

Conditional versions of Alex Byrne's AHM and AHF: options for reducing the burden of proof

V1.0, comments are appreciated

Jan A. Bergstra
janaldertb@gmail.com
Minstroom Research BV, Utrecht, The Netherlands

Laurens J. Buijs
laurensbuijs@protonmail.com
La Convivencia, Amsterdam, The Netherlands

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Abstract

We proceed with our investigation of the Dembroff versus Byrne controversy by introducing three conditional versions of the assertions AHM and AHF which Alex Byrne claims to support. Although the arguments proposed by Byrne were considered deficient by Robin Dembroff, Dembroff's response is uninformative about the validity of AHM and AHF proper. Because the notion of biological sex (b-sex) that underlies AHM and AHF might be chosen to be (sexual) transition permissive, the very existence of transsexed persons does not by itself contradict either AHM or AHF (in case one uses a transition permissive notion of b-sex).

Nevertheless in previous work [2] we claim to have found counterexamples to AHM and to AHF that work in case of a transition permissive underlying notion of b-sex, and which might convince anyone who accepts the existence transgender (MTF i.e. transfemale or FTM i.e. transmale) individuals. Moreover, in case one assumes that the underlying notion of b-sex is not transition permissive, the very existence of MTF (or FTM) transgender persons already contradicts AHM and AHF.

By introducing conditional versions of AHF and AHM weaker assertions are obtained which are harder to reject and more easy to validate, if they can be at all. With stronger conditions the controversy ranges over fewer persons, and fewer exceptional cases are taken into account. We propose 7 conditions which give rise to increasingly weaker (conditional) versions of AHM and AHF. We provide some remarks regarding the relative merits of these assertions.

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1 Introduction

We proceed with our investigation of the Dembroff versus Byrne controversy, as started in [2] and continued in [3] by introducing 7 conditional versions of the assertions AHM and AHF each, where AHM and AHF are the key assertions which Alex Byrne claims to have argued for conclusively.

Although the arguments proposed by Byrne were considered deficient by Robin Dembroff, Dembroff’s response is literally speaking uninformative about the validity of AHM and AHF proper. Because the notion of biological sex (b-sex) that underlies AHM and AHF might be chosen to be (sexual) transition permissive, the very existence of transsexed persons does not by itself contradict either AHM or AHF (in case one uses a transition permissive notion of b-sex). Nevertheless in previous work [2] we claim to have found counterexamples to AHM and to AHF that work in case of a non-transition permissive underlying notion of b-sex, and which might convince anyone who accepts the existence of MTF or transgender (i.e. transmale) individuals.

By introducing conditional versions of AHF and AHM (referred to as conditional claims below) weaker assertions are obtained which are harder to reject and more easy to validate, if they can be at all. With stronger conditions the controversy ranges over fewer persons and becomes increasingly more difficult to settle, so it seems. By introducing conditional versions of AHF and AHM the validity of these assertions turn into purely philosophical questions and may become increasingly more difficult to settle, so it seems.

We propose a number conditions which give rise to increasingly weaker (conditional) versions of AHM and AHF. We provide some remarks regarding the relative merits of these assertions. Versions of AHF and AHM with stronger conditions may be controversial but may also allow clear decisions on which position one will prefer. We believe that the conditional claims 5.3 and 5.4, which are conditional versions of of AHM and of AHF respectively are valid, these are pure cases of the intended meaning of AHF and AHM so to say, which yield expressions of the intuition about the normal case which Byrne had in mind.

Although in [3] we came to the conclusion that the Dembroff versus Byrne controversy is to be resolved in favour of Dembroff's position, the situation for the various conditional versions of the controversy leaves room for further questions and enquiry.

We will not analyse the arguments for and against the various conditional claims in this paper, the main purpose of the work being to provide a framework for assertions related to but different from AHM and AHF which we expect to be helpful when a thorough in depth analysis of all relevant arguments will be made.

1.1 Direction of work

The wealth of answers to the question “What is a woman?” is discussed in great detail in Mikkola 2022 [23]. In [23] the Dembroff versus Byrne controversy is mentioned as one of many ways of looking at the conceptual issues of gender. Our approach is directed towards questions of transinclusion and towards conceptual questions regarding the notion of being gender neutral. We work in a 3G framework (there are three genders: male, female, and neutral), and we work in formal gender theory where male, female, and neutral are mutually exclusive properties of humans which cover all persons. In formal gender theory it is obvious that without clarity on the definition/extension of genders male and female gender one may hardly obtains clarity on the extension of “neutral gender”, which by definition is complementary to the combination (i.e. union or disjunction) of male and female. From [23] we cannot conclude that any consensus about proper definitions of man and woman already exists, neither that it is useful, or even feasible to look for such definitions. We also conclude that conceptual work on the third (neutral) gender is still in its infancy, as most work discussed in [23] concerns male and female persons who may or

may not transgender to the gender opposite to their gender as assigned at birth.

1.2 Some remarks on context and terminology

Following the terminology of [2] we assume the existence of ANAB (assigned neutral at birth) persons and in addition we assume the existence of cis-gender (and therefore ANAB) persons of neutral gender of adult age. All other persons of neutral gender (if any exist) are transneutral (i.e. have made a transition to neutral gender from a non-neutral gender), and are either AFAB (assigned female at birth) or AMAB (assigned male at birth).

For cis-neutral persons, of whom there are very few, the justification of a neutral gender categorization should be uncontroversial, not having made a (potentially controversial) transition to either female or male. We will not discuss the status of cis-gender neutral persons below for that reason.

For transneutral individuals the situation is quite different, however. The majority of transneutral persons is either AMAB or AFAB, and we will restrict our discussion to transneutral persons who are either AFAB or AMAB. To see what options are excluded with this constraint one may imagine an ANAB person P who may first become an NTM (neutral to male) transmale (and a transgender as well for that reason), and who thereafter may become an MTN (male to neutral) transneutral. Alternatively one may imagine an ANAB person who may first become an NTF (neutral to female) transfemale (hence also transgender), and thereafter become an FTN (female to neutral) transneutral (also categorized as a transgender though not in view of a comparison with the gender assigned at birth).

By introducing more specific terminology we will be able to formulate several conditional versions of the “Dembroff versus Byrne” controversy. Byrne 2020 [12] proposes and argues for the assertions AHM and AHF. In response to [12], however, Dembroff 2021 [15] rejects most arguments used in [12], upon which Byrne reacts with [13]. A comparable discussion is displayed within Bogardus 2020 [6] where arguments in favour of maintaining a concept of gender different from b-sex are surveyed and are subsequently found defective. The paper [6] is complemented with [7] where in particular doubts on unconstrained gender self-categorization are discussed.

A different approach to the questions “what is a woman?” and “what is a man?” is developed to considerable detail by Neuhann 2023 in [25]. Neuhann takes a historical approach and analyses the account of womanhood as given by Toril Moi in 1999 in [24]. Important notions for Neuhann are the *feminist utopia* which can be imagined by different philosophers in different ways, and which may be distinguished from today’s realities thereby giving space for an evolution of positions in gender theory. Central to Moi’s views is *body as a situation* (the lived body), i.e. the German concept of *Leib*. It is

the body as a situation to which Moi applies the woman/man distinction (according to Neuhann). Another key concept is *gender eliminativism*, the idea that on the long run gender distinctions will, and should, be redundant. Neuhann uses *trans* as an adjective rather than transgender, allowing the discussion to proceed even if a notion of gender has not been agreed upon. Neuhann discusses in detail to what extent Moi's proposals create a *trans inclusive* notion of gender (a notion which, according to Neuhann Moi did not explicitly distinguish from biological sex), thereby arriving at a mixed conclusion which itself is based on a possibly unsustainable (according to Neuhann) distinction between various categories of trans persons. By taking a descriptive approach Neuhann is able to achieve great detail without the need of prematurely engaging into commitments to potentially controversial positions. A key commitment is formulated nevertheless in [25]: to develop positions in gender theory which are useful in a contemporary context while being sustainable on the long run, i.e. not deviating too much from the author's own perspective on a feminist utopia.

The idea that differentiation of (self-identified) trans persons is helpful, seems convincing to us. Indeed by considering conditional versions we expect to be able to focus attention on those AFAB or AMAB transgender persons (if only hypothetically and as a matter of thought experiment) for whom the process of transgenering may be understood as the result of an act of free will without any medical, surgical, or psychiatric aspects.

We wish to avoid the terms *binary* and *non-binary* because these terms have become loaded with prejudice. Instead we will refer to male sex and female sex as signed sexes and to male gender and female gender as signed genders. Moreover, b-neutral sex is also referred to as the unsigned b-sex, and neutral gender is considered an unsigned gender.

1.3 Survey of the paper

We will first discuss the relevance of the controversy about AHM and AHF. Then we introduce condition AMAB! (unambiguously assigned b-sex male at birth) and AFAB! (unambiguously assigned b-sex female at birth) and ASGAB!¹ as the disjunction of AMAB! and AFAB! which are meant to remove lack of clarity about the notion of biological sex. Using these conditions conditional versions of AHM and AHF are found the validity of which will be unaffected by any lack of clarity regarding the notion of biological sex.

Then we discuss aspects of the context in which conditional versions of AHM and AHF can be assessed to find that these questions may have far reaching political and ideological implications.

¹ASGAB: assigned a signed gender (i.e. male or female) at birth; ASGAB!: unambiguously assigned a signed gender (i.e. male or female) at birth.

Next we discuss conditions that come about from contemplating sexual orientation. We find that for our purposes it is less suitable to understand a sexual orientation as a disposition, and that instead using a focus on a information obtained from past experience is more informative.

We conclude with some remarks on disparate themes: genital information disclosure, a pathway to gender self-identification, rebranding gender theory by loosening its feminist background, and a list of abbreviations that occur in the paper.

2 Relevance of Dembroff versus Byrne

The controversy regarding AHM and AHF constitutes one of several versions of the fundamental pair of questions “What is a man?”, “What is a woman?”. We will discuss two aspects of these questions: small-scale ideological disputes as these arise among gender theory specialists and large-scale ideological disputes as these become visible by contemplating the position of several religions on these questions.

2.1 On the relative status of participants to the debate and their contributions

In Dembroff 2020 [14] exasperation is mentioned concerning gender trouble in analytical philosophy. We feel uneasy about these arguments: if Dembroff indicates a preference for polysemy on gender terms and pluralism on gender categories that very declaration seems to be in sharp contrast with various pejorative judgements made about various philosophical opponents in Dembroff’s own papers: philosophical opponents supposedly have not read work on gender, entertain a cis-gender bias etc. Whatever Dembroff’s experience with these matters may have been and still is, our work came about from a still ongoing conflict on gender theory at the University of Amsterdam starting in januari 2023, where (rather than “don’t read, go think” as mentioned by Dembroff in [14]), “don’t read, go tweet” seems to be the slogan of the students and staff who self-declare as either transgender or sympathizing with the transgender movement and who are disinclined to justify their views on the basis of recent literature on gender theory. What we see taking place instead is an outright action making use of the full repertoire of student bullying to get one of us (LJB) removed from his academic position at the University of Amsterdam. Exasperation is present at both sides of the argument so it seems. Upon a systematic investigation of recent literature on gender we found that the controversy “Dembroff versus Byrne” is illuminating and that its investigation may be helpful for the subject. We notice, however, that Dembroff writes about Byrne as being uniformed to such an extent that Byrne’s contribu-

tion is hardly considered justifiable (by Dembroff). In our perception, however, Dembroff, should not have responded to Byrne in writing in a philosophical journal if their underlying message is that in fact Byrne should not be taken seriously. Is it a privilege for Dembroff to take Byrne's contribution seriously, as a temporary act so to say? If so, reading of the literature is made impossible for an outsider of whom it is expected to take such elitism into account. So we conclude that it is either or: either one (say Dembroff) complains that someone does not read (say a cis-gender white male, author from the northern hemisphere), or one writes in such a manner that reading is enabled in a legitimate manner. In other words: by responding at length to Byrne's "demonstration" of his claims AHF (adult human female, see Claim 3.2 below) and AHM (adult human male, see Claim 3.1 below), and by doing so in a philosophical journal, Dembroff has de facto endorsed Byrne's work as a contribution to the philosophy of gender (from their own perspective), and no amount of dismissive remarks by Dembroff regarding Byrne's motives or background can undo that fact of matter. Exasperation from our side comes about from the idea that such trivial observations need to be made explicit in writing (so it seems to us).

In view of the harsh "academic persecution" currently experienced by one of us (LJB), we don't take these matters lightly anymore. Dembroff claims in [14] a disposition to pluralism: questions may have many legitimate answers. Must we take into account the possibility that Byrne's "answer" on the question as to the validity of AHF (and AHM) is legitimate while at the same time Byrne as an author lacks legitimacy in this area? Or must we conclude that Dembroff's commitment to pluralism, as a matter of course is limited to the views endorsed by Dembroff. Both options are grotesque. We conclude that [14] significantly and probably intentionally contributes to the presence of gender trouble in philosophy without providing a path towards its resolution. We claim that taking the published literature seriously (by default) is the way ahead and that discussion in detail of the controversy "Dembroff versus Byrne" can be helpful for the field.

2.2 Links with religious positions

Byrne's position agrees with the positions of RCC (Roman Catholic Church) and ROC (Russian Orthodox Church) on the (im)plausibility or (im)possibility of transgending. These positions are being defended with all possible means by RCC and by ROC. In the case of the ROC, a de facto state Church in Russia, issues of gender theory have risen to the level of being part of the Kremlin's justification for the Russo-Ukrainian war since its initiation in February 2022.

For a highly critical and quite detailed and historically motivated appraisal of the RCC positions on gender we refer to Horan 2020 [18]. For a moderate critique on RCC positions on gender we refer to the contribution of Block in [17].

However outdated Byrne’s position may seem to be from the perspective of modern approaches to gender theory, precisely these questions are center stage nowadays and would profit from a systematic contribution by modern gender theorists.

By designing conditional versions of “Dembroff versus Byrne” we work towards a context in which the task to prove ROC and RCC (and Byrne for that matter) wrong is made as difficult as possible, having moved all medical issues and potential interventions out of the way. It seems obvious to us that casting “Dembroff versus Byrne” in this manner is potentially advantageous for the transgender movement.

Cis-gender persons are either cis-male or cis-female. This statement conceals some hidden aspects of deficient clarity which we will first seek to address.

3 Conditions AMAB!, AFAB!, and ASGAB!

We will first eliminate lack of clarity regarding b-sex assigned at birth by proposing a condition which expresses that no such doubts are present. In [3] we have surveyed four criteria for b-sex assignment which though significantly correlated are not the same. By taking the conjunction of these criteria certainty about b-sex assignment can be increased. We refer to [3] for these matters.

Definition 3.1. *A person P is AMAB! (unambiguously AMAB) if P is AMAB and at birth P was M/E-male, CS-male, GoS-male and GmS-male (see [3] for these notions).*

Definition 3.2. *A person P is AFAB! (unambiguously AFAB) if P is AFAB and at birth P was M/E-female, CS-female, GoS-female and GmS-female (see [3] for these notions).*

There is no notion of being ANAB!. Indeed AFAB! and AMAB! are more stable notions than AMAB and AFAB respectively, while there is no obvious manner to render ANAB more stable or convincing.² With the notions of AFAB! and AMAB! at hand we find meaningful conditions for AHM and for AHF.

Definition 3.3. *(Signed b-sex/gender) Male and female are the two signed b-sexes resp. genders; the sign of male is -1 , the sign of female is 1 .*

The opposite gender of male is female and the opposite gender of female is male.³

²Writing “ANAB! = not AMAB! and not AFAB!” seems to be an option at first sight, though then ANAB! will be less stable than ANAB.

³The opposite gender of neutral is neutral, a convention which we will not make any use of. Neutral is an unsigned gender, however, formally with sign 0. When working with a $3G_{\perp}$ gender framework, the opposite gender of \perp is \perp , and the sign of \perp equals \perp . The signs 1 and -1 are proper signs, while 0 and \perp are improper signs. With a signed b-sex or signed gender it is meant that the respective sign is proper.

Proposition 3.1. *If person P is ANAB (assigned b-neutral at birth) then P is not cis!-signed.*

Definition 3.4. *A person P is ASGAB (assigned a signed gender at birth) if P is AMAB or P is AFAB .*

Definition 3.5. *A person P is ASGAB! (unambiguously ASGAB) if P is AMAB! or P is AFAB! .*

The following Claims 3.1 and 3.2 are minimal adaptations of AHM resp. AHF as introduced by Alex Byrne. These assertions, or more precisely Byrne’s motivations for these assertions, were contested by Dembroff (thereby giving rise to what we have baptized the controversy “Dembroff versus Byrne” in [2]).

Claim 3.1. (AHM) *For all adult persons P : P is a man if and only if P is male.*

Claim 3.2. (AHF) *For all adult persons P : P is a woman if and only if P is female.*

A source of unclarity in AHM and AHN lies in the notions male (as a shorthand for b-sex male) and female (as a shorthand for b-sex female). The following conditional versions of AHM and AMF reduce the degrees of freedom in the notion of b-sex at use.

Conditional claim 3.1. (ASGAB! \rightarrow AHM) *For all adult persons P : if P is ASGAB! then (P is a man if and only if P is male).*

Conditional claim 3.2. (ASGAB! \rightarrow AHF) *For all adult persons P : if P is ASGAB! then (P is a woman if and only if P is female).*

3.1 Resolving a degree of freedom for the notion of b-sex

Under the condition ASGAB! there is still a degree of freedom regarding the notion of b-sex: the notion of b-sex may be transition permissive (medical interventions may change b-sex of P). The condition “b-sex = SAAB” expresses that b-sex is understood as the sex assigned at birth.

Conditional claim 3.3. (ASGAB! & b-sex=SAAB \rightarrow AHM) *For all adult persons P : if (P is ASGAB! and “b-sex = SAAB”) then (P is a man if and only if P is male).*

Conditional claim 3.4. (ASGAB! & b-sex=SAAB \rightarrow AHF) *For all adult persons P : if (P is ASGAB! and “b-sex = SAAB”) then (P is a woman if and only if P is female).*

The condition “b-sex = M/E” expresses that b-sex is understood as the morphological/endocrinological sex (which is transition permissive). Adding “b-sex = M/E” to the condition creates another conditional version of AHM and of AHF.

Conditional claim 3.5. $(ASGAB! \ \& \ b\text{-sex}=M/E\text{-sex} \rightarrow AHM)$ For all adult persons P : if (P is ASGAB! and b-sex = M/E-sex) then (P is a man if and only if P is male).

Conditional claim 3.6. $(ASGAB! \ \& \ b\text{-sex}=M/E\text{-sex} \rightarrow AHF)$ For all adult persons P : if (P is ASGAB! and b-sex = M/E-sex) then (P is a woman if and only if P is female).

Below we will describe further conditions which exclude P from being transsexed so that the difference between the cases “b-sex = SAAB” and “b-sex = M/E-sex” disappears.

3.2 cis!-males and cis!-females

We will next introduces definitions for the property of a person of being cis!-male, and cis!-female. The idea is that a person, having been born ASGAB! has not been subjected to any form of gender reassignment therapy which might cast doubt on their gender. It is possible, however (i.e. consistent with the definition of cis!-male and cis!-female) that P as come to self-identify as being (or preferably being) of the opposite gender of neutral gender. If a person is cis!-male or cis!-female at time t then their b-sex at time t equals b-sex assigned at birth (SAAB), so that (at time t) the condition “b-sex = SAAB” is satisfied, even if the used definition of b-sex is transition permissive.

Definition 3.6. A person P is cis!-male/cis!-female at time t if the following conditions are satisfied:

(i) P is AMAB!/AFAB!

(ii/m) for cis!-male: from birth until t , P has been M/E-male, CS-male, GoS-male and GmS-male (see [3] for these notions).

(ii/f) for cis!-female: from birth until t , P has been M/E-female, CS-female, GoS-female and GmS-female (see [3] for these notions).

(iii) P is not (and has not been) suffering from any form of gender dysphoria, and for that reason P has not been treated with any bodily reassignment therapy (either with surgery or hormonal). (P may be dealing with gender identity dysphoria where that condition is understood as the mere mismatch between gender self-identification and assigned b-sex at birth, and this mismatch arises without any medical, surgical, or psychiatric correlates).

(iv) P is aware that by making their male/female b-sex known to other persons, genital information will be given away to the audience (at least in a probabilistic sense, as other

persons may be lying about their *b*-sex, so that as a consequence *P*'s expressions on the matter may not be fully trusted either). *P* may not be open about his *b*-sex for that reason.

(v) *P* is sufficiently intelligent and (self-)interest aware to be able to contemplate the pro's and con's of different outcomes of current or future gender self-identification, while taking the relevant jurisdiction into account.

We need a property *cis!*-signed to serve as a condition for corresponding conditional versions of AHM and AHF.

Definition 3.7. *A person P is *cis!*-signed if P is either *cis!*-male or *cis!*-female.*

Conditional claim 3.7. (*cis!*-signed \rightarrow AHM) *For all adult persons P : if (P is *cis!*-signed) then (P is a man if and only if P is male).*

Conditional claim 3.8. (*cis!*-signed \rightarrow AHF) *For all adult persons P : if (P is *cis!*-signed) then (P is a woman if and only if P is female).*

Hypothesis 3.1. *Byrne would (when asked for an assessment and willing to provide one) consider Claims 3.7 and 3.8 to be valid (a trivial consequence of Byrne's support for AHM and AHF, while Dembroff would (when asked for an assessment and willing to provide one) reject both claims.*

We add another claim which we expect to be supported by Byrne and rejected by Dembroff:

Conditional claim 3.9. (*cis!*-signed \rightarrow non-neutral) *For all adult *cis!*-signed persons P : P is a man or P is a woman.*

3.3 Moving towards stronger conditions I

Now it may be the case that a *cis!*-male person *P* has arrived at the conclusion that they are in fact (essentially) female or that they are in fact (essentially) neutral, and *P* may have expressed their self-identification formally or informally. The opposite of the latter condition is expressed in the property of *P* of being *cis!!*-male, as defined below in Definition 3.8.

We run into a problem that haunts our project from day one: we are unable to design a terminology for gender theory which does not implicitly take sides in various debates. Suppose *P* is *cis!*-male and *P* has self-identified as female, (so that *P* is not *cis!!*-male, according to Definition 3.8 below): now an advocate of fully-subjective self-categorization would claim that *P* is a woman so that describing *P* as *cis!*-male is problematic language. An advocate *Q* of the positions of RCC and ROC on gender would consider *P* to be male, and, moreover, *Q* would, in case *P* were a member of either confession, impose

on P the task to accept the gender which God has given to him at birth (i.e. SAAB taking the doctor's judgement on the moment of birth for granted, i.e. merely taking the morphological side of M/E-sex into account).

One might propose to adopt the well-known notion of P being cis-gender (cis-male, cis-female, cis-neutral), but then another difficulty arises: some will assume that cis-gender refers to P being categorized as having the same gender as the gender corresponding to the b-sex assigned at birth, whereas others will assume that cis-gender refers to P 's gender self-identification being in correspondence with P 's b-sex assigned at birth. Our notion of cis!-gender reduces ambiguity at the cost of introducing some (at this stage) unintended bias against fully-subjective gender self-categorization (which is not taken for granted). Yet another option is to assume that cis-gender refers to endo-gender (and endo-gender being in correspondence with P 's b-sex assigned at birth) as used in [2] which then creates complications in view of the observation that according to some (including ourselves as authors) endo-gender may be non-denoting.

3.4 cis!-male and cis!-female

We proceed with designing yet stronger conditions.

Definition 3.8. *A person P is cis!-male if:*

- (i) P is cis!-male,
- (ii) P openly self-identifies as male (i.e. having b-sex male).
- (iii) P views himself as a man (i.e self-identifies as having male gender).
- (iv) P intends to self-identify as male in the future.
- (v) P is aware that by making an audience aware of her female gender, genital information is given away to the audience (at least in a probabilistic sense).

Definitions 3.8 has a counterpart for the opposite sex as follows.

Definition 3.9. *A person P is cis!-female if:*

- (i) P is cis!-female,
- (ii) P openly self-identifies as female (i.e. having b-sex female).
- (iii) P views herself as a woman (i.e self-identifies as having female gender).
- (iv) P intends to self-identify as female in the future.
- (v) P is aware that by making an audience aware of her female gender, genital information is given away to the audience (at least in a probabilistic sense).

At the time of writing we have little information about the following question(s).

Question 3.1. *Are there any descriptions in the literature on b-sex and gender of cis!-(fe)males who are not cis!-(fe)male?*

We believe that [20] qualifies as positive instance for the above question, and so does [22].

Definition 3.10. *A person P is cis!!-signed if P is either cis!!-male or cis!!-female.*

Definition 3.11. *GAAB denotes the (3G) gender (male, female, neutral) corresponding to the b-sex (taken from male, female, b-neutral) assigned at birth.*

The following two propositions seem to have universal support.

Proposition 3.2. *(cis!!-signed \rightarrow AHM) For all adult cis!!-signed persons P : P is a man if and only if P is male.*

Proposition 3.3. *(cis!!-signed \rightarrow AHF) For all adult cis!!-signed persons P : P is a woman if and only if P is female.*

The condition cis!!-signed is so strong that under that condition the controversy concerning the validity of AHM and AHF disappears. For that reason we will be looking for other ways than cis!!-signed to strengthen the condition cis!-signed.

4 Conditional “Dembroff versus Byrne”: context matters

The Claims 3.1, 3.2, 3.3, 3.4, 3.5, 3.6 and 3.7, 3.8 constitute conditional versions (of the assertion AHM and AHF respectively) which are supported by Byrne and (as we expect) contested by Dembroff. Using the simplification given by the condition it becomes easier to analyse the arguments that have been fielded by both sides. In particular the role of b-sex has been minimized in such a manner that there can hardly be any misunderstanding about b-sex on the category of adult cis!-signed humans.

In [3] we have analysed the controversy Dembroff versus Byrne with as a conclusion that we do not support Byrne’s position. The arguments put forward in [3] involve non cis!-signed humans (if only in a thought experiment), and the same holds for related arguments in [2] so that the challenge to analyse AHM and AHF remains to be taken seriously.

We will not embark on a survey of the various arguments concerning the conditional version of “Dembroff versus Byrne”, because doing so is a significant project which we intend to carry out once having developed said conditional versions first. We notice, however, that both time and jurisdiction enter the discussion so that all arguments must be gauged against these two parameters. About time and jurisdiction we provide some further remarks.

4.1 RCC and ROC: unconditional support for AHM and for AHF

Both RCC and ROC firmly support the Claims 3.1, 3.2, and for that reason RCC and ROC also support the weaker (because of stronger conditions) Claims 3.3, 3.4, 3.5, 3.6 and 3.7, 3.8. The arguments for these positions are phrased in terms of a natural order which is given to mankind by God. In the perception of RCC and ROC each Christian ought to accept their b-sex (our terminology) assigned at birth.

We notice that religions differ vastly on matters of gender, for instance Vanzan 2017 [27] describes the situation in the Islamic Republic of Iran, where transgenders are remarkably welcome. Correspondingly Alipour 2017 [1] describes in detail the recent fatwa's which led to legalization of medical gender affirmation in Egypt. Moreover Alipour claims that besides a recent open mind to MTF and FTM transgending, especially in the Shi'a tradition contemplating a third (neutral) gender has been quite common. So it appears that unlike the RCC and the ROC both major Islamic traditions have accommodated the modern medical progress on transgending.

4.1.1 Doubts concerning an argument put forward by the ROC

The ROC arguments as given in [16] seem to be self-defeating, however:

“The change of sex” through hormonal impact and surgical operation has led in many cases not to the solution of psychological problems, but to their aggravation, causing a deep inner crisis.

This quote from [16] suggests that if sex change were to solve psychological problems rather than to aggravate these, the judgement would be different. Precisely such successes are being reported by medical research on transgenderism, however. There are difficult medical actions known which need much experience and the assessment of which requires substantial research. Giving up after failure would be wrong unless no perspective on finding successful medical interventions exists (a lack of perspective, which, as we believe is not compatible with current medical and psychological research on the matter). We are unconvinced by the ROC arguments as put forward in [16] (part XII 9), and we feel that the principles set out in [16] open the door to MTF, FTM, NTF and NTM transgending (though outside realm of cis!-signed persons. We feel that both RCC principles and ROC principles fail to recognize the burden of proof that comes with the intention/claim to validate a universally quantified assertion over all persons, now and in the future. Now the weakness of the arguments put forward in [16] does not weaken any arguments in support for Claims 3.5 and 3.6 because of the conditions imposed which excludes that a medical transition has been taking place.

It may be so that the ROC is willing and able to support much of today's medical technology for sexual transition, as long as the process is only claimed to solve psychological and/or medical problems and is not claimed to turn a man into a woman or conversely.

In Section XII of [16] it is stipulated that the ROC recognizes that mistakes can be made with b-sex assignment at birth. We understand that some cases of b-neutral b-sex are recognized by ROC so that gender reaffirming medical treatments may be legitimate towards the proper b-sex (as determined in hindsight) of a person. The conditional forms of AHM and AHF render these assertions immune for exceptions connected with difficulties of assigning b-sex at birth so that the support of the RCC and the ROC for Claims 3.5 and 3.6 can be considered unconditional and as not being open for further discussion, negotiation or compromise.

The fact that the RCC and the ROC are strongly supportive for AHM and AHF creates significant problems for the political ambition to make the denial of these claims a dominant ideology. Dembroff suggests that a mere application of analytical philosophy achieves the denial of support for AHM and AHF. When analyzing Dembroff's arguments it will be important to understand how and why these arguments achieve such an outright contradiction to religious thinking embedded in RCC and ROC.

4.1.2 Doubts concerning an argument put forward from the side of the RCC

The USCCB states that: In Genesis 1:27 they read, "So God created man in his own image, in the image of God created he him; male and female created he them", and these sentences are understood as constituting a universally quantified over all humans, asserting that they are either male or female.

However, in Genesis 20 one finds 20 God said, "Let the water swarm with swarms of living creatures and let birds fly above the earth across the expanse of the sky." Using the same method of reading one would conclude that all birds can fly, an ostrich, however cannot fly, a fact known in ancient times.

We conclude that when constructing a universal quantification from Genesis the more plausible interpretation is that the quantification concerns the normal case. As a consequence there might be humans who are of neutral gender rather than of male or of female gender.

4.2 Zack's principle

Zack 2009 [28] argues that (in the case of a cis!-signed person P) transgenering is understood by the public as being transgressive because it is a matter of choice. This suggestion of Zack fully complies with the RCC and ROC perspectives on transgenering: a choice

which must not be made. The very fact that transgenering can be forbidden confirms its status as the expression of a deliberate choice, which according to Zack transgenering is.

Claim 4.1. (Zack's principle): *for a cis!-signed person, transgenering to the opposite gender constitutes the expression of a deliberate choice.*

We find that RCC and ROC would approve of Zack's principle, but not of any member of either Church to make use of the freedom that is claimed to exist in Zack's principle. Doubts regarding Zack's principle, and in particular regarding the morality of its adoption by the RCC, can be found in Block 2021 [5]. Yet other doubts are expressed with the following quote from [29].

It is tragic to see how big of an issue being a transgender person has become. Society at large needs to understand that just like a man has no say in being born a man and a girl has no say in being born a girl, a transgender person has no say in being born transgender.⁴

Fairly strong arguments against the RCC/ROC positions on transgenering can be found in HRC [19].

4.3 Are AHM and AHF as well as the conditionals versions thereof time invariant?

Suppose that condition C2050 expresses that (i), (ii) and (iii) below are the case in 2050:

(i) The word woman (as understood by Byrne) has been replaced by *wohuman*, the word man (as understood by Byrne) has been replaced by *mahuman* and person of neutral gender (as understood by Byrne) has been abbreviated to *neutrhuman*. (So that AHM!', AHF!', and AHN!', still hold true, where these adapted Claims result by substitution of the respective replacements.)

(ii) Moreover it is the case that woman, man and person of neutral gender have become dependent on fully-subjective self-categorization (as taken from) [11]).

(iii) A far reaching analysis, that has acquired almost universal acclaim, of FPA (first person authority) serves as the justification of (ii).

Then under condition C2050 it is the case that in 2050 a cis!-signed person may freely self-categorize as neutral so that AHN! would be invalid in 2050. Similarly AHM! and

⁴Authors' comment: it is not obvious that a person can be born transgender, given that transgenering seems to require, among other aspects, a conscious act of free will. A more systematic phrase might be "born transsexual", i.e. born into a body that will unavoidably create a problem of transsexuality which may possibly and eventually be resolved by transgenering.

AHF! will fail in 2050 under condition C2050.

Now Byrne would claim that under condition C2050, and in 2050 the terms wohuman, mahuman and neutrhuman would be far more used and well-known than their counterparts woman, man and neutral person. Byrne's argument for maintaining that claim would be based on an assessment of the fundamental and persistent importance of the distinction between male and female in the category of cis!-signed persons. So we find a time invariant form of the three claims:

Claim 4.2. (AHXY!) *For the split of cis!-signed in male and female there are single words, say X and Y (denoting cis!-males and cis!-females respectively with sometimes unconvincing semantics outside cis!-signed), and these words will be more prominent than any other names given to the result of splitting cis!-gender in two or three mutually disjoint classes. Moreover there is no prominent word Z available that singles out neutral (non X , non Y) humans in cis!-signed.*

4.4 Jurisdiction dependency

Obviously the validity of AHM!, AHF!, and AHN! depends on jurisdictions (as discussed in [11]). In some jurisdictions the validity of these claims is mandatory. We assume that both Dembroff and Byrne assume that they are working in an adequate jurisdiction on matters of gender, though both philosophers may have different views on what adequacy may mean.

Only on the basis of underlying assumptions concerning the jurisdiction in which a gender categorization protocol is embedded it will be possible to argue convincingly for either side of the conditional version of the Dembroff versus Byrne controversy.

4.5 Political evolution

The question raised by Dembroff versus Byrne may not have any simple solution at all. Give a jurisdiction J the question is not only whether or not within J gender theory will develop in such a manner that AHM!, AHF!, and AHN! are valid (or invalid). An underlying question is how J will change under internal political pressures and dynamics.

The key question seems to be under which conditions J will evolve in such a manner that genital information will be considered to be private information, perhaps even in a probabilistic manner. If J evolves in the direction of genital personal information being strictly private then on the long run, and in the area of J , AHM!, AHF!, and AHN! will turn out to be false. On the other hand if J evolves in such a manner that communicating one's genital information is (kept or) made simple and is (or remains to be) considered

plausible, such that reliable means for conveying genital information about one-self will be available then AHM!, AHF!, and AHN! are likely to settle as truths.

We find that Dembroff versus Byrne turns out to be a question about the political dynamics of systems (areas with a jurisdiction) given certain initial conditions. A formidable complication is that taking a position in conditional Dembroff versus Byrne may itself be understood as an act striving towards a political objective. Then the question arises to what extent the political objective at hand is legitimate. We list some conceivable political objectives without any pretence of achieving completeness:

- (Anti-gender.) To remove any appearance of b-sex and gender (be it formal, psycho-bio, social or endo) from public life.
- (Strict genital privacy.) To keep social gender (male, female) in place, while disallowing persons to be open via gender talk or otherwise about their genital status (or other aspects of b-sex).
- (Preferred genital privacy.) To keep social gender (male, female) and formal gender (male, female, neutral) in place, while discouraging persons to be open via gender talk or otherwise about their genital status (or other aspects of b-sex). A very permissive attitude towards transgending characterized by fully-subjective gender categorization.
- (Defeasible genital disclosure.) To keep psycho-bio gender (male, female) and formal gender (male, female, neutral) in place. To allow and facilitate transgending under fairly strict conditions (regulated transgending for transmale, transfemale and transneutral). A permissive attitude towards transgending characterized by partially-subjective gender categorization.
- (Hardly defeasible genital disclosure/cis-genderism by default.) To identify formal gender with psycho-bio gender by default (though with exceptions). To allow and facilitate transgending under strict conditions (regulated transgending for transmale, transfemale and transneutral). A permissive attitude towards transgending characterized by objective gender categorization.
- (Non-defeasible genital disclosure/defeasible genderism.) To identify formal gender with psycho-bio gender (without exceptions) To disallow transgending unless under quite strict conditions (regulated transgending for transmale, transfemale and transneutral in case of mistakes made with the determination of b-sex (as an approximation of psycho-bio gender) at birth).

- (Strict cis-genderism.) To disallow transgenering. This position is taken and promoted by the RCC (Roman Catholic Church), and the ROC (Russian Orthodox Church) and by many directions of conservative politics.

The arguments used in discussing conditional Dembroff versus Byrne derive moral legitimacy from underlying political objectives as listed above. It remains to be seen to what extent creating a systematic and comparative survey of these arguments will shed any light on the issue at hand.

When it comes to strict cis-genderism the fundamental debate regarding the relation between Church and State cannot be avoided anymore. Is the democratic mechanism of a parliamentary democracy sufficiently well-founded to be allowed overturn the convictions of the RCC and ROC (to mention only these institutional examples)? Are questions about gender theory ultimately questions about the scope of national parliamentary democracy and the role of principled non-democratic institutions like RCC and ROC which operate on an international level? Can one reach any fundamental conclusions about gender theory without committing to very broad principles concerning international politics, the role of religion and religious institutions (i.e. churches), and the possible boundaries or limitations on the evolution of liberal practices in parliamentary democracies?

Claim 4.3. *Gender theory raises issues which ultimately cannot be resolved without adopting principled positions regarding (i) the role and legitimacy of parliamentary democracy, (ii) the role and potential influence of religious institutions (say RCC and ROC), and (iii) the legitimacy of authoritarian (and often conservative) mechanisms in national states.*

From Claim 4.3 it follows that gender theory, understood as a branch of analytical philosophy, cannot possibly come to unanimous or definitive conclusions about its major conceptual problems.

4.6 Gender identity dysphoria: a rationale for transgenering from a cis!-signed status

Let P be cis!-female, and assume that P has become very worried about being female. P is obsessed with her wish to be male. However, P has no problems with her genitals, there is merely a psychological issue of wanting to be male. For P a combination of self-identification as of male gender in combination with adopting a masculine life-style may solve a problem that cannot be solved otherwise.

Still there is a difficulty: transgenering of P is facilitated at the cost of frustrating the signalling of genital information by cis!-signed persons. One may ask why it is acceptable for P (with others having similar issues) to impose on the cis!-signed population the loss

of an easy way of leaking genital information via gender talk. It seems plausible to ask P to be satisfied with becoming transneutral, in which case there is no degradation of the channel for genital information which cis!-signed person may use.

Undeniably the latter proposal makes an unnatural use of the neutral gender status. We are in favour of minimizing surgical interventions but we also prefer to see the use of the neutral gender status reserved for unambiguous cases. Obviously it would be the simplest if P remains female.

5 Taking sexual orientation into account

Using the terminology that has been developed in previous sections we will outline some aspects of gender theory under the restriction of a focus on cis!-signed humans. For gender theory at large, not just for “Dembroff versus Byrne” a restriction to the cis!-signed category of humans allows a drastically simplified development of gender theory without paying any attention to (i) the possibility of ANAB classification, (ii) past or present reassignment therapy, (iii) gender dysphoria (with a need for medical interventions), or (iv) retransitioning on medical grounds. Nevertheless one may still aim for more manifest clarity about a person’s gender, in particular about being male or female. We believe that taking sexual orientation into account is an acceptable step, independently of the generally accepted independence of gender and sexual orientation. However, doing so requires an approach to sexual orientation which can be maintained without any concept of gender as a prerequisite. We argue for the need of such an approach in the next Paragraph.

5.1 Working without a fixed notion of gender implies: doing without “transgender”

In [9] we listed four notions of gender: formal gender, psycho/bio-gender, social gender, and endo-gender, where endo-gender is a reference to a state of mind which exists according to [4] (though using existential gender identity as its name), while we are undecided about its existence.

Now for each of these notions of gender different definitions may be provided. By consequence the concepts of transgender, transmale, transfemale, and transneutral become problematic by depending on an underlying notion of gender which, so it seems, cannot be fixed in advance. Stated differently: a concept like transgender becomes indeterminate unless a concept of gender is assumed. Working the other way around is conceivable: given a category of persons who are assumed to be transgender one may ask which notion(s) of gender can be used to validate the judgement that these persons are transgender.

But generally speaking one must assume that when ‘transgender’ is used is definition of gender is presupposed, and that is where complications arise.

5.2 Working without a fixed notion of gender implies: a need to re-define sexual orientation

Sexual orientation is usually considered to be a notion on top of gender rather than that it constitutes a contribution to gender. Modern terminology prefers gay over homosexual man and lesbian over homosexual woman. When the notion of gender is considered yet undefined then sexual orientation, if needed, requires a description that is independent from gender. The question arises whether defining homosexuality independently of any notion of gender is at all possible. Given the complexity of the literature on defining sexual orientation,⁵ we feel unable to answer the latter question in either direction. What can be done, however, is to introduce an alternative notion (or coherent family of related notions) similar to but possibly different from sexual orientation for which definitions can be developed independently of (a choice of a notion of) gender.

Definition 5.1. (EB/RES-PB-sexual orientation pattern) *An experience based, reflective equilibrium strength, psycho-bio-sexual orientation pattern (of a person P) is a description of the sexual categorization (including historical information i.e. b-sex life-cycle) of a possible partner Q (of P) together with a description of one or more patterns of sexual behaviour in which P might plausibly engage with Q . Here it is required that the following conditions are met:*

- (i) P is aware of both descriptions,*
- (ii) P can confirm both descriptions without hesitation on the basis of positive past experiences (with Q or with ‘persons like Q ’). These past experiences have preferably been both natural and pleasant, and are in hindsight understood (by P) as unproblematic acts of free will (for P as well as for Q).*
- (iii) P assumes that both descriptions are up to date (no significant changes of “preference” have been noticed by P),*
- (iv) P is aware that both descriptions are independent of a specific individual Q (i.e. the descriptions are meant to specify categories of persons and categories of behaviour).*
- (v) P may have several EB/RES-PB-sexual orientation patterns (though not more than 5, in order to guarantee a useful level of abstraction).*
- (vi) P confirms both descriptions in the context of an attempt to become aware of all of their sexual orientations (this is a tricky matter: in order to guarantee a sufficiently high*

⁵We refer to [11] for a brief survey of the literature on sexual orientation which illustrates the remarkable complexity of the subject.

level of abstraction, confirmation by P of both descriptions requires several stages involving an attempt to obtain a reflective equilibrium about their experience based psycho-bio sexual orientations).

Admittedly following Definition 5.1 there may be thousands of sexual orientation patterns, which is a complication at first sight. However, the idea is that progress can be made by being specific about sexual orientation patterns with a high frequency in certain categories of persons and that such sexual orientation patterns can be developed and named so that a person may choose zero or more options from predefined pattern descriptions.

For the present paper we will make use of just one sexual orientation pattern which supposedly captures the most frequent case of heterosexual (sexual) behaviour. We are looking for the normal case so to say, where normality is a mere matter of frequency that comes without any judgement of value. We also find a narrow notion of sexual orientation which can be introduced without any notion of gender being available.

Definition 5.2. *An EB-RES-PB sexual orientation is a collection of at most 5 EB/RES-PB sexual orientation patterns.*⁶

For asexual persons the collection of patterns as meant in Definition 5.2 is empty. The EB/RES-PB sexual orientation of P (if known) may change in time.

5.2.1 Some EB/RES-PB sexual orientation patterns and sexual orientations

We will use sexual preference with the second meaning as provided by the cambridge dictionary online: “the fact of someone preferring to have sex in a particular way, or finding particular things sexually attractive”. Sexual orientation pattern may perhaps also be understood as sexual preference. The following three EB/RES-PB sexual orientation patterns may be distinguished.

VIwfp (vaginal intercourse with female person), BDGIwfp (bi-directional genital intimacy, without vaginal intercourse), and NGIwfp: (non-genital intimacy, including kissing).

VIwmp (vaginal intercourse with male person), BDGIwmp (bi-directional genital intimacy, without vaginal intercourse with male person), and NGIwmp: (non-genital intimacy, including kissing with male person).

⁶The notion of sexual orientation thus obtained allows reflexive orientations (as advocated in Stock [26]. Sexual orientations need not be reflexive, however, i.e. need not provide information about the b-sex of both potential partners. In [26] a sexual orientation of a person P is understood as a disposition of P of which need not be aware. For our objectives potentially unconscious dispositions are less relevant, however, so we have chosen another path.

Having these patterns available we may introduce 6 names for EB/RES-PB sexual orientations. For EB/RES-PB sexual orientations thus defined it is not obvious in advance that there are any real life persons who match the relevant criteria. However, we assume that most ASGAB!! males are HSCSm and that most ASGAB!! females are HSCSf.

- (i) HSCSm (hetero-sexual conventional style as male) = {VIwfp, BDGIwfp, NGIwfp},
- (ii) HSLIm (hetero-sexual with limited intimacy as male) = {BDGIwfp, NGIwfp},
- (iii) HSSLIm (hetero-sexual with strictly limited intimacy as male) = {NGIwfp}.
- (iv) HSCSf (hetero-sexual conventional style as female) = {VIwmp, BDGIwmp, NGIwmp},
- (v) HSLIf (hetero-sexual with limited intimacy as female) = {BDGIwmp, NGIwmp},
- (vi) HSSLIf (hetero-sexual with strictly limited intimacy as female) = {NGIwmp}.

5.2.2 Another conditional version of DvB

The condition HSCS (heterosexual in conventional style) is as follows:

Definition 5.3. $HSCS = (AMAB! \ \& \ cis!-male \ \& \ HSCSm) \vee (AFAB! \ \& \ cis!-female \ \& \ HSCSf)$.

The condition HSLI (heterosexual with limited intimacy) is as follows:

Definition 5.4. $HSCS = (AMAB! \ \& \ cis!-male \ \& \ HSLIm) \vee (AFAB! \ \& \ cis!-female \ \& \ HSLIf)$.

The condition HSSLI (heterosexual with strictly limited intimacy) is as follows:

Definition 5.5. $HSSLI = (AMAB! \ \& \ cis!-male \ \& \ HSSLIIm) \vee (AFAB! \ \& \ cis!-female \ \& \ HSSLIIf)$.

Conditional claim 5.1. $(ASGAB \ \& \ cis!-signed \ \& \ HSCS) \rightarrow AHM$ For all adult persons P : if (P is ASGAB and P is cis!-gender, and P is HCSC) then (P is a man if and only if P is male).

Conditional claim 5.2. $(ASGAB \ \& \ cis!-signed \ \& \ HSCS \rightarrow AHF)$ For all adult persons P : if (P is ASGAB and P is cis!-gender, and P is HCSC) then (P is a woman if and only if P is female).

We hold that Claims 5.1 and 5.2 are very plausible, though finding decisive arguments for that position is another matter altogether. We notice that there are three entirely different ways in which these matters might eventually be settled:

- (i) There are no persons who satisfy $(ASGAB \ \& \ cis!-signed \ \& \ HSCS) \rightarrow (AHF \ \& \ AHM)$ and at the same time self-identify as belonging to the opposite gender (relative to

their GAAB). In this case Claims 5.1 and 5.2 are valid as an instance of material implication.

(ii) There are one or more persons who satisfy (ASGAB & cis!-signed & HSCS) \rightarrow (AHF & AHM) and at the same time self-identify as belonging to the opposite gender (relative to their GAAB), while their self-identification is being rejected/ignored.

(iii) There are one or more persons who satisfy (ASGAB & cis!-signed & HSCS) \rightarrow (AHF & AHM) and at the same time self-identify as belonging to the opposite gender (relative to their GAAB), and their self-identification is being accepted.

We notice that the following pair of Claims 5.3 and 5.4 slightly differs from Claims 5.1 and 5.2 in two respects: (i) it is less likely that there are no persons who satisfy the condition and at the same time self-identify as being of the opposite sex, (ii) it is somewhat more plausible that under these conditions a self-identification as belonging to the opposite gender would be validated so as to achieve categorization for the opposite gender.

Conditional claim 5.3. (ASGAB & cis!-signed & HSSLI) \rightarrow AHM) *For all adult persons P : if (P is ASGAB and P is cis!-gender, and P is HCSC) then (P is a man if and only if P is male).*

Conditional claim 5.4. (ASGAB & cis!-signed & HSSLI \rightarrow AHF) *For all adult persons P : if (P is ASGAB and P is cis!-gender, and P is HCSC) then (P is a woman if and only if P is female).*

6 Concluding remarks

6.1 Genital information disclosure

An important advantage of working within the category of cis!-signed persons is that whatever policy of disclosure of genital information can still be designed and imposed. For cis!-signed persons no aspect of such a policy is presumed. Said advantage matters because in Bettcher 2009 [4] the underlying intention seems to be to design a gender architecture which prevents all (or most) persons P from leaking or intentionally disclosing their own genital information via information disclosure about their own gender.

Cis!-signed person may have different attitudes towards conveying genital information to other persons via gender talk (involving talk about b-sex in as far as included in gender talk). A gender categorization protocol may or may not comply with the wishes of a cis!-signed person. We distinguish three categories of intention on this matter.

Definition 6.1. *A cis!-signed person is actively open-signed if they wish to let genital information be conveyed via their gender talk.*

Definition 6.2. A *cis!*-signed person is passively open-signed if they allow to let genital information be leaked via their gender talk.

Definition 6.3. A *cis!*-signed person is not open-signed if they disallow genital information to be leaked via their gender talk.

6.2 From gender self-identification to gender categorization

For neutral gender self-identification of gender plays a critical role:

Claim 6.1. A *cis!*-signed person P will only ever become transneutral (and so categorized) upon self-identification by P .

Indeed, without any steps from the side of P they will remain in the original cis-gender state for a signed gender. Now in all cases the following process makes sense.

The following phases describe a (gender critical) stepwise process for the assessment of an occurrence of gender self-identification.

- (i) self-identification,
- (ii) motivated self-identification,
- (iii) validation of self-identification (based on motivation),
- (iv) categorization of gender (in conformance with preceding self-identification).

6.2.1 Self-identification

We assume that P has made up their mind and strives for recognition as a transneutral person. When asked, and perhaps with out request P will state that they self-identify as neutral. We understand self-identification as neutral as a promise: P will accept being treated as neutral, and P may reject being treated as of signed gender.

For Q in the scope of the promise made by P there are various options: (a) to assume by default that P is neutral, (b) to doubt the significance of P 's promise and to require further motivation by P which then must be validated in advance of categorization.

When adopting a fully subjective position on neutral gender (in other words when adopting U-GNC-P as introduced in [10]) then one moves towards categorization without taking notice of any motivation (by P) and without any validation of the information thus obtained about P .

We believe that it is not plausible to adopt the fully subjective position on gender as a universal principle which admits no single exception.

6.2.2 Motivated self-identification

Self-identification may be motivated, for instance P may self-identify as neutral because P wishes not to convey any genital information via one's gender talk (i.e. is not open-signed). Or P may self-identify as signed transgender because P aspires a setting where no-one can reliably convey genital information by means of their gender talk. Many other motivations are conceivable. For each motivation or combination of motivations the question arises to what extent FPA (first person authority) will apply to it and in what manner (epistemologically or ethically, in terms of the distinctions proposed by Bettcher in [?]).

6.2.3 Validation

A gender categorization protocol may or may not involve for P a phase of external (to P) validation of the motivation for their self-identification. In [21] the case is made that some form of validation is needed when self-identification as transgender brings about a request for medical/surgical interventions. It is suggested that a self-identification may be misguided by overlooking unconscious triggers which might be found by way of a thorough psychoanalytic examination.

6.2.4 Categorization

Once validation has succeeded categorization is enabled. The result of gender categorization (of P as being of gender G) is acceptance of P having gender G by a relevant community.

6.3 On the role of gender self-identification

We use signed gender in order to avoid the term binary which has become negatively loaded with prejudice and history of political feminism. The world of signed transgender persons is perplexing. Signed transgender persons may use various motives for their self-identification as of the opposite gender as their gender assigned at birth.

In particular it is conceivable that an AFAB person P , without any complaints of gender dysphoria arrives at the conclusion that they are a man born in a female body, so that their gender self-identification reads male. Now seen from the perspective of a cis!-male person Q with gender male (i.e. a cis!-signed man) a most remarkable aspect of the situation comes about from the idea that gender is determined (conceptualized) without any reference to sexual orientation, or the notions of attraction that underly sexual orientation. How is it possible (in terms of psychology) that P conceives of themselves as male, and that such is done against the anatomical odds, and irrespective of their sexual orientation?

Which quality of residual masculinity is noticed or felt by P and is hidden from observation (via self-identification) by Q ?

From the FAQ (dated July 9th 2016) on the website of The National Center of Transgender Equality we find this quote:

But some people's gender identity – their innate knowledge of who they are – is different from what was initially expected when they were born. Most of these people describe themselves as transgender.

This quote raises the question what kind of property is being transgender? Implicitly the idea is that a minority of AFAB persons with male gender identity don't consider themselves as being transgender (while, assuming a non-critical attitude towards gender, everybody else ought to consider them male). In any case the above quote makes room for persons who self-identify as male without being categorized as such.

6.4 Rebranding gender theory

We are unconvinced that the feminist background of gender theory has much to offer anymore, unless feminism is fully de-sexualized/de-gendered, which seems conceptually implausible. Therefore we end this paper with a statement on what the objectives of gender theory may be.

Proposal for the objectives of gender theory.

1. Development of a terminology on matters of b-sex and gender (i.e. formal gender, psycho-bio gender, social gender, and endo-gender) which can be used in all jurisdictions and religions independently of their ideological differences.
2. Giving up on the intention to achieve a world-wide agreement on matters of b-sex and gender. With as a consequence that the so-called gender non-critical position (fully subjective position on gender categorization) cannot be simply and easily declared to be the leading paradigm. As with all paradigms, analysis, investigation, and evaluation will be needed w.r.t. the gender non-critical position.
3. Enabling very precise descriptions of ideological boundaries between various jurisdictions and religions (with the expectation, if not intention, that a phase of mutual relations characterized by “agree to disagree” is ahead).
4. Facilitating the position of transsexed persons (where MTF, FTM, MTN, FTN, NTF, NTM) are the six options for b-sex transition), as well as the process of b-sex transition.

5. Making the notion of formal gender available for moving boundaries and removing roadblocks for FTM and MTF transgendering hopefuls, i.e. for persons who have developed a wish or intention of transgendering (though yet without the certainty that they will succeed), and who cannot or will not become transsexed.
6. Making the notion of formal gender available for the following purposes:
 - (i) Moving boundaries and removing roadblocks for prospective FTN and MTN transgenders, i.e. for persons who have developed a wish or intention (or a suitable condition of transsexuality) of transgendering (though yet without the certainty that they will succeed) to neutral gender status, and who cannot or will not become transsexed (for whatever reasons).
 - (ii) Developing a portfolio of usable gender categorization protocols.
 - (iii) Creating an orderly debate between representatives of different backgrounds.

6.5 List of abbreviations

We list the abbreviations used in the paper:

- 3G: three gender (framework),
- AHM: adult human male (acronym is used as a name for an assertion),
- AHF: adult human female (acronym is used as a name for an assertion),
- AFAB: assigned female at birth,
- AHXY: adult humans are X's and Y's (acronym is used as the name for a Claim),
- AMAB: assigned male at birth,
- ANAB: assigned neutral at birth,
- ASGAB: assigned (a) signed gender at birth,
- BDGIwfp: bi-directional genital intimacy, without VI, with female person,
- BDGIwmp: bi-directional genital intimacy, without VI, with male person,
- C2050: a condition defined in subsection 4.3,
- EB/RES-PB: experience based, reflective equilibrium strength, psycho-bio (prefix for a sexual orientation pattern),
- FTN: female to neutral,
- FTM: female to male,
- GAAB: gender assigned at birth,
- HSCSm: heterosexual, conventional style, as a male,
- HSCSf: heterosexual, conventional style, as a female,
- HSLIm: hetero-sexual with limited intimacy as male,
- HSLIf: hetero-sexual with limited intimacy as female,

HSSLIm: heterosexual with strictly limited interface, as a man,
HSSLIm: heterosexual with strictly limited interface, as a man,
MTF: male to female,
MTN: male to neutral,
M/E-sex: morphological/endocrinological-sex (one of the options for b-sex),
NGIwfp: non-genital intimacy with female person,
NGIwfp: non-genital intimacy with male person,
NTF: neutral to female,
NTM: neutral to male,
RCC: Roman Catholic Church,
ROC: Russian Orthodox Church,
SAAB: b-sex assigned at birth,
VI: vaginal intercourse,
VIwfp: VI with female person,
VIwmp: VI with male person,

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