

FIRST-PERSON AUTHORITY OVER GENDER

METAPHYSICAL, ETHICAL, AND EPISTEMIC, BUT NONABSOLUTE

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SUPPOSE I say, “I am a woman.” Many people agree that in almost all cases, it is wrong in some way to challenge this claim. Indeed, the recognition of such first-person authority over gender is recognized as a key desideratum for trans-inclusive accounts of gender.¹ However, there is disagreement about exactly what kind of first-person authority must be recognized. Talia Mae Bettcher argues that first-person authority over gender is *ethical*: third parties have ethical obligations to accept individuals’ gender claims as part of respecting those individuals as autonomous agents.² Critics of Bettcher argue that ethical first-person authority is not sufficient: an account that recognizes only ethical first-person authority over gender is unable to give an appropriate account of some cases. Gus Turyn, for example, argues that we need *epistemic* first-person authority: a person’s gender claims must constitute the best evidence available for others to form beliefs about that person’s gender.³ Graham Bex-Priestley argues that we need *metaphysical* first-person authority: an individual’s gender must be up to them, and sincere gender claims must guarantee their own truth.⁴

On Bettcher’s own account, first laid out in her 2009 article “Trans Identities and First-Person Authority,” gender claims in some resistant trans subcultures are acts of existential self-identification.⁵ Bettcher’s paper is a canonical text in trans philosophy but is subject to misinterpretation. My goal in this article is to clarify and build on Bettcher’s work in order to provide a fuller understanding of what kind of first-person authority a trans-inclusive account

1 See Bettcher, “Trans Identities and First-Person Authority,” 99; Jenkins, “Toward an Account of Gender Identity,” 719; Bex-Priestley, “Gender as Name”; and Turyn, “Gender and First-Person Authority.”

2 Bettcher, “Trans Identities and First-Person Authority,” 99–103.

3 Turyn, “Gender and First-Person Authority,” 16.

4 Bex-Priestley, “Gender as Name,” 189–90, 194.

5 Bettcher, “Trans Identities and First-Person Authority.”

of gender should recognize and how Bettcher's account and other promising accounts of gender are able to do this.⁶

I argue that Bettcher's account has the resources to recognize not just ethical first-person authority over gender but also metaphysical and epistemic first-person authority over gender. I also argue that this metaphysical, ethical, and epistemic first-person authority is nonabsolute. Bettcher's account implies that we have *nonabsolute metaphysical first-person authority* over our gender in that, although it is possible for gender claims to fail, *successful* gender claims make it the case that we are the relevant gender. It implies that we have *nonabsolute epistemic authority* in that in almost all cases, being epistemically justified in believing that a gender claim has failed requires detailed personal information, which third parties do not have. Finally, it implies that we have *nonabsolute ethical authority* in that, again, in almost all cases, for third parties to believe that an individual's gender claim has failed is *morally wrong*. This belief is almost always morally wrong in two ways. First, for third parties to attempt to acquire the required information for the purposes of assessing an individual's gender claim is almost always a serious breach of privacy. Secondly, for a third party to presume that they are in a better position than the individual to make such an assessment is almost always deeply disrespectful to the individual as an ethical and epistemic agent. Moreover, I argue, this kind of nonabsolute metaphysical, ethical, and epistemic first-person authority is exactly what an account of gender should recognize. It gives plausible results about tricky cases and enables us to clearly identify the ways in which someone is wronged when their gender claim is wrongfully challenged.

In section 1, I make some preparatory remarks, clarifying the topic under discussion. In section 2, I outline Turyn's and Bex-Priestley's arguments that ethical first-person authority over gender is not enough.⁷ I show that these arguments, taken individually as they stand, do not fully show that epistemic or metaphysical first-person authority is needed. However, when combined, they make a convincing case that epistemic first-person authority is needed. As metaphysical first-person authority is the best foundation for epistemic and ethical authority, this also makes metaphysical first-person authority desirable. In section 3, I describe Bettcher's account of gender claims in some trans subcultures as acts of existential self-identification, as presented in her landmark 2009 and 2013 papers "Trans Identities and First-Person Authority" and "Trans Women and the Meaning of 'Woman.'" In section 4, I show that Bettcher's account has the resources

6 I thank an anonymous referee whose comments helped me to frame the contribution of the article in this way.

7 Bex-Priestley, "Gender as Name"; and Turyn, "Gender and First-Person Authority."

to recognize nonabsolute metaphysical, epistemic, and ethical first-person authority over gender. I argue that the first-person authority recognized by this account is nonabsolute. I then show that this gives satisfactory results in the cases discussed by Turyn and Bex-Priestley, and in general. Moreover, recognizing the metaphysical and epistemic authority implied by Bettcher's account improves our understanding of exactly why and how a person is wronged when their gender claims are wrongfully challenged and why this is such a serious wrong. In section 5, I address the concern that we should want absolute rather than nonabsolute first-person authority. I argue that nonabsolute metaphysical, ethical, and epistemic first-person authority is exactly what we should want an account of gender to recognize. A nonabsolute approach gives the best account of various tricky cases, including the "attack helicopter gambit" (in reference to a type of statement, discussed further below, that aims to invalidate trans people's gender claims), cases in which someone claims to be trans after committing transphobic hate crimes, and both first-person and third-party claims about a trans person's pre-transition gender. In section 6, I outline the features of Bettcher's account that enable it to recognize this first-person authority and use Bex-Priestley's account as a model to show that we can identify these features in other promising accounts of gender. In section 7, I discuss the implications of Bettcher's recent monograph, in which she revises and reformulates her earlier arguments, situating them within an account of interpersonal spatiality.⁸ Bettcher explicitly states that her updated account gives individuals nonabsolute ethical and metaphysical first-person authority over gender claims in trans subcultures. I argue that, *contra* Bettcher's own statements, the updated account can recognize an epistemic first-person authority worthy of the name.⁹

1. THE TOPIC OF DISCUSSION

In this section, I make some brief remarks clarifying the topic of discussion. First, I explain Bettcher's understanding of the project as an account of gender practices in some trans subcultures and note that my own project has a slightly wider scope, but this does not affect the substance of this article. Second, I discuss what Bettcher says about denials of gender claims that reject trans-inclusive gender practices altogether. Third, I clarify that Bettcher's account has been misinterpreted as a substantive account of gender identity, discuss some concerns about the concept of gender identity, and argue that Bettcher is not vulnerable to these concerns.

8 Bettcher, *Beyond Personhood*.

9 Bettcher, *Beyond Personhood*, 287–88n38.

1.1. *The Target: Gender Practices Within Trans/Trans-Inclusive Contexts*

On Bettcher's view, dominant gender practices tie gender to genital status. To say "I'm a woman" (or indeed to present as a woman through clothing, behavior, etc., that is commonly understood as feminine) is to communicate my genital status. Such public signifiers are needed because genitals are seen as private. In dominant gender practices, signifying genital status through gender presentation is required: failure to comply is enforced by condemnation and even violence.¹⁰ Some trans subcultures have developed alternative resistant gender practices such that gender claims (such as "I am a woman") do *not* communicate genital status.¹¹ Bettcher's existential self-identification account is an account of how such gender claims function within these resistant gender practices. I follow Bettcher's understanding of the project to a large extent. The caveat is that I am interested in describing not only the gender practices of trans subcultures but also the practices of "trans-inclusive" shared spaces that have adopted these gender practices, and I wish to contribute to discussions about what our gender practices should be in shared spaces where this is contested.

Bettcher notes that individuals (and communities) that previously engaged in dominant gender practices can adopt subculture practices instead, and this is already happening; but Bettcher is skeptical about both the pace of the change and the possibility that philosophers can contribute.¹² I am somewhat more optimistic on both counts. First, many shared spaces are, if not already attempting to adopt transgender practices, having active discussions about whether to do so.¹³ Second, these discussions are often ones that philosophers are well placed to contribute to because they raise both normative considerations and questions about coherence. It is relatively common to hear concerns that transgender practices are in some way incoherent: that there is no way to make sense of what trans people are doing when they make and accept gender claims that does not involve endorsing claims that are either straightforwardly incompatible or at least in tension. This is sometimes merely an excuse for transphobia from people who have already made up their minds and will not be convinced by any argument. But in other cases, people seem to genuinely feel troubled by a perceived incoherence. Others want help in replying to such challenges

10 Bettcher, "Trans Identities and First-Person Authority," 106–7.

11 Bettcher, "Trans Identities and First-Person Authority," 108.

12 Bettcher, *Beyond Personhood*, 68.

13 However, for an argument that people who present themselves and even understand themselves as accepting of trans people may in fact merely be engaging in a kind of make-believe, see Bettcher, *Beyond Personhood*, 20–22, 75. Bettcher calls this "playing along," but it is different from Turyn's "playing along."

when trying to influence their community's gender practices. It is these two latter groups of people that make me think it is worthwhile to sometimes take an "external" perspective in which the goal is to show that transgender practices are coherent. Nonetheless, I do so while aware that there are ethical concerns about taking such an external perspective—namely, that it frames transgender identities as requiring justification in ways that cis gender identities do not.¹⁴ This external perspective should be subordinate to the internal perspective, from which the default assumption is that trans-inclusive practices make sense. From the internal perspective, putative accounts of gender are assessed by whether they can give an account of these practices.

I do not think this difference in scope affects the substance of this article. To try to combine concision and accuracy, I refer to "trans contexts," "trans subcultures," and "trans underworlds" when discussing Bettcher's own arguments and to "trans-inclusive" contexts when discussing the implications of her arguments.

1.2. What to Say About Wholesale Rejections of Trans-Inclusive Gender Practices

Bettcher gives an account of how gender claims function in some trans/trans-inclusive gender practices. Thus, the main focus of this article is what kind of first-person authority individuals have about their gender within such practices. Showing that an account gives appropriate first-person authority over gender claims within such practices is itself a significant result. But many denials of gender claims involve the rejection of trans-inclusive gender practices altogether.¹⁵ On Bettcher's account, from the perspective of dominant culture, a denial of first-person authority may be correct. Nonetheless, dominant and resistant gender practices are not just two alternative ways of approaching gender. Instead, dominant gender practices are abusive (in that they require gender presentation to signify genital status and enforce this through violence) and based on false beliefs about sex and gender (including the assumptions that dominant practices are singular and "natural" and that all people are naturally male or female).¹⁶ We can recognize that a gender claim denial is correct about how the individual would be gendered in dominant gender practices while holding that the dominant gender practice, and thus the denial, is mistaken.¹⁷

14 Bettcher vividly brings out the concerns of treating whether trans women count as women as a live question, while noting that there might be some contexts in which it is strategically useful to address this question ("Trans Women and the Meaning of 'Woman,'" 245).

15 I thank an anonymous referee for this point.

16 Bettcher, "Through the Looking Glass," 249n19. For further discussion, see Bettcher, "Trans Identities and First-Person Authority."

17 Bettcher, "Through the Looking Glass," 243.

1.3. *Gender Identity*

Bettcher's account is often interpreted as an account of gender identity.¹⁸ This is in line with the belief, most prominently articulated by Katherine Jenkins but widely accepted in discussions about the metaphysics of gender, that the concept of gender identity is central to a trans-inclusive metaphysics. According to a common definition, what it is to be trans is to have a gender identity that differs from the gender that one was assigned at birth; moreover, many campaigns for trans rights appeal to the concept of gender identity as the basis for access to gendered social spaces. Metaphysicians can support such campaigns by providing a robust account of gender identity that explains why gender identity is important and deserves respect.¹⁹

There has been significant criticism of the focus on gender identity in the metaphysics of gender. For example, E. M. Hernandez and Rowan Bell argue that we should reject the assumption that gender identity is some metaphysically robust and morally significant *thing* that requires philosophical analysis.²⁰ They argue that the concept of gender identity, both historically and in present usage, is rooted in attempts to make trans people intelligible to cis people. The concept was created by cis people as part of the "wrong body" narrative, according to which a trans person has a deep, innate, internal sense of gender that conflicts with their physical form.²¹ As Hernandez and Bell note, this way of thinking of gender identity "ring[s] of Cartesian dualism and a gender essentialism of which we should all be skeptical," and it "elides, misrepresents, or flattens the way we understand ourselves."²²

In more recent work, Bettcher clarifies that her earlier work was not intended to give an account of gender identity but to suggest that we should

18 See, for example, Jenkins, "Toward an Account of Gender Identity," 717.

19 Jenkins, "Toward an Account of Gender Identity," 713, 718–19. It is worth noting that Jenkins does not suggest that trans rights are in doubt without such an account. Instead, she takes the aims of trans rights movements as a starting point and asks which concept of gender identity is best able to do the work that trans rights movements use it to do (716).

20 Hernandez and Bell, "Much Ado About Nothing."

21 Coined in a pair of psychiatry papers in 1964 (Greenon, "On Homosexuality and Gender Identity"; and Stoller, "A Contribution to the Study of Gender Identity"), the term 'wrong body' originated in attempts to shore up the sexual binary, which had been placed into question by greater understanding of the complexity of sex, and to justify surgery on intersex infants. The term became associated with trans people and the "wrong body" narrative through John Money's clinic for transgender medicine, which opened in 1966. See Ben-Asher, "Transforming Legal Sex," 353; and Hernandez and Bell, "Much Ado About Nothing," 12–14.

22 Hernandez and Bell, "Much Ado About Nothing," 16, 3.

not use the concept of gender identity to validate transgender claims.²³ Reading Bettcher's 2017 article "Through the Looking Glass" in this light, it seems that Bettcher's core concern is that if respect for a person's gender claims is based on the possession of some specific psychological characteristic—such as the internal "map" described by Jenkins—then we will end up misgendering those who do not meet this criteria.²⁴

Hernandez and Bell advise that writers should avoid the term 'gender identity' where possible.²⁵ In this article, I try to follow their advice. This is straightforward when discussing Bettcher's early work. The term 'gender' can be used instead of 'gender identity'. The terms 'identity' and 'identity category' are sometimes needed when making more general statements that include not just gender but also, for example, sexuality. While Bettcher does occasionally talk of "identities" and even "gender identity" in her early work, we can understand her use of these terms in the deflationary sense that Hernandez and Bell propose as an alternative to robust accounts of gender identity. In this sense, a person's (gender) identity just is the (gender) category with which they identify.²⁶ Objections focused on metaphysically robust accounts of gender identity do not apply.²⁷

In her more recent book, *Beyond Personhood*, Bettcher appeals to the notion of existential identity (i.e., who someone is, really), which she contrasts with

23 Bettcher, *Beyond Personhood*, 284–58n2 (discussing Bettcher, "Through the Looking Glass," 396).

24 Jenkins, "Toward an Account of Gender Identity"; and Bettcher, "Through the Looking Glass," 396.

25 Hernandez and Bell, "Much Ado About Nothing," 17.

26 Hernandez and Bell, "Much Ado About Nothing," 18.

27 Two other objections are not so easily sidestepped. First, R. A. Briggs and B. R. George argue that the idea that being trans is a matter of gender identity, understood as a deep part of an authentic self, can make people worry that they do not really count as trans because they struggle to find this (*What Even Is Gender?*). Some of Bettcher's discussion of existential self-identification as a reflection of "the profound question 'Who am I, really?'" may suggest transition must be a reflection of a deep part of an authentic self. This is a potential problem for Bettcher whether her theory is framed in terms of gender identity or not. However, Bettcher is clear that self-identification need not reflect something deep about one's identity: it may, for example, be a political choice made for tactical reasons ("Trans Identities and First-Person Authority," 110). Second, Kadji Amin argues that gender identity is disconnected from shared practice and experience, and this may still apply to practices of existential self-identification as described by Bettcher ("We Are All Nonbinary"). In my discussion of neogenders in section 5 below, I argue that gender identification in general and neogenders in particular do connect with "genders as they are lived by others in the world" (Amin, "We Are All Nonbinary," 116). I believe that my discussion there has the resources to rebut Amin's critique of gender identity, but to do so is outside the scope of this article.

self-conception (i.e., who someone *thinks* they are).²⁸ She also gives an account of (conscious) gender identity as an aspect of self-conception. To have a conscious gender identity “is to conceive oneself as a man or a woman in the world.”²⁹ Both these identities differ significantly from the problematic innate gender identity criticized above. Bettcher discusses in detail how complex and uncertain the experience of coming to claim a gender may be, explicitly rejecting the idea of a preexisting true identity.³⁰ Similarly, Bettcher explicitly argues that conscious gender identity cannot ground a “wrong body” account of what it is to be trans because conscious gender identities change over time.³¹

2. SIMPLE ETHICAL FIRST-PERSON AUTHORITY IS NOT ENOUGH

In the 2023 article “Gender and First-Person Authority,” Turyn argues that ethical first-person authority, as commonly conceived, cannot on its own explain why it is wrong to disbelieve someone’s gender claims even if we *act* as if we believe them.³² Turyn calls this the *playing along problem*. Consider the following cases.

Chris and Dana meet at a bar. Chris is nonbinary. Early in their conversation, Dana misgenders Chris, and Chris corrects her. Dana does not believe that anyone lies outside of the gender binary and thus believes that Chris is really a man, but she does not want to offend Chris and so uses they/them pronouns in reference to Chris for the rest of the evening.

Evan and Fatima meet briefly at a party. Evan overhears Fatima telling another partygoer that she is a trans woman. While Evan takes himself to have progressive views on gender, he holds trans and nonbinary people to higher evidential standards than those to which he holds cis people with respect to their own [genders].³³ When he believes that someone is cis, he takes their avowals about their [gender] to be decisive

28 Bettcher, *Beyond Personhood*, 54, 259, 57.

29 Bettcher, *Beyond Personhood*, 125.

30 Bettcher, *Beyond Personhood*, 125–47.

31 Bettcher, *Beyond Personhood*, 125. The most influential critique of gender identity as an immutable part of a true inner self is Butler, *Gender Trouble*. For detailed discussion of how Bettcher’s updated account incorporates Judith Butler’s insights while providing a fuller account of trans oppression, see Bettcher, *Beyond Personhood*, 114–20.

32 Turyn, “Gender and First-Person Authority,” 8.

33 In line with my earlier discussion, here and throughout, I reframe Turyn’s discussion to focus on gender claims rather than gender identities.

evidence and believes them; when he believes that someone is trans or nonbinary, he takes their avowals to be only weak evidence. Nonetheless, he always treats people in accordance with their [gender avowals] so as to avoid any confrontations or accusations of bigotry. As such, he takes Fatima's avowal that she is a woman and her gender presentation to be indecisive for her gender and suspends belief about what her gender is.³⁴

As Turyn argues, there seems to be something wrong with how Dana thinks about Chris and about how Evan thinks about Fatima. Chris and Fatima would each be justified in feeling resentful or hurt if they found out about these beliefs—even if Dana and Evan's behavior had been entirely appropriate. On Turyn's view, ethical first-person authority is commonly understood as a behavioral norm, focused on how we ought to treat others and compatible with the belief that an individual is not in a privileged epistemic position with respect to their own gender.³⁵ By hypothesis, there is nothing wrong with Dana and Evan's behavior, so Turyn argues, ethical first-person authority as commonly conceived cannot explain how Dana and Evan wrong Chris and Fatima. Turyn bolsters the intuitive assessment that Dana and Evan do something wrong by identifying several potentially wrong-making features. These include: those who disbelieve a person's gender claim are more likely to behave in ways that disrespect first-person authority; it is testimonial injustice if we fail to take a person's gender claim as decisive because they are trans or nonbinary; the attitudes themselves wrong their subject, just as holding racist beliefs about an individual wrongs them; "playing along" in this way may involve saying the right words, but it does not involve doing the right act, instead involving deception and acting on ulterior motives.³⁶

At this point, we need to get clear on exactly what makes first-person authority epistemic rather than ethical. Turyn argues that the terms 'ethical norms of first-person authority' and 'epistemic norms of first-person authority' are misleading precisely because there can be ethical reasons to believe someone's gender claims. Turyn proposes that we instead contrast *epistemic norms of first-person authority* (norms about what to believe) with *behavioral norms of first-person authority* (norms about how to behave).³⁷ However, this seems to me to be equally misleading. Norms about what to believe can be based on epistemic or ethical reasons. Epistemic reasons relate to what makes our beliefs likely to be true, epistemically justified, or to fit the evidence. Ethical reasons relate to

34 Turyn, "Gender and First-Person Authority," 8.

35 Turyn, "Gender and First-Person Authority," 7.

36 Turyn, "Gender and First-Person Authority," 10–13.

37 Turyn, "Gender and First-Person Authority," 7.

whether having those beliefs is morally wrong, permissible, etc.³⁸ The reasons for belief that Turyn appeals to in arguing that Dana and Evan act wrongly are ethical reasons. However, elsewhere, Turyn states that an epistemic norm of first-person authority “requires that our avowals about our [genders] constitute the best evidence available for others to form their beliefs about our [genders].”³⁹ This statement, together with the way in which Turyn characterizes the ethical norm as commonly understood, suggests that Turyn understands epistemic norms as based on epistemic reasons concerning belief.

It is clearest to keep the terms ‘ethical first-person authority’ and ‘epistemic first-person authority’ to refer to, respectively, first-person authority that is grounded in ethical reasons and first-person authority that is grounded in epistemic reasons. Turyn’s arguments as they stand do not show that we need epistemic first-person authority, understood in this way. Because Turyn provides only ethical (and not epistemic) reasons that Dana and Evan act wrongly, Turyn’s argument as it stands shows only that disbelieving an individual’s gender claim may be ethically objectionable.

Bex-Priestley also argues in the 2022 article “Gender as Name” that purely ethical first-person authority is unsatisfactory.⁴⁰ As Bex-Priestley notes, someone may hold that speaking the truth is more important than the moral reasons to respect first-person authority. “Even if a social conservative admits that depression and suicide may follow from describing someone as a gender that person disavows, the social conservative may insist that these bad consequences do not trump the truth.”⁴¹ Bex-Priestley states that they have met anti-trans activists who hold that appealing to the harms that trans people may suffer if misgendered is itself immoral “because it is an attempt to guilt-trip people into saying untruthful things.”⁴²

When we combine Bex-Priestley’s points with Turyn’s playing along problem, we get a convincing argument that ethical authority on its own is unsatisfactory. If someone objects to being “guilt-tripped” into saying untruthful things,

38 This is somewhat similar to the distinction between *evidential* and *pragmatic* reasons for belief: ethical reasons are a subset of pragmatic reasons. There is a wide literature discussing this distinction and considerable controversy about whether there can be genuine pragmatic reasons for belief. (See, for example, Reisner, “The Possibility of Pragmatic Reasons for Belief and the Wrong Kind of Reasons Problem.”) Even if one held that a person could never have genuine ethical reasons to hold a certain belief, one might hold that there can be ethical reasons relating to practices of seeking and assessing evidence for beliefs.

39 Turyn, “Gender and First-Person Authority,” 16.

40 Bex-Priestley, “Gender as Name.”

41 Bex-Priestley, “Gender as Name,” 194.

42 Bex-Priestley, “Gender as Name,” 194.

they are likely to find it even more objectionable to be morally required to *believe* untruthful things. We can understand Bex-Priestley's anti-trans activist as holding that assertions ought to be governed by a norm of truth (or knowledge or epistemic justification). When it comes to behavior, we might respond that ethical norms are just as important as truth or that using a person's preferred pronouns does not in fact involve asserting that their gender matches those pronouns. However, if we focus on *belief*, it seems harder to deny that truth (or knowledge or epistemic justification) should be the authoritative norm. Moreover, there just is no analogous version of the no-assertion-involved response: the third party is explicitly being asked to *believe* that the individual's gender is the one they claim. Bex-Priestley's anti-trans activist has quite a good case against any account that simultaneously (1) requires us to believe gender claims and (2) holds that such claims are not good evidence of their truth. Thus combined, Bex-Priestley's and Turyn's arguments make a convincing case that a satisfying account of gender needs to give us more than merely ethical first-person authority. We also need first-person authority that is epistemic not merely in that it requires others to believe gender claims but in that it means that individuals are in a privileged position to know the truth of their own gender claims.

Bex-Priestley argues that we should aim for not just ethical and epistemic first-person authority but also *metaphysical* first-person authority on which "sincere avowals of one's own gender guarantee their own truth."⁴³ This would not only undermine the conscientious objector's argument but also provide "an iron footing for epistemic and ethical [first-person authority]." I defend a nonabsolute metaphysical first-person authority that is weaker than the absolute metaphysical authority described by Bex-Priestley. Nonetheless, I agree that the most secure footing for ethical and epistemic first-person authority is some kind of metaphysical authority whereby most gender claims make it the case that the individual is that gender. For this reason, it is desirable for an account of trans-inclusive gender practices to recognize metaphysical first-person authority.

3. BETTCHER: GENDER CLAIMS AS EXISTENTIAL SELF-IDENTIFICATION

On Bettcher's account, first-person gender claims within some resistant trans subcultures are not descriptions or reports.⁴⁴ Instead, a first-person gender claim is a *claiming of a gender category*. It is what Bettcher calls an *avowal*.⁴⁵

43 Bex-Priestley, "Gender as Name," 194.

44 Bettcher, "Trans Women and the Meaning of 'Woman,'" 247.

45 Bettcher, "Trans Identities and First-Person Authority," 112.

Bettcher explains, “Fundamental to this practice is the idea that gender categories do not merely apply (or fail to apply) on the basis of objective criteria but are adopted for personal and political reasons.”⁴⁶ Bettcher argues that such gender claims are deeply connected to the individual’s understanding of their reasons for action. This connection is quite complex, but I think it includes at least the following three elements. First, in understanding what an individual is doing when making a gender claim, we need to start by thinking about their reasons for making that claim. Second, gender claims of this kind can make sense of and shape an individual’s reasons for action now and in the future. For an individual to claim to be, for example, a woman in this way is for her to adopt an understanding of what is important to her that can make sense of her motivation to act on reasons related to that understanding of herself as a woman. Thirdly, bringing these two previous points together, an individual’s reason for claiming a given gender may be the way in which they understand that identification as making sense of and shaping their reasons for action.⁴⁷

To make a gender claim as existential self-identification is to, in some sense, give oneself reasons for action. Bettcher argues, “While [merely descriptive] narrative can include behavior-governing norms (e.g., I am a woman, I must gender present and self-identify in these ways), it does not explain why these norms should be taken seriously.”⁴⁸ This is something, Bettcher argues, that only existential self-identification can explain. It seems as if by making the identification, one also takes on the norms as things that must be taken seriously.

This might sound regressive: Must those who identify as women start to take seriously gender norms even when those gender norms are oppressive? A charitable reading of Bettcher suggests not. Bettcher emphasizes that gender claims understood as existential self-identification often involve reflection on and engagement with rather than unquestioned acceptance of existing understandings of gender and gender norms.⁴⁹ Existential self-identification claims are also compatible with others using the same label but having quite different self-conceptions.⁵⁰ Another example of existential self-identification that Bettcher discusses is that of philosophers. Claiming to be a philosopher does seem to involve, in some way, committing to taking norms relating to philosophers

46 Bettcher, “Trans Women and the Meaning of ‘Woman,’” 247.

47 For these elements of the connection, see Bettcher, “Trans Identities and First-Person Authority,” 110–12.

48 Bettcher, “Trans Identities and First-Person Authority,” 111.

49 Bettcher, “Trans Identities and First-Person Authority,” 109–10.

50 Bettcher, “Trans Identities and First-Person Authority,” 111.

and the practice of philosophy seriously. At the same time, in taking on that commitment, one is also free to challenge and revise these norms.

Bettcher's idea of existential self-identification also seems to contain elements of gender as interpretation.⁵¹ Bettcher says that existential self-identification must be understood within the context of "the significance of the question 'What does it mean for me to be a woman?' to one's interpretation of one's past."⁵² She also states that gender categories may be disavowed if "the category does not speak to 'who they are' because it does not fit or feel right."⁵³

Because of the emphasis it puts on acts of existential self-identification, Bettcher's account may seem as if it cannot account for those who have, without much conscious reflection, accepted the gender categories they were assigned at birth. It may also seem an implausibly voluntarist account of gender, failing to account for the fact that many people do not experience themselves as having a choice about their gender. On my understanding, Bettcher's account is compatible with both these phenomena. An act of existential self-identification need not be a dramatic act: someone may simply accept the gender they were assigned at birth, seeing themselves as, for example, a man and taking this to make sense of their experiences around gender without even noticing this as an act of interpretation. Similarly, identification as a given gender may be experienced as inevitable insofar as there seems to be only one gender category that makes sense of one's experiences or fits with one's reasons for action.⁵⁴

4. EXISTENTIAL SELF-IDENTIFICATION AND FIRST-PERSON AUTHORITY

Turyn notes that an epistemic norm of first-person authority is consistent in principle with an account such as Bettcher's, although "revisions will have to be made to such accounts in order to explain precisely why they would ground the relevant epistemic claim."⁵⁵ I hold that Bettcher's account does not need modification to explain why trans-inclusive gender practices give individuals appropriate epistemic first-person authority over their gender. Indeed, I now argue that Bettcher's account has the resources to recognize that an individual

51 For an account of gender identity as interpretation, see Ashley, "What Is It Like to Have a Gender Identity?" Bettcher endorses something like this account of gender identity in her later work. See, e.g., *Beyond Personhood*, 280n9.

52 Bettcher, "Trans Identities and First-Person Authority," 112.

53 Bettcher, "Trans Identities and First-Person Authority," 247.

54 I thank Fabienne Peter and other members of the audience at the Centre for Ethics, Law and Public Affairs (CELPA) seminar (2024) at the University of Warwick for pressing me on this.

55 Turyn, "Gender and First-Person Authority," 16.

has nonabsolute metaphysical, epistemic, and ethical first-person authority over their gender in trans-inclusive contexts.

To show that Bettcher's account implies that an individual might be wrong about their gender, Bex-Priestley requires us to imagine that we ask someone who identifies as a man why they do so. The person replies that to them, to be a man is to be committed to war and violence. However, their behavior suggests they are, in fact, not committed to war and violence. Bex-Priestley suggests that this undermines both metaphysical and ethical first-person authority: the person's self-identification as a man is false, and it might not be bad to point this out to them.⁵⁶

Paying attention to the nature of existential self-identification provides a response to Bex-Priestley. Recall that an act of existential self-identification is not a description or report. It is not an assertion that one meets a set of criteria. Instead, it is a different type of speech act, with a different "grammar."⁵⁷ Existential self-identification is an act of taking on a certain label. Although self-identification can fail, the label applies if and only if the person has taken on that label through a successful act of existential self-identification. Thus, Bettcher's account can recognize nonabsolute metaphysical first-person authority over gender: a successful gender claim makes it the case that the individual is the relevant gender.

This has several important ethical and epistemic implications. First, a third party cannot have a justified belief that an individual has an existential self-identity that the individual has not claimed. When it comes to positive attributions of gender, the most a third party can be justified in believing is that a given gender *would make sense* for the individual to claim. The individual has not claimed the gender (and thus is not that gender) unless they have taken on the gender category through an act of existential self-identification. This is something only the individual themselves can do. Second, to have a justified belief that an individual does not have the existential self-identity they claim, a third party must show that the individual's act of existential self-identification has failed. Failure is not a matter of failing to correctly represent some independent reality. Instead, failure of existential self-identification occurs when the claimed category is not "part of who one is, really" or does not represent a "genuine political commitment."⁵⁸ "This can be assessed through the conformity between the person's overall intelligibility-conferring narrative with their

56 Bex-Priestley, "Gender as Name," 200.

57 Bettcher, "Trans Women and the Meaning of 'Woman,'" 247.

58 Bettcher, "Trans Identities and First-Person Authority," 112, 110.

overall pattern of actions.”⁵⁹ Again, it is not enough for the third party to show that the individual’s claimed category is not the most coherent one they could have. The existence of other potential categories is not relevant to assessing the failure of a claim of existential self-identity. The third party must show that the individual’s claimed category is *incompatible* with their overall patterns of actions and attitudes. This is a high bar to clear.

Bettcher argues that third-party assessments of gender claims are complex acts of interpretation.⁶⁰ Although there may be some behaviors that are evidence against a claim of existential self-identity, such evidence is always defeasible. To assess the conformity between the person’s overall intelligibility-conferring narrative and their overall patterns of actions, we need to know both what the individual sees as underpinning their gender (their overall intelligibility-conferring narrative) and what their overall pattern of actions is.

The overall intelligibility-conferring narrative is unlikely to be as simple as “I take myself to be a man because I am committed to acts of violence.” Indeed, it is almost certain to be something that is very difficult if not impossible for an individual to put into words. The overall pattern of actions includes everything the agent has done. Again, this is not something that can be easily described. Individuals often have an understanding of their gender that is rich and robust but extremely difficult to state explicitly. As an analogy, consider, for example, a person’s knowledge of why they love their partner. If put on the spot, particularly if asked in a hostile manner to defend my love for my partner, I may well struggle to explain it. I might reply with something seemingly trite: “I love that he does the dishes every night.” A determined cross-examiner might scrutinize my answer and conclude that I do not truly love my partner but instead simply value him instrumentally as household help. They would miss the truth behind the trite answer—that the dishes represent his unfailing commitment to being an equal partner. They would miss all the other things that I did not think of in that moment and are not easily put into words. The same applies to the intelligibility-conferring narrative: the fact that a person cannot, under examination, provide a convincing account of their intelligibility-conferring narrative does not entail that they do not have a successful intelligibility-conferring narrative.⁶¹

Moreover, as Bettcher points out, those unfamiliar with trans subcultures may lack the cultural competency to interpret evidence about transgender claims.⁶² Bettcher describes this as a kind of epistemic authority. Even those who

59 Bettcher, “Trans Identities and First-Person Authority,” 110.

60 Bettcher, “Trans Identities and First-Person Authority,” 112.

61 I thank Christina Easton for suggesting I elaborate on this.

62 Bettcher, “Trans Identities and First-Person Authority,” 112.

are participants in a shared culture should be wary of assuming expertise, given that individuals' contexts may be "complex intersections of multiple worlds."⁶³

Overall, on my understanding of Bettcher's account, in almost all contexts, it is very unlikely that a third party is in a position to know that an individual's gender claim has failed. This gives individuals nonabsolute epistemic authority over gender. An individual's gender claim is, in almost all cases, the best evidence third parties can have about that individual's gender. To put this in a more positive way, individuals have privileged access to evidence that is relevant to assessing the success of their gender claims. Despite the concerns about self-deception, wishful thinking, etc., that are highlighted by Bettcher, it still seems that an individual is in a better position to know about their overall patterns of actions than almost all third parties. Even those who know me best—my parents, my sister, my spouse, etc.—have not been present in all the different contexts of my life. For those parts of my life that they do witness, they see only my behavior, not my experience. And I surely have privileged access to the complex, potentially impossible to fully express, overall intelligibility-conferring narrative.

Moreover, as I now argue, Bettcher's account implies that it is almost always morally wrong for a third party to believe that an individual is wrong about their gender or even to attempt to form a justified belief that an individual is wrong about their gender. Individuals have nonabsolute ethical first-person authority over their gender.

Let us start with the wrongness of attempting to form a justified belief that an individual is wrong about their gender. Bex-Priestley says that to generate the puzzle, "we only need to add an extra step: when someone identifies as (say) a man, we ask them which values, commitments, and reasons for acting they have associated with manhood."⁶⁴ That step itself typically violates the person's right to privacy.⁶⁵ Now let us turn to the moral wrongness of the belief that an individual is wrong about their gender. If I believe that an individual is wrong about their gender, I believe that I am in a better position than they are to assess whether their overall pattern of behavior is compatible with their overarching intelligibility-conferring narrative. I believe that I am a better judge than they are about the details of their life and how these details fit with their values and reasons for action. In almost all cases, this is staggering arrogance. It is also deeply disrespectful to the individual as an epistemic agent who is capable of remembering and interpreting their own life. It is disrespectful to the individual as an

63 Bettcher, "Trans Identities and First-Person Authority," 112.

64 Bex-Priestley, "Gender as Name," 200.

65 Bettcher "Trans Identities and First-Person Authority," 101–2.

ethical agent who is capable of acting on values and reasons for action. Respect for others requires us to give them the benefit of the doubt when it comes to their competence as ethical and epistemic agents. We should take it that they are competent unless we have overriding reason to think that they are not.

I argued above that Bettcher's account can recognize metaphysical and epistemic first-person authority. We can now add ethical first-person authority to this list. Bettcher's account can recognize that individuals have nonabsolute metaphysical, epistemic, and ethical first-person authority over their gender. *Contra* Bex-Priestley's criticisms, in almost all cases, third parties are very unlikely to have good evidence that an individual's gender claim is "false," and if a third party judges that an individual's gender claim is "false," there is likely to be something bad not only about "pointing it out" but about making this judgment in the first place. ('False,' to use Bex-Priestley's term, is in quotation marks here because on Bettcher's account, it is not strictly accurate to describe a gender claim as true or false.)

Bettcher's account, understood in this way, gives the correct results in the cases described by Turyn and Bex-Priestley and discussed above. Recall that Chris is nonbinary. Dana does not believe anyone lies outside the gender binary and thus believes that Chris is really a man. Fatima is a trans woman. Evan takes the gender claims of those he believes to be trans as merely weak evidence and thus suspends belief about Fatima's gender. We ask someone why they identify as a man, and they reply that they do so because to them, to be a man is to be committed to war and violence despite their behavior suggesting they are not committed to violence.⁶⁶ A social conservative refuses to accept trans people's gender claims because the "truth" is more important than harmful consequences.⁶⁷

On Bettcher's account, all these rejections of gender claims are ethically wrong and epistemically unjustified. Dana arrogantly assumes without epistemic justification that nonbinary gender claims fail, disrespecting Chris (and all nonbinary people) as ethical and epistemic agents. Evan similarly disrespects trans people in general (and Fatima in particular) as ethical and epistemic agents without epistemic justification. Bex-Priestley's social conservative makes the same mistakes. In Bex-Priestley's example, we violate the man's privacy by demanding an account of their overarching intelligibility conferring narrative and then further insult them by picking holes in their response, presuming that we know more about their life than they do—failing to recognize that what they have said is almost certainly an oversimplification of a complex truth that cannot be described in a few sentences.

66 Bex-Priestley. "Gender as Name," 200.

67 Bex-Priestley. "Gender as Name," 194.

5. ABSOLUTE OR NONABSOLUTE FIRST-PERSON AUTHORITY?

Is the nonabsolute first-person authority I defend too weak? Should we say instead, with Bex-Priestley, that “sincere avowals of one’s own gender guarantee their own truth”?⁶⁸ Or say, with Turyn, that “our avowals about our [genders] constitute the best evidence available for others to form their beliefs about our [genders]”?⁶⁹ And correspondingly, should we say that it is always wrong for a third-party to doubt an individual’s sincere gender claims? Should we aim for absolute metaphysical, epistemic, and ethical first-person authority?

I argue that we should not aim for absolute first-person authority over gender. Instead, the kind of nonabsolute first-person authority I describe above is exactly what we should want accounts of gender to recognize. I begin by discussing an obvious argument against absolute first-person authority: it seems to leave us vulnerable both to the “attack-helicopter gambit” (explained below) and to cases in which people claim to be trans after committing transphobic hate crimes. This counterargument alone may not provide conclusive reason to reject absolute first-person authority because absolute approaches can give a satisfactory account of such cases. However, nonabsolute approaches can give a *better* account of such cases and also give a better account of other cases—in particular, of how to understand both first-person and third-party claims about a trans person’s pretransition gender.

5.1. Hate Crimes and the “Attack Helicopter Gambit”

The attack helicopter gambit is a common transphobic conversational move in which someone attempts to invalidate transgender claims by claiming to identify as an attack helicopter. Bell notes:

This kind of claim doesn’t aim to express a genuine identity, but rather to force trans people into a catch-22: either accept this patently absurd identity at face value and thus accept an equally absurd view about what gender is, or reject it, and abandon the stance that people’s claims about their own genders should be taken seriously.⁷⁰

There are also cases when people claim to be trans after committing what seem to be hate crimes against queer communities. The Club Q shooter killed five people and wounded at least nineteen others in a queer nightclub in Colorado

68 Bex-Priestley, “Gender as Name,” 194.

69 Turyn, “Gender and First-Person Authority,” 16.

70 Bell, “Gender Together.”

Springs in 2022; days later, the defense team claimed that the shooter was non-binary and used they/them pronouns.

An obvious response to these types of cases is to assert that the claims are insincere. Bex-Priestley explicitly holds that first-person authority does not apply to insincere gender claims, while Turyn's discussion is restricted to sincere claims.⁷¹ Indeed, I think we can confidently assert that the attack helicopter gambit is not a sincere gender claim: the very "gender" that is being claimed is part of a practice of mocking trans people, and this is, for that reason, easily recognizable as a different speech act than a genuine gender claim. Similarly, the Club Q shooter's previous actions provide reasonable doubt over the sincerity of their gender claim. Doubting that these "claims" are sincere does not commit us to claiming general reliable access to others' mental states or to admitting general doubts over self-identification.

Moreover, we can criticize identity claims without doubting their sincerity or success. Bell discusses the reaction to Kevin Spacey, who responded to a claim of sexual assault with a conditional apology ("If I did behave as he then describes, I owe him the sincerest apology.") that was followed by a statement coming out as gay.⁷² Spacey received widespread criticism from the LGBTQ+ community. This criticism focused not on doubts about whether Spacey was gay but on the appropriateness of making the claim when and how he did. Bell argues that the Club Q shooter's claim is different from Spacey's—and in fact fails. I discuss that below. At this time, my main aim is to endorse Bell's point that even if we cannot show that the Club Q shooter is insincere, accepting absolute first-person authority about gender does not block criticism of the Club Q shooter's gender claim at that time. Thus, concerns about the attack helicopter gambit and the Club Q shooter do not decisively show that we should reject absolute first-person authority over gender. Those who endorse absolute first-person authority over gender can give an acceptable account of these cases. However, the nonabsolute approach gives a better account of these cases.

Bell emphasizes the role of community and accountability in gender claims, arguing that trans and nonbinary genders are not made up by individuals but connected to social reality and embedded in communal practices and norms. In making a gender claim, an individual invokes these communal practices and norms and makes themselves accountable to the community. Gender claims fail if the individual's actions are incompatible with the values of the community they have tried to join. Bell argues that the Club Q shooter's claim fails for this reason:

71 Bex-Priestley, "Gender as Name," 204–5; and Turyn, "Gender and First-Person Authority," 2.

72 Bell, "Gender Together."

The shooter's attacks on queer and trans people create an unbridgeable gap between the identity claim and the social practices which would make that claim possible. Suppose that, as I am actively trying to murder you, I shout "I am your friend!" You might reasonably take exception to that. It's tough to claim allegiance to something one seeks to eliminate.⁷³

I endorse Bell's analysis of the Club Q shooter. Even if the Club Q shooter's gender claim is sincere (which I doubt), it may well be unsuccessful, and LGBTQ+ folks and their allies may permissibly believe that it is unsuccessful. The usual ethical and epistemic reasons to accept individuals' gender claims are overridden in this case. The fact of the murderous attack on the LGBTQ+ community is almost incompatible with a successful nonbinary gender claim. It is unlikely that the shooter has an overall intelligibility-conferring narrative of themselves as nonbinary that is compatible with this action. The shooter's action stands in contrast to the "evidence" that is usually put forward by third parties that a gender claim has failed. Standard cases of third-party rejection involve either denying the possibility of trans or nonbinary genders altogether or appealing to specific, often superficial features to show that a trans person does not fit a narrow stereotype of "womanhood" or "manliness."⁷⁴ The shooter claimed a gender outside the gender binary while killing people for rejecting the gender binary. In the case of the shooter, in contrast to almost all cases, third parties have good evidence against a successful gender claim.⁷⁵ Moreover, they are ethically entitled to assess that evidence. By claiming a nonbinary gender immediately after a murderous attack on the LGBTQ+ community, the shooter waived their right to privacy about the grounds of their gender claim. The shooter is not entitled to say that the coherence of their gender claim is none of our business.

However, Bell argues that the attack helicopter gambit fails because it does not attach to an existing social reality.

73 Bell, "Gender Together."

74 For discussion of trans women's "double bind," see Serano, *Whipping Girl*: "If they act feminine they are perceived as being a parody, but if they act masculine it is seen as a sign of their true male identity" (49).

75 In cases of self-hatred, a person may take themselves to be a member of a group while hating members of that group. However, if the hatred is endorsed, then the self-categorization cannot coherently be existential self-identification. To claim a category as reflecting who one really is involves an endorsement of the category that is inconsistent with hatred. For coherent existential self-identification, the person must sincerely disavow the hatred and take appropriate steps to make amends for any expressions of that hatred. I thank Daniel Whiting for pressing me on this.

There are simply no real social practices on which ‘attack helicopter’ means anything; there are no values and commitments attached to that identity; and, as far as I can tell, no one is actually working to build them.⁷⁶

I think that we should be careful before endorsing this analysis of the attack helicopter gambit. The quote from Bell seems to suggest that a person can claim a gender only if the identify has an existing meaning within a social practice. I am concerned that this does not make room for neogenders. People should be able to claim genders even if there are not currently any values and commitments attached to that gender category.

Nonetheless, on this issue Bell and I agree about more than we disagree about. We both recognize first-person authority over gender, which nonetheless is not absolute but limited by some accountability to others. My understanding of gender may seem more individualistic. I want to recognize new gender categories that are forged by individuals under ethical constraints. Bell emphasizes that gender is something we do together, connecting to existing social practices. However, we can understand my apparently more individualistic approach in terms of a higher-order social practice. I think we should adopt social practices that give uptake to neogenders as claimed by individuals, within ethical constraints. Indeed, I think that this is an existing social practice: some trans subcultures recognize and give uptake to neogenders. Moreover, such neogenders do not float free of wider gender practices. When an individual successfully claims a neogender, they do so through an intelligibility-conferring narrative that makes reference to wider gender practices and historical gender categories. Neogender claims are strikingly similar to claims of existing gender categories.⁷⁷ So Bell could (and I think should) recognize neogenders. If we recognize neogenders, then we should reject the identity claim in the attack helicopter gambit not because it fails to connect to an existing social practice but because, in claiming an identity as an attempt to undermine the identity claims of others, it fails to meet ethical constraints.

Both neogender-rejecting and neogender-affirming views are compatible with Bettcher’s account in particular and with nonabsolute metaphysical,

76 Bell, “Gender Together.”

77 George and Briggs argue that gender categories count as *gender* categories due to their relationship to historical gender categories, which eventually stretch back to social roles based on perceived reproductive roles (“Science Fiction Double Feature,” 29). Symbiotic gender categories can be understood as alternatives or clarifications of previously established gender categories. Although George and Briggs recognize only genders that correspond to existing social categories, I believe their account can be modified to make sense of gender claims for neogenders.

epistemic, and ethical first-person authority over gender in general. Any account like Bettcher's must explain how and why gender claims fail and how and why individuals are accountable to others for their gender claims. On any reasonable account, there must be a clear distinction between the attack helicopter gambit and the Club Q shooter, on the one hand, and standard cases of third-party doubt of trans identities, on the other.

To sum up, accounts like Bettcher's, which recognize nonabsolute meta-physical, epistemic, and ethical first-person authority over gender, can give a better account of the Club Q shooter case. Such accounts can hold that even if the shooter is sincere, their gender claim may still fail and that it can be epistemically and ethically appropriate to assert this.

5.2. *Hatching an Egg: Trans Elders and Pretransition Gender Claims*

Nonabsolute approaches also give a better account of other cases, in particular, of how to understand both first-person and third-party claims about someone's gender before they come out as trans. Consider the following case:

Sam came out as a trans woman in 2022. Before 2022, Sam sincerely stated that she was a man.

The nonabsolute view can recognize the possibility that Sam was mistaken about her gender before 2022. She may have sincerely claimed to be a man, but it is possible that these gender claims failed. It is possible that Sam could not find a coherent intelligibility-conferring narrative that made her a man. After 2022, Sam can apply her gender claim retrospectively. She can say, "I was always a woman." As with present-focused existential identifications, such retrospective claims are not assertions of facts. Sam is not reporting that in the past, she claimed to be a woman; instead, she is claiming the category of woman as making sense of her past.⁷⁸

The nonabsolute view does not have to say that Sam was mistaken about her gender in the past. It can also recognize the possibility that Sam's gender changed. Perhaps before 2022, she successfully identified as a man, and then, in 2022, she successfully identified as a woman. Both of these possibilities are compatible with the nonabsolute view. Moreover, as with any gender claim, in almost all cases, it is not the business of third parties to assess whether pre-2022 Sam's gender claims failed.

What about third parties before 2022? Suppose that Sam discusses gender with her friend Anna in 2020. Anna recognizes in Sam some of the experiences

⁷⁸ For illuminating discussion of how trans people may make successful retrospective gender claims, see Cull, *What Gender Should Be*, 88.

that she herself had before coming out as a trans woman in 2005. What may Anna believe about Sam, either ethically or epistemically? Again, the nonabsolute approach gives a good account of Anna's position. It implies the following. If Sam has willingly shared some of her experiences, Anna may, without intruding on Sam's privacy, have acquired some evidence that Sam's current (male) gender claim has failed. She can believe this without disrespecting Sam in the way that third-party rejections of gender claims normally do. Anna is not taking herself to be a better judge of Sam's narrative than Sam. Instead, Anna is appropriately responding to Sam's own expressed doubts about her gender and to the fact that dominant gender norms mean that many trans people spend part of their lives unsuccessfully attempting to claim genders that match what they were assigned at birth—indeed, Anna is recognizing an echo of her own experiences in that regard. Anna must show appropriate humility in her beliefs about Sam: she must remember that the evidence she has is defeasible. The appropriate belief would be not that Sam's gender claim has failed but that it *may have* failed.

If Sam has nonabsolute metaphysical first-person authority over her gender, Anna cannot have a true belief that Sam is a woman until Sam claims this gender. Again, assuming that Sam has willingly shared her experiences, Anna may have acquired evidence that Sam could successfully identify as a woman or that it would make Sam happy to identify as a woman. Again, appropriate humility is required. There may be aspects of Sam's experience of which Anna is unaware. Moreover, Anna must be wary of assuming that if Sam is not a man, Sam must be a woman. It may be that what Anna's evidence really supports is a judgment that Sam could successfully either identify as a woman or claim a nonbinary gender.

I have just summarized what the nonabsolute approach implies about what Anna may permissibly believe about Sam's gender. It is very plausible that the nonabsolute approach gives us the right answer in this kind of case. When someone who is struggling with their gender talks to a trans elder, the trans elder can permissibly and justifiably believe that the individual may not be the gender they were assigned from birth and that another gender might fit them better. However, such beliefs should be tentative and recognize that ultimately, it is for the individual to determine their own gender.

6. WHAT IS NEEDED TO RECOGNIZE NONABSOLUTE FIRST-PERSON AUTHORITY: OTHER PROMISING ACCOUNTS OF GENDER

I have argued (1) that Bettcher's account has the resources to recognize nonabsolute metaphysical, epistemic, and ethical first-person authority over gender and (2) that recognizing nonabsolute first-person authority gives the most

plausible results both in the cases put forward by Turyn and Bex-Priestley and in a range of other cases. We can now identify the features of Bettcher's account that enable it to recognize metaphysical, epistemic, and ethical first-person authority and see that at least one other promising account shares these features.

Bettcher's account has the following features:

1. *Nondescriptivism*: Gender claims are not reports of facts that exist independently of the gender claim. They are not assertions that one meets a set of criteria. Instead, they are different type of speech act, with a different "grammar."⁷⁹
2. *The possibility of failure*: Although gender claims are not attempts to describe independent facts, they can still fail. Thus, it makes sense to talk of gender claims as successful or unsuccessful.
3. *Nonabsolute privacy*: In most cases, the information relevant to judging that a gender claim has failed is private. In almost all cases, third parties are not in possession of this information and are also not entitled to this information. In almost all cases, should they have the information, they are not entitled to use it to assess gender claims. Individuals have privileged access to the information. However, in some situations, third parties may have this information and be entitled to use it.

These are the key features that enabled Bettcher's account to recognize nonabsolute metaphysical, epistemic, and ethical first-person authority over gender. Because gender claims are *nondescriptive*, they are incorrect only if they are unsuccessful. Thus, in making a successful gender claim, an individual makes it the case that they are the relevant gender. Nonetheless, there is the *possibility of failure*. This gives us nonabsolute metaphysical first-person authority. Nonabsolute epistemic authority and nonabsolute ethical first-person authority follow immediately from *nonabsolute privacy*.

I now use Bex-Priestley's "gender as name" account as a model to suggest that we can identify other accounts of gender that have these features and thus expect them to provide the appropriate first-person authority. On Bex-Priestley's account, gender is determined in the same way as names, either by internal endorsement or by public declaration.⁸⁰ It is clear that this is *nondescriptive*: neither endorsements nor declarations are mere reports of independently true facts. I think it is also possible for a version of Bex-Priestley's account to include the possibility of failure. This turns on the question of whether

79 Bettcher, "Trans Women and the Meaning of 'Woman,'" 247.

80 Bex-Priestley, "Gender as Name," 202.

endorsement or declaration can fail. I think they can: there seem to be names that we cannot make our own because we are not entitled to them. We might think that attempts to adopt names strongly associated with an Indigenous culture by people with no connection to that culture fail because they involve objectionable appropriation of another culture. Similarly, people who are not members of the Deaf community are not entitled to claim a sign name (an individualized sign that can be used to refer to a person with sign language instead of fingerspelling their name) but must have a sign name bestowed upon them by a member of the Deaf community.⁸¹ It also seems unlikely that I could make it the case that my name is Queen Elizabeth I of England. Thus, a gender-as-name approach can recognize the possibility that gender claims can fail. However, on this account, it is rare for gender claims to fail, and in almost all cases, third parties are not entitled to know or use the information required to judge that a gender claim has failed—in other words, the account features nonabsolute privacy.⁸²

7. BETTCHER'S MORE RECENT WORK

In her 2025 monograph *Beyond Personhood*, Bettcher expands, revises and reformulates her previous work into a theory of interpersonal spatiality that aims to undermine the concepts of person, self, and subject that are central to modern and contemporary philosophy. She situates this theory within what María Lugones calls “the modern/colonial system,” linking trans oppression to other forms of oppression. As this monograph represents a significant development of Bettcher’s philosophy, it makes sense to discuss whether my core claims still apply. I now argue that Bettcher’s updated account can also recognize nonabsolute ethical, epistemic, and metaphysical first-person authority over gender.

According to Bettcher’s interpersonal spatiality theory, we are primarily interpersonal objects, participants in a system of interpersonal space, with boundaries that others can legitimately traverse (in consensual intimacy) or violate. Our nature as interpersonal objects is determined by these boundaries,

81 See the web page of the Royal National Institute for Deaf People (RNID) “What Are ‘Sign Names?’” October 10, 2023, <https://rnid.org.uk/2023/10/what-are-sign-names/>. I thank an anonymous referee for this example.

82 Florence Ashley gives an account of gender identity as interpretation, on which a person’s gender identity is their interpretation of their gender subjectivity, the sum of their gendered experiences of themselves (“What Is It Like to Have a Gender Identity?” 1053). Ashley notes that her account of gender identity is nondescriptivist and suggests that this may mean that a form of epistemic first-person authority is “salvageable” (1068). I think Ashley’s account also meets the other two conditions.

which determine what kind of interactions count as intimate and how we can legitimately engage in intimate interactions or refuse unwanted intimacy.⁸³ These boundaries are not natural but created by culture.⁸⁴

With the apparatus of interpersonal spatiality, Bettcher deepens her understanding of the contrast between how gender claims function in the overworld and in some resistant trans underworlds. In the overworld, to say that someone is a woman rather than a man is to name them as a distinctive type of interpersonal object with distinctive boundaries governing intimacy.⁸⁵ This is because in the overworld, what counts as intimate for a woman and what counts as intimate for a man differ.⁸⁶ Bettcher's resistant trans underworlds do not recognize preset gender-differentiated pathways to intimacy. Instead, intimacy and its limits must be communicated and negotiated afresh. This dislodges overworld conceptions of what it is to be a man or a woman. Although there are various and sometimes competing theories of gender that circulate in these trans underworlds, the interpersonal identities themselves do not include specific content. This makes space for individual reflection and exploration.⁸⁷

As in her earlier work, Bettcher argues that in these trans underworlds, first-person gender claims function differently from second- or third-person gender attributions. She now distinguishes between three different types of gender claim: straightforward performative self-namings; avowals as articulations of existential self-identification, which may serve as gestures of intimacy, inviting conversations of depth, exploring what gender means to the participants; and avowals as refusals to share intimately. Gender claims are able to function as refusals to share intimately in these trans subcultures because, unlike in the overworld, gender terms do not have fixed meanings so what someone means when they claim to be, for example, a man can be opaque.⁸⁸

Bettcher explicitly rejects epistemic first-person authority over gender. However, her argument here does not appeal directly to her updated account. Instead, she argues that this turns on her own views about first-person authority and "the following facts." Bettcher argues that if individuals have epistemic first-person authority over their gender, then we cannot make sense of the way in which many trans people spend part of their lives being wrong about their gender or the way in which other trans people are often good at identifying

83 Bettcher, *Beyond Personhood*, 38–60.

84 Bettcher, *Beyond Personhood*, 89–120, 177–98.

85 Bettcher, *Beyond Personhood*, 166.

86 Bettcher, *Beyond Personhood*, 91.

87 Bettcher, *Beyond Personhood*, 166.

88 Bettcher, *Beyond Personhood*, 166–67, 287n36.

“eggs.” Even if first-person claims are right more often than not, this may be just a matter of better knowledge due to always being around. This, Bettcher argues, would not give us epistemic authority in the way standardly imagined, which involves an epistemic advantage guaranteed by the peculiar way one accesses one’s mental states. Moreover, it would not explain the deference given to the first-person, which involves treating avowals as incorrigible.⁸⁹

I agree with Bettcher that a purely epistemic account of first-person authority cannot fully explain the deference given to the first-person. To fully explain first-person authority over gender claims, we need to recognize nonabsolute ethical, metaphysical, and epistemic first-person authority and the way these forms of authority interact. As I argue above, I think that such an account of first-person authority gives the best account of “eggs.” Moreover, even if not as standardly imagined, this first-person authority is worthy of the name because it is grounded in individuals’ distinctive relationships to their gender claims.

Bettcher argues that her account gives nonabsolute ethical first-person authority over gender.⁹⁰ As I take it to be uncontroversial that the theory has this implication, I set ethical authority aside and focus instead on whether the account can recognize nonabsolute epistemic and metaphysical authority.

Gender claims that are performative self-namings give us nonabsolute epistemic and metaphysical first-person authority over gender, as argued above in my discussion of Bex-Priestley’s account of gender as name. It is a trickier question whether this is true of gender claims that are articulations of existential self-identification on Bettcher’s updated account. Bettcher contrasts existential identity (who someone is, really) with self-conception (who someone *thinks* they are).⁹¹ She argues that identity “places constraints on self-conception”: “If one is too far from the mark—for instance, one believes oneself to be an attack helicopter or Napoleon—one’s self-conception is discredited. One cannot simply conceive of oneself however one pleases and have that make sense.”⁹² Bettcher also emphasizes that existential identity is interpersonal: it can be accessed by oneself and others, and there are boundaries on informational access. Sharing aspects of one’s existential identity is self-revelation, as a gesture of intimacy. Moreover, such self-revelation can be done through either actions or words.⁹³ This might make it seem as if articulations of existential identity give us neither metaphysical nor epistemic first-person authority: if existential

89 Bettcher, *Beyond Personhood*, 287–88n38.

90 Bettcher, *Beyond Personhood*, 287n38.

91 Bettcher, *Beyond Personhood*, 54, 259, 57.

92 Bettcher, *Beyond Personhood*, 57–58.

93 Bettcher, *Beyond Personhood*, 54–55.

identity is interpersonal, then it sounds as if an individual alone might not be able to make it the case that they have a certain existential identity; moreover, it seems that after self-revelation through words or actions, a third party may well have and be entitled to knowledge that the avowal of identity does not make sense and has therefore failed.

To resolve these issues, we need to return to the extreme openness of gender terms in the trans subcultures that Bettcher discusses. Because what it means to be a woman, a man, or nonbinary is so open in these trans subcultures, there are many different ways of understanding why one counts as a woman (or a man or nonbinary). Moreover, although Bettcher holds that some aspects of existential identity can be shared with others, she also states that some are private.⁹⁴ Even when we do share partial information with others, we may (and we are entitled to) keep some back. Thus, it seems to me that it is only in comparatively rare cases that a third party is entitled to know that a gender claim of this kind has failed. This constitutes nonabsolute epistemic authority. And finally, Bettcher argues that in complex cases in which our experiences do not wear their names like badges, avowal acts as an authoritative interpretation “retroactively constituting” the experience as interpreted.⁹⁵ Gender claims in the trans subcultures under discussion certainly count as complex cases. So it seems that in such cases, a successful avowal of gender makes it the case that one is that gender. This constitutes nonabsolute metaphysical authority.

Avowals as refusals of intimacy also give us epistemic first-person authority over gender. Such refusals can fail, and in some cases, third parties can rightfully have the information required to know that this has happened. For example, if we regard the Club Q shooter’s claim to a nonbinary identity as an attempted refusal of intimacy, we may know that this attempt has failed—recall the claims that it is possible to reveal oneself to others through actions.⁹⁶ The Club Q shooter’s actions simultaneously undermine the requirement for us to refrain from trying to assess the coherence of their understanding of what makes them nonbinary and give us the information required to judge that this understanding is incoherent. However, generally, refusals of intimacy leave the underlying interpretative framework opaque, meaning that third parties are not (and are not entitled to be) in a position to judge its success. While it is not clear that successful refusals of intimacy make it the case that one has the gender claimed, they are certainly compatible with metaphysical first-person authority whereby

94 Bettcher, *Beyond Personhood*, 54.

95 Bettcher, *Beyond Personhood*, 52.

96 Bettcher, *Beyond Personhood*, 55.

the person makes it the case that they have a given gender through performative self-naming or articulation of existential self-identity.⁹⁷

8. CONCLUSION

I have argued that Bettcher's account of gender claims as acts of existential self-identification has the resources to recognize not merely ethical but also metaphysical and epistemic first-person authority over gender. This first-person authority is nonabsolute. Such nonabsolute first-person authority is exactly what we should be looking for when trying to understand how gender claims function in trans-inclusive gender practices.⁹⁸

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- 97 Bettcher also draws on Maria Lugones's notion of complex communication to explain how avowals of existential identity might function when building intimacy across different underworlds when the practices of the trans underworld cannot be relied upon. See Lugones, "On Complex Communication." I suspect that Bettcher's account in *Beyond Personhood* can recognize nonabsolute ethical, epistemic, and metaphysical first-person authority over gender in such contexts, as she does in trans subcultures (171–73).
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