kind. But we can also speak of what we might call "individual-essences". An individual-essence is that which makes an individual the particular individual that it is. It is something possessed by that particular individual anywhere and at any time the individual is to be found.[22] Kind-essences and individual-essences can come apart. For example, there are several kinds to which I belong by virtue of my possession of certain features that are essential for membership in that kind: I am a

[22] For a helpful discussion of kind-essences, individual-essences, and their relevance for the metaphysics of gender, see Witt (2011).

philosophy professor, I am a citizen of the United States, I am a Marvel movie enthusiast, I am a brother, I am a husband, etc. But many of these kinds to which I belong are not essential to me as an individual. I could cease to be a member of many of these kinds while still remaining the particular individual that I am. So, for example, I could change my opinions on the direction of the Marvel movie franchise. And I could cease to be a philosophy professor and it would not mean that my life is over!

The question, then, is which of these kinds are essential to me and which are not. And in particular we can ask this about the sex and gender categories to which I belong. Is my sex a feature of my individual essence, that is, could I undergo and survive a change in my sex? And is my gender a feature of my individual essence and could I undergo and survive a change in my gender? The answers to these questions depend crucially on what sort of thing I essentially am and the particular kind of individual-essence that I possess. This is where I think it is crucial to explore contemporary debates on the ontology of the human person.

The two most basic questions that drive contemporary debates on the ontology of the human person are these: What are we? And in what does our identity consist? And there are three main approaches to answering these two questions present in the contemporary literature: the biological approach, the psychological approach, and soul theory.[23] According to the biological approach, each of us is identical to an individual living organism of a particular type and our identity over time consists in biological continuity, that is, the unbroken continuity of certain life processes in that organism.[24] According to the psychological approach, our identity over time consists in some kind of psychological continuity, that is, the unbroken continuity of

[23] For a helpful overview, see Olson (2021).
[24] The central text for this position is Olson (1997), though, as Olson points out, this is actually an old view, going back at least as far as Aristotle.

certain mental states or dispositions, such as memories, beliefs, desires, and habits of character.[25] There are, however, continuing debates within the psychological approach about what sort of thing we are. Here I will simply identify three of the most popular answers within the psychological approach. First, according to what we might call the "bundle view" or the "software view" each of us just is his or her mind or consciousness, a bundle of mental states, something like "software" contingently realized on the hardware of our bodies.[26] According to the brain view, on the other hand, each of us is the smallest part of our brain capable of supporting conscious thought.[27] The main difference between these two views, then, is whether we are our brains (the hardware) or some state or program realized in that brain (the software). According to a third view within the psychological approach, the constitution view, each of is something constituted by, but not identical to, a human organism, which exists only as long as the human organism is capable of supporting conscious thought.[28] A full analysis of these variations of the psychological approach, and the various advantages and disadvantages of each, is beyond the scope of this paper. But it is important to see here that each of these psychological approaches understands the human person as something fully material, and yet also as something other than a living human organism. This will be important later on.

Unlike the biological and psychological approaches, the third main approach insists that there is more to us than just our bodies and our minds. According to soul theory, we also have immaterial souls. On such a view, our identity over time cannot be reduced to either psychological or biological continuity (though these sorts of continuity can serve as evidence for our continued existence); rather, what makes us the same over time is the possession of the same

[25] See, for example, the essays included in Perry (2008).
[26] The Bundle Theory is held most famously by David Hume but also more recently by Quinton (2008) and Campbell (2006).
[27] See, for example, Campbell and McMahan (2010); Parfit (2012).
[28] See, for example, Baker (2000; 2005).

soul. There are two important varieties of soul theory worth mentioning. According to substance dualism, our soul and our body are separate substances, capable of existing and acting on their own, but which causally interact with one another in various ways throughout the course of an individual's life.[29] And our souls are that which is responsible for our unique and distinctive psychological capacities. According to one variant of substance dualism, a view known as "pure dualism", a human person just is his or her soul. It is the person that is entirely immaterial, capable of existing and acting on his or her own apart from the body, and which causally interacts with that body throughout the course of his or her embodied life. According to a competing variant of substance dualism, a view known as "compound dualism", a human person is a soul/body compound, a pairing of two substances, a result of the complex causal interaction between the two.[30] The other main variety of soul theory is hylomorphism. According to hylomorphism, a human person is a rational animal, which, like other composite material substances, is essentially composed of both matter and form.[31] For a human person, his or her body plays the role of matter, and his or her rational soul plays the role of form. According to hylomorphism, the soul is that which is responsible not only for our unique and distinctive psychological capacities, but also our more basic vegetative and sentient capacities. The soul is the primary principle of unity within the human person, bringing together his or her various parts and capacities into a unified, singularly acting whole. On a hylomorphic theory of the human person, a human person is not her soul, nor is she her body. Rather a human person is the one material substance, the particular rational animal, composed of both.

[29] Substance dualism is espoused most famously by Plato and Descartes but also more recently by Swinburne (1984; 2013; 2019).
[30] See Olson (2002).
[31] Hylomorphism is espoused most famously by Aristotle and St. Thomas Aquinas but also more recently by Oderberg (2005) and Toner (2011).

What, then, is the relationship between a person's sex, a person's gender, and the identity of that person? Can a person change his or her sex while remaining the same person? Can a person change his or her gender while remaining the same person? For biological accounts of the human person, the answers to these questions come down to what sorts of changes a human organism can undergo while remaining the same organism. Some organisms can change their sex (clownfish, for example), but can human organisms? Could a human organism survive such a dramatic procedure, and even if it could "survive" would it still be the very same human organism at the end of it? And is gender so closely tied to sex that one cannot be changed without changing the other? For psychological accounts, the answers to these questions come down to what sorts of changes would or would not preserve psychological continuity. Can a person come to possess or occupy a different body than the one he or she currently possesses or occupies? Would a change in gender do so much violence to the person's personality that we would no longer be dealing with the same person? For soul theories, the answers to these questions come down to how we understand the nature of the soul and its relationship with the body. Could a person possess a different body but the same soul? Could a person possess a radically different personality and still have the same soul? Is the soul itself sexed or gendered?[32]

There are at least three sorts of changes that a human person might be said to undergo with respect to his or her sex and so three general sorts of possibilities that we should consider for each of these accounts. First, we can ask whether it is metaphysically possible for a human person to cease to be a member of the sex to which he or she currently belongs. Second, we can ask whether it is metaphysically possible for a human person to become a member of a sex to which he or she did not previously belong. Third, we can ask whether it is metaphysically

[32] For some discussions of whether the soul is itself sexed or gendered, see, for example, Finley (2015); Newton (2019); Bedford and Eberl (2016); Furton (2016); Bedford and Eberl (2017).

possible for a human person to both cease to be a member of the sex to which he or she currently belongs and become a member of a sex to which he or she did not previously belong.

It should be clear that there are several possible views that one could hold here, depending on how one answers each of these three questions. One could hold that it is possible for a human person to cease to be a member of one sex but not for him or her to become a member of another sex. This would make sex an exclusive but not exhaustive category. Or one could hold that it is possible for a human person to become a member of another sex but not to cease to be a member of the sex to which he or she originally belonged. This would make sex an exhaustive but not exclusive category. Or one could hold that both or neither are possible. (Interestingly enough, both of these latter views could maintain the exclusivity and exhaustiveness of the category of biological sex – the disagreement would not be about the nature of the category itself but about the relationship between the category of sex and the individual essence of a human person. On the other hand, one could admit the possibility of becoming a member of another sex while still holding that the original sex of the person is essential to his or her identity).

And once we introduce the relevant modal qualifiers, then the number of views available becomes even greater. So, for instance, one could hold that of these possibilities, some of them are merely metaphysically possible, whereas others are also physically possible, and perhaps even some of them actual. Or one could hold that one or more of these possibilities is metaphysically possible, but none of them are actual or even physically possible. And then we can run through all of these possibilities once more for the category of gender. We can ask whether it is possible for a human person to cease to be a member of a particular gender, to become a member of another gender, or both. Clearly, then, there are a whole host of views that

one can hold here. And I think that this gives us a nice way of surveying the logical space and situating various views. The most restrictive view, of course, would be one that denies that any of the three possibilities is even metaphysically possible for either category. Such a view would insist that there are no metaphysically possible changes a human person could undergo such that the person ceases to be a member of his or her particular sex or gender or comes to be a member of some other sex or gender (or at least none that would preserve the identity of the human person).

That it is at least metaphysically possible for a human person to undergo a change in his or her sex seems to be a clear implication of the psychological approach, since what matters for one's identity on this sort of view is one's psychological continuity, which it seems could in principle be preserved through relocation to an entirely different body. And that it is at least metaphysically possible for a human person to undergo a change in his or her gender seems to be a clear implication of the biological approach, as long as gender is indeed a predominantly psychological category, since what matters for one's identity on this sort of view is one's biological continuity, which it seems could in principle be preserved through a wholesale change in that person's psychology. But what I would like to explore in the rest of this section of the paper is whether it is at least metaphysically possible for a person to undergo a change in his or her sex according to the two more biologically oriented accounts of the human person (the straightforward biological approach and the version of soul theory known as hylomorphism).

It is now a fairly common medical procedure to transplant functional human organs from one human organism to another. Some of these procedures are able to preserve the health and function of the original human organism (kidney and liver transplants, for example), whereas others (such as a heart transplant) require the death of the organism from which the organs are

drawn. When a human organism receives a transplanted functional human organ from another, and when that procedure is successful, it is plausible to suppose that the transplanted organ has now become a part of the recipient human organism. If that much is true, then it also seems plausible to suppose that the living cells of which that transplanted organ is composed, and the genetic material contained in those cells, also now belong to the recipient human organism. By virtue of the transplant, then, the recipient human organism can be said to have gained new genetic material from the donor and regained certain biological functions or dispositions which it presumably had lost.

Given the success of these now fairly common procedures, I think that we ought to ask whether it is metaphysically possible, even if we do not currently or ever could have the means to do so, to transplant functional reproductive organs. Now, what would it mean to transplant a functional reproductive organ? On some views, it might be sufficient to merely relocate the relevant hunk of tissue. Simply attaching the male reproductive organs to a living human body in such a way that they are caught up in the metabolic activities of the host organism might be enough. But it seems plausible to insist that in order to count as a successful transplant of *functional* reproductive organs, the transplanted organs would need to also maintain their capacity to play a certain role in the sexual act. And, indeed, on most articulations of the Traditional Paradigm, in order for such a procedure to constitute a functional reproductive organ transplant, the procedure would have to somehow transplant enough of the reproductive system of the original human organism that the recipient now has the capacity to produce the relevant gametes (sperm or egg). In that case, such a procedure would clearly be a remarkable and

potentially dangerous undertaking, though perhaps in certain intersex cases, the recipient might already have the rudiments of such a reproductive system.[33]

If such a procedure were at least metaphysically possible, and sexual difference were indeed a matter of possessing functioning reproductive organs of a particular type, or of possessing the capacity to produce gametes of a particular type, then this opens up the possibility that a human person could in principle undergo a change in his or her biological sex. In such case, we might describe the procedure as one of a complete change of sex, in which the person begins the procedure as a member of the female sex and ends the procedure as a member of the male sex (or vice versa). Or, alternatively, the result of the procedure might turn out to be that the patient now satisfies the criteria for both sexes (either by possessing functional reproductive organs of both types or by possessing functional reproductive organs of one type and a deeper disposition or tendency to produce the other type of gamete while failing to possess the relevant reproductive organs that would allow him or her to actually produce such gametes).

Traditionalists have tended to argue that such a procedure is either in principle impossible or in principle possible but such a dramatic change that it would result in an entirely different human organism (George 2016; Tollefsen 2015a; Moschella 2019, 2021). According to these authors, even if such a procedure were possible, a functional reproductive organ transplant would not constitute a change of sex in any one human organism, but rather a substantial change from one organism of a particular sex to another organism of the opposite sex. We ought, then, to consider whether a human organism could physically survive such a procedure, and furthermore whether the identity conditions of human organisms are such that those conditions would necessarily be violated by such a procedure. On the one hand, this is partly an empirical

[33] It may even be possible someday to produce the relevant reproductive organs from the patient's own stem cells, thus removing any concerns about those organs being genetically distinct from the rest of the organism. Newton considers a case like this in his (2019: 204).

question, concerning whether such a procedure could even take place. But the deeper question about the identity conditions of human organisms is surely a metaphysical one. What are the identity conditions of human organisms such that the identity of a human person could in no way be preserved through a functional reproductive organ transplant? Notice that one cannot simply stipulate that the sex of a human organism is essential to its identity as the particular organism that it is. That would be to beg the question against the metaphysical possibility of undergoing a change in one's sex. One would need to provide an account of the identity conditions of human organisms in general, and then show how a change in one's sex would violate these identity conditions.

Typically, the persistence conditions of human organisms are spelled out as a matter of the continuity of a sufficient number of its internally coordinated metabolic functions, that is, the unbroken continuity of its biological life. And while one could argue that a successful transplant of a functional reproductive organ system from one human organism to another, if it were even possible, would constitute such a dramatic alteration to the internally coordinated metabolic functions of the recipient organism that it would produce a break in the continuity of its biological life, I do not see why this is metaphysically necessary. It seems at least in principle possible that a human organism could undergo such a procedure without any serious disruption of his or her internally coordinated metabolic functions. And if that much is at least possible, then maybe it is also at least possible that a human person could survive a functional reproductive organ transplant, even if (as is almost certainly true) none of the current procedures aimed at achieving such an end are sufficient to do so.

But, in such case, would the transplanted reproductive organ truly become part of the recipient human organism? Could the recipient human organism be truly said to have gained a

new reproductive capacity and new genetic material supplementary to his or her own? After such a procedure, would the reproductive capacity and genetic material truly belong to the recipient? And would this mean that the recipient now possesses the requisite genetic materials and reproductive capacities to count as a member of the opposite sex? A proponent of the Traditional Paradigm could argue that in such case the relevant genetic material and the relevant reproductive capacity still belong to the donor: the host is merely a surrogate for these genetic materials, the relevant reproductive capacities, and any offspring that may result. But notice that while we would say something like this in cases of surrogate motherhood, in which a complete human embryo is implanted in a woman's womb and brought to term, this is because we ordinarily regard any gestating embryo as merely occupying and not also part of a woman's body.[34] Importantly, we would not say this about other transplanted organs, and this is because we ordinarily regard functional human organs as not merely occupying but constitutive of a person's body. When a human organism receives a transplanted functional human organ from another, and when that procedure is successful, we ordinarily regard the transplanted organ as having now become a part of the recipient human organism, which means that we should say that the living cells of which that transplanted organ is composed, and the genetic material included in those cells, also now belong to him or her. After a heart transplant, for example, I think that we would say that, as a result of the procedure, the recipient now possesses his or her own heart and has regained his or her own capacity to pump blood, not that he or she is merely borrowing that organ or that capacity from another. Similarly, in the hypothetical case of functional reproductive organ transplant, I think that we should say that, as a result of the procedure, the recipient now possesses as his or her own the relevant reproductive organ, the genetic material

[34] This presumption has, however, been recently called into question, most notably by Elselijn Kingma (see, for example, Kingma (2019)).

included in that organ, and the reproductive capacity that that organ bestows. What we should say here is what we would say in the case of other transplanted organs: that the organ, its genetic material, and the capacities that it bestows no longer belong to the donor but to the new recipient.

Still, a proponent of the Traditional Paradigm could argue that even if it were possible to transplant functional reproductive human organs from one human organism to another, and even if the patient human organism could be said to gain the capacity to produce the relevant set of gametes, this would not mean that the patient has changed his or her sex, since this new reproductive capacity would not be a "natural" or "inherent" capacity, nor would it remove the patient's own natural, inherent capacity to produce the opposite gametes.[35] Here I think the traditionalist owes us an account of what makes a disposition, tendency, or internal orientation "natural" or "inherent". And whatever account he or she provides ought to be consistent with what we would say in other organ transplant cases.

In early 2015, Valery Spiridonov, a Russian man suffering from a rare genetic muscle-degenerative disease called Werdnig-Hoffman disease, announced his intentions to undergo a "head transplant", to be performed by Italian neurosurgeon Dr. Sergio Canavero, in which his head would be removed from his failing body and "transplanted" to another human body capable of receiving it as a way of briefly prolonging his life.[36] The procedure has since been cancelled, and while most medical experts were skeptical of the procedure's possibility, other experts also suggested that the transplanted head could in principle be integrated into the metabolic functions of the host body for a short time. For decades, philosophers have debated the implications of such hypothetical scenarios involving head, brain, or cerebrum transplants,[37] but

[35] See, for example, Newton (2019: 204), for a defense of this position.
[36] See Kean (2016) for more on this curious case. For a discussion of some of the major ethical and metaphysical repercussions of the proposed procedure, see the essays included in *AJOB Neuroscience*, Vol. 8, No. 4 (Nov., 2017).
[37] See, for example, Shoemaker (1963); Parfit (1984); Olson (1997).

the case of Valery Spiridonov seems to suggest that head transplants may not always remain in the realm of science fiction. If human head transplants, or brain transplants, or cerebrum transplants are indeed metaphysically possible, then this may have implications for the metaphysical possibility of changing one's own sex.

How might such a procedure go? The relevant scenario is one in which the head or brain or cerebrum of a living human organism is removed from the rest of its body and successfully transplanted to another living human body in such a way that the transplanted material is successfully integrated into the internally coordinated metabolic activities of the recipient body (or perhaps it might be better to say that the new body is successfully integrated into the internally coordinated metabolic activities of the recipient head, brain, or cerebrum). Would the human person whose head or brain or cerebrum it was survive such a procedure, and if so, would it be right to speak of the human person as being "relocated" to another body? One need not be a proponent of the psychological approach or a substance dualist to grant the possibility of such a scenario. Several leading animalists have argued that a living human animal would indeed be moved with its head or brain as long as the functionality of the brain stem, the control center for the organism's metabolic activities, were preserved through transport (Olson 1997: 44-46). Several hylomorphists, too, have suggested that a human person's rational soul would follow his or her transplanted head, brain, or cerebrum (Hershenov 2008; Spencer 2010; Hershenov 2011). Now, if such a scenario were metaphysically possible, and if it were plausible to suppose that a human person would indeed be relocated with her transplanted head, brain, or cerebrum, then it seems that it would be at least metaphysically possible for a human person to undergo a sort of relocation to another body.

Now, what if the other body to which the human person were relocated were a body of the opposite sex, that is, what if the body to which the human person were relocated were to possess an operative reproductive system, with reproductive organs capable of participating in the sexual act and producing gametes opposite to those that the human person were previously capable of producing in the former body? Should we say that in such case the person has undergone a change in his or her sex? If biological sex is a matter of possessing the relevant functional reproductive organs, or possessing a disposition to produce the relevant gametes, and if a human person could come to possess a body of the opposite sex which meets both of these criteria, then it seems that head transplants, or brain transplants, or cerebrum transplants, could be a metaphysically possible case in which a human person could at least come to belong to a new biological sex. Whether we would also want to say that by virtue of being removed from his or her former body, the person has also ceased to be a member of his or her previous sex, will depend on whether we think that the relevant transplanted portion carries with it the relevant reproductive disposition. But either way, the seemingly metaphysically possible case of a head, brain, or cerebrum transplant would seem to suggest that it is at least metaphysically possible for a human person to undergo some kind of change in his or her biological sex, even if we accept an animalist or hylomorphist account of the human person.

IV. The Transgender Question

Transgender persons are often characterized as individuals whose gender or gender identity does not align with their sex. So, for example, a transgender person might be described as someone whose gender is male and whose sex is female, or whose gender is female and whose sex is male. One way in which this mismatch can be understood is as a mismatch between an individual's psychological or social profile and the individual's biological profile. A transgender

person might, then, be characterized as a person who possesses various psychological, behavioral, or physiological features that are typically associated with the opposite biological sex and so the individual feels more comfortable occupying social roles in which individuals possessing those features are typically found. In some cases, because the transgender individual possesses various psychological, behavioral, or physiological features that are typically associated with the opposite biological sex, the individual expresses that he or she would feel more comfortable as a member of the other biological sex, if it were possible to transition. Transgender individuals, then, are sometimes described as individuals in whom there is a kind of mismatch between the person's gender and the person's sex.[38] Gender Dysphoria occurs when this mismatch produces psychological discomfort or distress. Importantly, not all transgender individuals experience psychological discomfort or distress and so not all suffer from gender dysphoria.

Some transgender persons (though not all) describe their experience as feeling like a "woman trapped in a man's body" or a "man trapped in a woman's body". According to the Traditional Paradigm, such statements are at best misleading, and at worst incoherent. But notice that there are at least a few alternative frameworks in which something like this could turn out to be true. Someone who speaks of his or her experience in this way can be interpreted as saying two things: First, he or she is identifying a mismatch between his or her gender and his or her sex: he or she is identifying or assessing himself or herself as both gender/male and sex/female or gender/female and sex/male. Second, he or she is also identifying himself or herself with the gender side of this mismatch: he or she is saying that the gender/male or gender/female side is "who I really am". Now, as I said, there are certain frameworks in which these claims are not

[38] Importantly, not all transgender theorists think that the "mismatch model" aptly captures the relevant phenomenon. For authors who reject this model, see, for example: Bettcher (2014); Dembroff (2019).

only coherent but could even turn out to be true. The first claim might turn out to be true if gender is indeed best understood as a predominantly psychological category, that is, if what determines a person's gender is the person's psychological profile (his or her preferences, behaviors, expressions, experiences, and tendencies). For it does seem that someone whose sex is male or female could find that the overwhelming majority of his or her persistent preferences, behaviors, expressions, experiences, and tendencies turn out to coincide with those typical of members of the opposite sex (or with those determined by his or her particular culture to be typical of members of the opposite sex). And if gender just is an individual's persistent preferences, behaviors, expressions, experiences, and tendencies, then in such an individual there would, on some accounts, be an objective mismatch between his or her sex and his or her gender.

The second claim above might turn out to be true if either the psychological approach to the ontology of the human person or "pure" substance dualism turns out to be correct. Recall that according to the psychological approach, each of us just is, or is constituted by, those memories, beliefs, desires, intentions, and behavioral tendencies that capture our unique personalities. As I explained earlier, there are continuing debates within the psychological approach concerning what exactly we should take human persons to be, but what all of these variations of the account share is a commitment to the claim that we are in some way other than the human organism, the body with which we are associated. We are either a bundle of mental states, or something constituted by the human animal when that human animal gives rise to the relevant mental states, or the part of the human animal in which these mental states reside (perhaps some small part of the brain). On these sorts of views, the person above who describes himself or herself as a woman trapped in a man's body or a man trapped in a woman's body is right to identify himself or herself with his or her psychological features, for those psychological features are essential to

what he or she is. Recall also that according to substance dualism, the soul and the body are each substances in their own right, capable of existing and acting independently of one another, but presently united to one another in some specified way. And according to the "pure" variant of substance dualism, each one of us just is his or her soul. Now, if the preferences, behaviors, expressions, experiences, and tendencies of the human person are in some way seated in the soul, then the pure dualist would, like the proponent of the psychological approach, agree with the suggestion that one should identify oneself more closely with those features than those of the body.

What the psychological approach and pure dualism share, then, is a commitment to the claim that we are in some way other than the human animal with which we are associated. Now, if gender is best characterized as pertaining more to the psychological profile of an individual than to his or her biological profile, in which can be found the individual's sex, then both the psychological approach and pure substance dualism can support and make sense of an individual's claim that his or her experience is like being trapped in the wrong body. For on these views, the person is other than the body, and is characterized in contrast to it. The lesson here, then, is that when a transgender person describes his or her experience as like being a woman trapped in a man's body or a man trapped in a woman's body, what the person is saying is not necessarily incoherent. It is incoherent if the Traditional Paradigm is true. But if one's gender is a matter of one's thoughts, feelings, preferences, experiences, and tendencies, and if the identity of a human person is to be found in such psychological features and capacities, then it is indeed true, objectively true, that the person occupies or is in some other way associated with a body the biological sex of which does not match with his or own identity as a person of the opposite gender. And so, crucially, whether it makes sense for someone to speak of his or her experience

as being trapped in the wrong body depends essentially on what we think gender is and what we think we are.

There are, then, individuals in whom there is at least a perceived mismatch between the person's gender (understood as referring to some aspect of the person's persistent psychological profile) and the person's sex (understood as referring to some aspect of the person's biological or somatic profile), and for many such individuals, this apparent mismatch is perceived as conflict, which in turn causes significant discomfort and distress. Now, as signaled early on in this essay, for some authors, the terms 'gender' and 'sex' are merely synonymous, and so, on such views, there could never be any real mismatch between a person's sex and a person's gender. However, even if we are reluctant to refer to a person's persistent preferences, experiences, expressions, behaviors, and tendencies as his or her "gender", there is still the undeniable phenomenon of individuals in whom there is a strong sense of conflict between two key aspects of his or her lived experience: his or her biological sex, and his or her persistent psychological features. Whatever view we have of what sex and gender are, then, there is still a crucial practical question to be asked here: in cases of sex/gender mismatch, what is the appropriate course of action?

We can begin by looking at what are perhaps the two main approaches to this issue. What is most significant about these two main approaches is that which approach is the most appropriate depends crucially on one's views concerning the nature of the human person. According to what we might call "The Traditional Approach" the way in which we should care for individuals in whom there is a real or perceived conflict between their sex and their gender is that we should offer services that can help those individuals adapt their psychological "gender" to more closely correspond to their true biological sex. On this approach, treatment is seen as a

matter of holding the biology fixed and adapting the psychology. According to what we might call "The Transgender Approach", on the other hand, the way in which we should care for such individuals is that we should offer services that can help them adapt, to the best our abilities, their bodies, their biological sex, to more closely correspond to their true (psychological) gender identity. On this approach, treatment is seen as a matter of holding the psychology fixed and adapting the biology.

Notice how the plausibility of each of these two approaches crucially depends on the plausibility of a particular ontology of the human person.[39] The traditional approach only makes sense if we hold a view of the human person according to which the identity of a person is more closely tied to his or her body and only accidentally to his or her particular psychology. And the transgender approach only makes sense if we hold a view of the human person according to which the identity of a person is more closely tied with his or her psychology and only accidentally to his or her biological features. According to a biological or hylomorphic account of the human person, attempting to adapt the person's body, his or her biological sex, to accommodate his or her psychology is not a remedy, it is a futile act of bodily mutilation. According to a psychological or pure dualist account of the human person, on the other hand, attempting to adapt the person's psychology, his or her gender, to accommodate his or her biological sex is not a remedy, it is a violent act of oppression, likely to result in permanent mental distress or psychological trauma. So clearly then, which of these two approaches is the appropriate course of action, and which other courses of action would constitute genuine harm to the individual in whom there is a real or apparent conflict between that person's psychological gender and his or her biological sex depends crucially on one's ontology of the human person.

[39] This point is also appreciated by Moschella in her (2019) and (2021).

Naturally, there are approaches to the transgender question that are not determined entirely by their underlying metaphysical theory of the human person. So, for example, even a traditionalist who holds that sex is invariable could recommend certain physiological procedures for certain patients with gender dysphoria, not with any expectation that this will in fact alter the patient's sex to more closely approximate his or her gender but with the hope that this will nonetheless help relieve some of the patient's psychological distress (Jones 2018a; 2018b). In this case, the underlying metaphysical theory of the human person is what determines that such treatments be regarded as merely palliative, but it does not determine any particular course of action. There is also the "Radical Feminist Approach", according to which the most effective way to properly care for individuals in whom there is a perceived mismatch between his or her sex and his or her gender is to operate at the societal level. On this approach, the primary course of action should be to adapt our cultural customs, societal expectations, and social practices so that our concept of gender becomes less restrictive and more inclusive and so that it can more ably accommodate the complexity of the biological and psychological realities. A proponent of this approach can also recommend for or against various supplementary psychological or physiological treatments for individuals with gender dysphoria, of course. But, importantly, on this approach, the source of the conflict is not primarily something in the individual herself.[40]

There are, then, various approaches to the transgender question, all of which rely in some way on a particular theory of the human person. As I explained above, some of these approaches are determined almost entirely by their understanding of the human person, whereas for other approaches that understanding plays a more subsidiary role. Nevertheless, what I hope to have shown is that the primary point of contention between at least the two main approaches is a

[40] While I have referred to this approach as the "Radical Feminist" approach, I think that proponents of the Traditional Paradigm could also support policies that emphasize the larger societal causes of gender dysphoria.

metaphysical one. In many cases, then, I think that what underlies various disagreements about particular policies and agendas is a much deeper metaphysical disagreement about what sort of thing each of us essentially is.

V. Conclusion

In this essay, my aim has been to show how the tools of contemporary metaphysics can be used to offer a more comprehensive map of the various contemporary debates concerning sex and gender. Once again, my goal has not been to advocate or argue for any particular view, only to lay out the conceptual terrain and to demonstrate the crucial role that metaphysics has to play in these debates. Along the way, however, I have also identified various tasks that anyone wishing to defend the Traditional Paradigm would have to accomplish in order to do so. As I argued above, a proponent of the Traditional Paradigm will need to clearly articulate his or her definitions of sex and gender in such a way that it makes the necessary and sufficient conditions for membership in the relevant subcategory clear, consistent, and immune to counterexample (or at least as clear and precise as the categories themselves allow). He or she will need to clearly and persuasively argue for a particular ontology of the human person that can be seen to support that paradigm, responding to criticisms and counterarguments from proponents of other ontologies. And finally he or she will need to learn the language of the current debates on these topics in order to achieve a better understanding of the various varieties of the Progressive Paradigm and the major motivations that can be given for espousing them. It seems to me that only at that point can a proponent of the Traditional Paradigm proceed to determine and defend his or her views about sex and gender with the requisite cogency, clarity, and charity.[41]

Bibliography

[41] The research for this essay was supported by a University of Mary Faculty Research Grant. Special thanks to my research assistant, John Lang, for his assistance on this project. Thanks also to audience members at the 2019 Northern Plains Philosophy Conference for helpful feedback on an earlier version of this paper.

Allen, S, J. C. Jones, H. Lawford-Smith, M. Leng, R. Reilly-Cooper, and K. Stock. 2019. Doing better in arguments about sex, gender, and trans rights". *Medium*. Available at https://medium.com/@kathleenstock/doing-better-in-arguments-about-sex-and-gender-3bec3fc4bdb6.

Anderson, R. T. 2018. *When harry became sally*. New York, Encounter Books.

Antony, L. 2020. Feminism without metaphysics or a deflationary account of gender. *Erkenntnis* 85(3): 529-549.

Asta. 2018. *Categories we live by*. Oxford: Oxford University Press.

Austriaco, N. 2013. The specification of sex/gender in the human species: a thomistic analysis. *New blackfriars* 94(1054): 701-715.

Bach, T. 2012. Gender is a natural kind with an historical essence. *Ethics* 122(2): 231-272.

Baker, L. R. 2000. *Persons and bodies: a constitution view*. Cambridge: Cambridge University Press.

Baker, L. R. 2005. When does a person begin? *Social philosophy and policy* 22(2): 25-48.

Barnes, E. 2018. The metaphysics of gender. In *The norton introduction to philosophy*, second edition, eds. G. Rosen, A. Byrne, J. Cohen, E. Harman, and S. Shiffrin, 581-589. New York: Norton.

Barnes, E. 2020. Gender and gender terms. *Nous* 54(3): 704-730.

Bedford, E. L. and J. T. Eberl. 2016. Is the soul sexed? anthropology, transgenderism, and disorders of sexual development. *Health Care Ethics USA* 24(3): 18-33.

Bedford, E. L. and J. T. Eberl. 2017. Actual human beings are sexed, unified beings. *Ethics and Medics* 42(10): 1-4.

Bettcher, T. M. 2009. Trans identities and first-person authority. In *You've changed: sex reassignment and personal identity*, ed. L. Shrage, 98-120. Oxford: Oxford University Press.

Bettcher, T. M. 2013. Trans women and the meaning of 'woman'. In *The philosophy of sex,* sixth edition, eds. A. Soble, N. Power, and R. Halwani, 233-250. Lanham: Rowman and Littlefield.

Bettcher, T. M. 2014. Trapped in the wrong theory: rethinking trans oppression and resistance. *Signs* 39(2): 383-406.

Bettcher, T. M. 2018. When tables speak: on the existence of trans philosophy. *Daily Nous*. Available at https://dailynous.com/2018/05/30/tables-speak-existence-trans-philosophy-guest-talia-mae-bettcher/.

Bogardus, T. 2019a. Gender's journey from sex to psychology: a brief history. *Quillette*. Available at https://quillette.com/2019/03/13/genders-journey-from-sex-to-psychology-a-brief-history/.

Bogardus, T. 2019b. Some internal problems with revisionary gender concepts. *Philosophia* 48(1): 55-75.

Bogardus, T. 2020. Evaluating arguments for the sex/gender distinction. *Philosophia* 48(3): 873-892.

Boyd, R. 1999. Homeostasis, species, and higher taxa". In *Species: new interdisciplinary essays*, ed. R. A. Wilson, 141-185. Cambridge, MA: MIT Press.

Butler, J. 2015. *Gender trouble*. New York: Routledge.

Byrne, A. 2018a. Is sex binary? *Arc Digital*. Available at https://medium.com/arc-digital/is-sex-binary-16bec97d161e.

Byrne, A. 2018b. Is sex socially constructed? *Arc Digital*. Available at https://medium.com/arc-digital/is-sex-socially-constructed-81cf3ef79f07.

Campbell, S. 2006. The conception of a person as a series of mental events. *Philosophy and phenomenological research* 73(2): 339-358.

Campbell, T. and J. McMahan. 2010. Animalism and the varieties of conjoined twinning. *Theoretical medicine and bioethics* 31(4): 285-301.

Congregation for Catholic Education. 2019. *Male and female he created them*. Vatican City: Vatican Press, 2019.

Corvino, J. 2000. Analyzing gender. *Southwest philosophy review* 17(1): 173-180.

Cross, B. 2019. Gender ideology and the Catholic church. *The public discourse*. Available at https://www.thepublicdiscourse.com/2019/06/53437/.

Dea, S. 2016. *Beyond the binary*. Peterborough, Ontario: Broadview Press.

Dembroff, R. 2019. Moving beyond mismatch. *The american journal of bioethics* 19(2): 60-63.

de Queiroz, K. 1999. The general lineage concept of species and the defining properties of the species category. In *Species: new interdisciplinary essays*, ed. R. A. Wilson, 49-90. Cambridge, MA: MIT Press.

Ereshefsky, M. 2017. Species. In *The stanford encyclopedia of philosophy* (Fall 2017 Edition), ed. E. Zalta. Available at https://plato.stanford.edu/entries/species/.

Fausto-Sterling, A. 1993a. The five sexes: why male and female are not enough. *The sciences* 33(2): 20-24.

Fausto-Sterling, A. 1993b. How many sexes are there? *The New York Times*. Available at https://www.nytimes.com/1993/03/12/opinion/how-many-sexes-are-there.html.

Fausto-Sterling, A. 2000. *Sexing the body*. New York: Basic Books.

Fausto-Sterling, A. 2018. Why sex is not binary. *The New York Times*. Available at https://www.nytimes.com/2018/10/25/opinion/sex-biology-binary.html.

Fine, C. 2010. *Delusions of gender*. New York: Norton.

Finley, J. 2015. The metaphysics of gender: a thomistic approach. *The thomist* 79(4): 585-614.

Fortin, T. 2017. Finding form: defining human sexual difference. *Nova et vetera* 15(2): 397-431.

Furton, E. 2016. The soul is not sexed. *Ethics and Medics* 41(11): 3-4.

George, R. 2016. Gnostic liberalism. *First things*. Available at https://www.firstthings.com/article/2016/12/gnostic-liberalism.

Haslanger, S. 2000. Gender and race. *Nous* 34(1): 31-55.

Hershenov, D. 2008. A hylomorphic account of thought experiments concerning personal identity. *American Catholic philosophical quarterly* 82(3): 481-502.

Hershenov, D. 2011. Soulless organisms? hylomorphism vs. animalism. *American Catholic philosophical quarterly* 85(3): 465-482.

Jenkins, K. 2016. Amelioration and inclusion: gender identity and the concept of a woman. *Ethics* 126(2): 394-421.

Jones, D. A. 2018a. Gender reassignment surgery: a Catholic bioethical analysis. *Theological studies* 79(2): 314-338.

Jones, D. A. 2018b. Truth in transition? gender identity and Catholic anthropology. *New blackfriars* 99(1084): 756-774.

Kean, S. 2016. The audacious plan to save this man's life by transplanting his head. *The atlantic*. Available at https://www.theatlantic.com/magazine/archive/2016/09/the-audacious-plan-to-save-this-mans-life-by-transplanting-his-head/492755/.

Kingma, E. 2019. Were you a part of your mother? *Mind* 128(511): 609-646.

LaBrada, E. 2016. Categories we die for: ameliorating gender in analytic feminist philosophy. *Publications of the modern language association of America* 131(2): 449-459.

Mayr, E. 1996. What is a species and what is not? *Philosophy of science* 63(2): 262-277.

McKitrick, J. 2015. A dispositional account of gender. *Philosophical studies* 172(10): 2575-2589.

Mikkola, M. 2019. Feminist perspectives on sex and gender. In *The stanford encyclopedia of philosophy* (Fall 2019 Edition), ed. E. Zalta. Available at https://plato.stanford.edu/entries/feminism-gender/.

Moschella, M. 2008. Personal identity and gender: a revised Aristotelian approach. In *Gender identities in a globalized world*, ed. by A. M. Gonzalez and V. Seidler, 75-108. Amherst, NY: Humanity Books.

Moschella, M. 2019. Sexual identity, gender, and human fulfillment: analyzing the 'middle way' between liberal and traditionalist approaches. *Christian bioethics* 25(2): 192-215.

Moschella, M. 2021. Trapped in the wrong body? Transgender identity claims, body-self dualism, and the false promise of gender reassignment therapy. *The journal of medicine and philosophy* 46(6): 782-804.

Newton, W. 2019. Why Aquinas's metaphysics of gender is fundamentally correct: a response to John Finley". *The Linacre Quarterly* 87(2): 198-205.

Novak, K. 2018. *Let harry become sally.* Andover, MA: Hypothesis Press.

Oderberg, D. 2005. Hylemorphic dualism. *Social philosophy and policy* 22 (2): 70-99.

Olson, E. 1997. *The human animal.* Oxford: Oxford University Press.

Olson, E. 2002. A compound of two substances. In *Soul, body, and survival*, ed. K. Corcoran, 73-88. Ithaca, NY: Cornell University Press.

Olson, E. 2021. Personal identity. In *The stanford encyclopedia of philosophy* (Spring 2021 Edition), ed. E. Zalta. Available at https://plato.stanford.edu/entries/identity-personal/.

Parfit, D. 1984. *Reasons and persons.* Oxford: Oxford University Press.

Parfit, D. 2012. We are not human beings. *Philosophy* 87(1): 5-28.

Perry, J. 2008. *Personal identity*, second edition. Berkeley: University of California Press.

Pope Francis. 2016. *Amoris laetitia*. Vatican City: Vatican Press.

Quinton, A. 2008. The soul. In *Personal identity*, second edition, eds. J. Perry, 53-72. Berkeley: University of California Press.

Shoemaker, S. 1963. *Self-knowledge and self-identity.* Ithaca, NY: Cornell University Press.

Skalko, J. 2017. Why there are only two sexes. *The public discourse*. Available at https://www.thepublicdiscourse.com/2017/06/19389/.

Spencer, M. 2010. A reexamination of the hylomorphic theory of death. *The review of metaphysics* 63(4): 843-870.

Stoljar, N. 1995. Essence, identity, and the concept of a woman. *Philosophical topics* 23(2): 261-193.

Stoljar, N. 2016. The metaphysics of gender. In *A companion to applied philosophy*, eds. K. Lippert‐Rasmussen, K. Brownlee, and D. Coady, 211-223. Malden, MA: Blackwell.

Stone, A. 2007. *An introduction to feminist philosophy.* Malden, MA: Polity Press.

Tollefsen, C. 2015a. Sex identity. *The public discourse*. Available at https://www.thepublicdiscourse.com/2015/07/15306/.

Tollefsen, C. 2015b. Gender identity. *The public discourse*. Available at https://www.thepublicdiscourse.com/2015/07/15308/.

Swinburne, R. 1984. Personal identity: the dualist theory. In *Personal identity,* eds. S. Shoemaker and R. Swinburne, 1-66. Oxford: Basil Blackwell.

Swinburne, R. 2013. *Mind, brain, and free will.* Oxford: Oxford University Press.

Swinburne, R. 2019. *Are we bodies or souls?* Oxford: Oxford University Press.

Toner, P. 2011. Hylemorphic animalism. *Philosophical studies* 155(1): 65-81.

Witt, C. 2011. *The metaphysics of gender*. Oxford: Oxford University Press.